

STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
October 18, 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, Committeeman Morrison, Committeewoman Chamblings, Deputy Mayor Scott, Mayor Fisher, Municipal Clerk Lynda Knott, Township Attorney Richard Stein. Mayor Fisher arrived at 7 p.m.

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.

EXECUTIVE SESSION:

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by Ms. Chamblings, seconded by Mr. Scott and carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 6:06 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
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 Ms. Chamblings to conclude the Executive Session at 6:48 p.m., unanimously carried by roll call vote.

MINUTES:

Regular and Executive Minutes of October 4, 2016

RESOLUTIONS:

2016-112 Authorizing the Acceptance of Grant from the Governor's Council on Alcoholism and Drug Abuse

2016-113 Authorizing Payment to Retired Employee for Medicare Part B

2016-114 Establishing Policy for Tax Appeal Notification

2016-115 Mayor's Acceptance of Resignation of Tina Simon as Office Assistant with Committee Concurrence

2016-116 Authorizing the Mayor and Municipal Clerk to Execute an Amendment to an Agreement with the County of Sussex for Enforcement Agency Services

2016-117 Authorizing the Issuance of Raffle License to Section A3 District Wardens Association

2016-118 Authorizing the Deputy Mayor and Municipal Clerk to Execute Agreement with John and Sandra Hryhor

REPORTS:

Tax Collector's Report – September 2016

Building Department Report – September 2016

Mr. Scott made a **motion** to approve the Consent Agenda, removing Resolution 2016-113 and Resolution 2016-118 for separate consideration, seconded by Mr. Gross.

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

Mr. Scott made a **motion** to adopt Resolution 2016-113, seconded by Mayor Fisher.

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

Mr. Scott made a **motion** to adopt Resolution 2016-118, seconded by Mr. Morrison.

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

BILLS LIST #16 \$1,487,904.44

RESOLUTION 2016-119 PAYMENT OF BILLS

Mr. Scott made a **motion** to adopt Resolution 2016-119, removing P.O. #5820 and #6253 for separate consideration, seconded by Mr. Morrison.

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

Mr. Scott made a **motion** to approve payment of P.O. #5820 and #6253, seconded by Mr. Morrison.

Roll Call Vote: Mr. Gross, yes, Mr. Morrison, 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 at 7:10 p.m.

There being no members of the public wishing to speak, this portion of the meeting was closed at 7:10 p.m.

OLD BUSINESS:

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. Gross made a **motion** to introduce Ordinance 2016-014, seconded by Ms. Chammings.

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

There being no one from the public wishing to comment on Ordinance 2016-014, this portion of the meeting was closed.

Mr. Scott made a **motion** to adopt Ordinance 2016-014, seconded by Ms. Chammings.

Ms. Chammings spoke to DPW members, noting the tractor can be multi-use and will budget for a loader frame in 2017.

ORDINANCE #2016-014

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A NEW AND ADDITIONAL TRACTOR BY THE TOWNSHIP OF STILLWATER, IN THE 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.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF STILLWATER, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Township of Stillwater, in the County of Sussex, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$48,700, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$1,600 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and including also (a) the sum of \$6,000 from the Capital Reserve for DPW Equipment of the Township and (b) the sum of \$11,000 from Ordinance 2014-10 of the Township.

Section 2. For the financing of said improvement or purpose and to meet the part of said \$48,700 appropriation not provided for by application hereunder of said down payment and said sums from the Capital Reserve for DPW Equipment and Ordinance 2014-10, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$30,100 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$30,100 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3.

(a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the acquisition, by purchase, of new and additional equipment consisting of one (1) tractor for use by the Department of Public Works of the Township, including all equipment, appurtenances, accessories and attachments necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$30,100.

(c) The estimated cost of said purpose is \$48,700, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$1,600 down payment for said purpose and the said sums of \$6,000 from the Capital Reserve for DPW Equipment and \$11,000 from Ordinance 2014-10.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is five (5) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$30,100, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$3,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

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

Motor Vehicle Authorization:

Ms. Knott reported that all authorizations were received from the Fire Department; none from the EMS and few from the town hall employees. Mayor Fisher suggested attending the next EMS meeting to address the issue.

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

This item is on hold until a list of roads of concern is drafted by the Committee for review by Mr. Vreeland.

Tennis Court at Stillwater Park – Restoration:

Ms. Knott contacted two additional contractors but has not received their quotes as of this date. Ms. Chammings reported one of the posts is in very poor condition.

DISCUSSION ITEMS:

Best Practices Worksheet:

Ms. Knott reported that she and Ms. Mooney completed the Best Practices Worksheet with a score of 93%, securing State funding. The following two actions were added: 1) The Tax Assessor shall notify the CFO and the Committee by June 1st of all tax appeals; 2) Department Heads that work elsewhere must disclose that employment to the Committee to assure there is no conflict of interest. Mr. Stein would inquire if such disclosure was acceptable.

Cartabona Property Donation:

Ms. Knott researched the two township properties located on Anne Road and could only find information on one which has been owned since 1955. As far as she could determine, the township has not paid road maintenance for either lot since they have been acquired. Mr. Cartabona has asked Ms. Knott if the Committee would reconsider his property donation.

Ms. Knott reported she was contacted by another property owner seeking to donate their lot, which adjoins a township owned property. She noted property owners contacting her seeking to donate their land has become a routine occurrence.

Following further discussion, Ms. Knott will obtain a list of unforeclosed liens from the CFO for Committee review.

Mr. Stein stated he foreclosed on several hundred properties in another municipality and the lots were placed for sale to return them to the tax rolls. Ms. Knott noted that many of the lots are undersized and cannot be developed.

Ms. Chamming asked the estimated cost for Mr. Stein to foreclose on the lots. He recommended they be done in groups of 20 or 25; at a cost of approximately \$400 per property, noting there is a line item in the budget for in rem foreclosures. Ms. Knott suggested contacting the property owners on the tax lien list and asking them to donate the property to the township as foreclosure is an expensive process compared to donation.

Ms. Knott reported she has also been contacted by property owners (Fischer) on Old Schoolhouse Road regarding a tax sale assignment for adjoining property.

Gadsden Flag:

Ms. Knott has received at least 20 phone calls and an email from individuals expressing concern about the "Don't Tread on Me" flag that is located at Veteran's Memorial Park, because it is a political symbol of the Tea Party.

Mr. Morrison provided a background history, explaining it was the original flag prior to the American flag. He felt it should remain. The Committee determined the flag would remain at the park.

Attorney Report:

Mr. Stein reported Ms. Leo was in court today to obtain the judge's approval for the settlement with Fair Share for the township's COAH plan. The settlement agreement must be signed and returned to the judge; and the housing and spending plan have to be slightly refined by Mr. Vreeland within the next two weeks. The township's COAH funds will then be protected and there is a 10-year period of defense against builder's remedy suits.

Mr. Stein informed the Committee that he has a scheduling conflict for the next meeting to be held on Monday, November 14th and will send an associate from his firm.

Open Public Session:

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

Rebecca Dey, 907 Marigold Way asked if an inventory list has been started for items owned by the township. Ms. Knott stated it is being worked on.

Amy Schwartz, 915 Duck Pond Road felt the Gadsden flag is representative of a single party and could be offensive.

Ms. Chamming asked for the item to remain on the agenda for the next meeting for further discussion.

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

Budget Meeting Dates:

Budget request worksheets are due October 28th. The Committee will review their schedules and determine if Saturday meetings could be arranged. Ms. Knott will contact the CFO for her availability.

There being no further business, Mr. Scott made a **motion** to adjourn the meeting at 7:40 p.m., seconded by Mr. Gross.

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

Respectfully submitted,

Kathy Wunder