

**STILLWATER TOWNSHIP COMMITTEE MEETING**  
**MINUTES**  
**November 26, 2013**  
**Regular Meeting**

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Gross at 7:00 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 Gross, Committeewoman Chamblings, Committeeman Fisher, Deputy Mayor Scott, Committeewoman Straway, Acting Municipal Clerk Lynda Knott, and Attorney Ursula Leo and Attorney Howard Vex.

ABSENT:

**Executive Session:**

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by **Mr. Scott**, seconded by **Mrs. Straway** and carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 6:10 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 **Mr. Fisher** to conclude the Executive Session at 7:10 p.m., unanimously carried by roll call vote.

**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.**

**Resolutions:**

2013-114 Mayor's Acceptance of the Resignation of James Bordt with Committee Concurrence

2013-115 Mayor's Appointment of David H. Bell as Solid Waste Attendant with Committee Concurrence

2013-116 Authorizing a Transfer of 2013 Appropriations #2

2013-117 Authorizing Refund of Driveway – Fisher

**Reports:**

Stillwater Township Recreation Commission October 7, 2013 Minutes

Sussex County Board of Health October 2013

**Mr. Scott** made a **motion** to approve the Consent Agenda as amended, seconded by **Mrs. Straway**.

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

**Amendments to the Agenda:** Add discussion of the generator under Old Business

**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.**

**COMMITTEE REPORTS:**

**Ms. Chammings:** The Environmental Commission meeting was held on November 14. There was a presentation by REC Solar discussing ways to save energy using solar energy. There was also discussion about the proposed septic replacement at Fairview Lake Camp, the ERI update, and the Tree Ordinance. Ms. Chammings asked Mrs. Straway if she knows the amount of the 2012 Tonnage Grant. Mrs. Knott stated it was around \$3700.00. Mrs. Knott had information from Mr. Whitehead showing other income for the Recycling Center which totals approximately \$20,000 per year. Ms. Chammings asked Mr. Scott if the DPW could put up the No Littering signs for the Environmental Commission. Mrs. Knott stated the signs have been placed. The Environmental Commission has submitted their budget request. The Planning Board met on November 20. Wings Adventure has requested a 5 year extension on their approval. They were granted a 3 year extension. There was a letter from the Soil Conservation District regarding soil erosion and settlement control plan asking PSE&G renew their soil erosion control permit which is due to expire on December 31, 2013.

**Mr. Fisher:** The Recreation Commission met on November 4. SLAP spread clay at the Stillwater Park baseball field. They are holding a Holiday Home Decorating Contest. Entry forms need to be turned in by December 6. Judging will be done on December 12 and prizes will be awarded at the tree lighting celebration at Swartwood Fire House at 6:00 pm on December 14. First place will receive a \$50 Applebee's gift card, second place will receive a \$25 Kathy's Restaurant gift card, and third place will receive a \$15 Kathy's gift card. Ms. Chammings stated SLAP finished spreading clay at Veterans Field also, and put a final coat of paint on the new file room.

**Mrs. Straway:** Mrs. Straway and Mr. Fisher took a grants class. She then met with people concerning different grants including the USDA, a community facilities grant. The municipality doesn't qualify for the grants, but the fire departments may qualify. The woman is willing to meet with the town to discuss the possible grants. She also made contact with a grant writer. This is a paid service, but larger awards require a professional's help. They had gotten a \$459,000 grant for another municipality to purchase a fire truck. They have offered to come speak to the Committee. Due to the fact that the Municipal Building has been renovated in phases, the Township may be able to get some money to help with the next phase of the renovation. There are other opportunities possible for the fire departments. She is looking into several E-waste opportunities, some for the school at no cost to the town. She is also looking into ways to increase the recycling tonnage which will help with Sustainable Jersey and got some information about Clean Communities. The goal is to leverage the grant money the Township can actually qualify for, which appears to mostly be for emergency services.

**Mr. Scott:** Nothing to report at this time. He will have DPW information to report at the next meeting. Mr. Scott requested a letter of sympathy be sent to the Tom family for the loss of Charlie Tom who served the community for many years.

**Mayor Gross:** The Zoning Board of Adjustment met on November 25. The Martin application was discussed. The portion of the application concerning the road was decided and will be completed at the expense of the Martin family. The next meeting will be held on December 30. He spent time with the mayors group at the Municipal League Convention and got a lot of useful information.

**OLD BUSINESS:**

**Generator:** Ms. Chamblings attended a meeting beginning the process of completing the paperwork necessary for the \$25,000 grant for the generator. The Township needs to provide 10% of the grant amount, or \$2,500. The State will be responsible for the rest. The paperwork needs to be completed and given to the County OEM by December 17. She is hoping to meet with the electrical inspector to discuss the requirements for the generator. Mr. Hendershot will be doing the site plan for the pad necessary outside the building, thus utilizing two in-house employees. The engineer will be needed to do a required environmental review. The cost of the engineer will fall under the “pre-award” or the 10% required from the Township. Mrs. Straway stated she has spoken to Mr. Chontow, the electrical inspector, and he is not able to do the load study but can review the study. The building inspector needs to determine if the Municipal Building is considered a Class III. If so, an electrical contractor can do the study, otherwise it will need to be done by the engineer. The Township needs to decide what the generator will be expected to run. Green Township, for example, is going to have their generator run their entire building as if nothing has happened. Mrs. Straway feels the generator doesn’t need to run the entire building and presented reasons for her thoughts. She pointed out this is a reimbursement grant. The Township needs to put the funds out first. Ms. Chamblings disagreed. She feels the building should be up and running. Mayor Gross also feels the building should be up and running. Ms. Chamblings spoke to the electrician working on the renovation. He recommended a 35KW or a 40KW generator to run the building. In her research, she found a 40KW generator costs approximately \$14,950.

**Ms. Chamblings** made a **motion** to complete the application paperwork to purchase a 40KW generator for the Municipal Building at a cost not to exceed \$2,500, seconded by **Mr. Scott**.

Mrs. Straway feels someone needs to be tracking the 10% so the \$2,500 is not exceeded. Ms. Chamblings would like to be the point of contact person as was decided previously. Mrs. Straway stated there needs to be a project manager, who is not a member of the governing body, and a point of contact person, who should be the Municipal Clerk due to the fact that the CFO is part-time. Discussion followed about who should be the project manager.

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

**ORDINANCE# 2013-008 [Public Hearing and Adoption November 26, 2013]**

Amending and Supplementing the Land Development Chapter of the Stillwater Township Code to Establish Criteria for the Grant of a Waiver from requirements of Site Plan Review and Approval

**STILLWATER TOWNSHIP ORDINANCE  
2013-008**

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE LAND DEVELOPMENT CHAPTER  
OF THE STILLWATER TOWNSHIP CODE TO ESTABLISH CRITERIA FOR THE GRANT  
OF A WAIVER FROM REQUIREMENTS OF SITE PLAN REVIEW AND APPROVAL**

**BE IT ORDAINED** by the Township Committee of the Township of Stillwater that Chapter 240 of the Stillwater Township Code is hereby amended as follows:

**SECTION 1.** Section 240-63B is hereby amended to read as follows:

**240-63B1.** Site plan approval shall not be required for any detached one- or two-dwelling-unit buildings or any uses accessory thereto, such as a private garage or storage shed incidental to residential uses; but this shall not limit the requirements for submission and approval of subdivision plats as otherwise required by Township ordinances.

**240-63B2.** The Planning Board has the jurisdiction to waive site plan approval under certain circumstances. The Planning Board Engineer shall issue a report making a recommendation in regard to an application for site plan waiver. The Planning Board may waive site plan approval requirements if the construction or alteration or change of occupancy or use does not substantially affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of site plan review.

**240-63B3.** An application for approval of site plan waiver shall be submitted to the Planning Board. The applicant shall submit fifteen (15) copies of the application along with a survey prepared by a licensed land surveyor, or other document deemed acceptable by the Planning Board Engineer, indicating the existing lot lines and all existing structures and buildings as well as other information as the Planning Board Engineer may require. The applicant shall also submit an application fee of \$100 and an initial escrow fee of \$600.

**SECTION 2.** The remainder of Section 240-63 shall remain unchanged.

**SECTION 3.** Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

**SECTION 4.** All Ordinances or parts of Ordinances or Resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency

**SECTION 5.** This Ordinance shall take effect after publication and passage according to law.

The Township Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

**Mr. Scott** made a motion to open discussion to the public, seconded by **Mr. Fisher.**  
**Roll Call Vote:** Ms. Chammings, yes, Mr. Fisher, yes, Mr. Scott, yes, Mrs. Straway, yes, Mayor Gross, yes

There being no members of the public wishing to speak, **Mr. Scott** made a **motion** to close public discussion, seconded by **Mrs. Straway.**

**Mr. Fisher** made a **motion** to open discussion to the Township Committee, seconded by **Mrs. Straway.**

Mr. Fisher had a question about Section 240-63B3: The application for approval of the site plan should be submitted to the Planning Board. The applicant shall submit 15 copies of the application along with survey prepared by a licensed land surveyor. This costs approximately \$600 and they have to pay the engineer to review it. He believes that should be changed to have the Zoning Officer and the Construction Official give the waiver to save the applicants' time. There was discussion about the current procedure and the need for the 15 copies mentioned in the ordinance. Ms. Chammings stated this ordinance will save applicants a substantial amount of money. The recommendations have come from the engineer and the attorney. Mayor Gross asked about the size required for the copies of the plans due to the difficulty board members can have reading them if they are too small.

**Mr. Scott** made a **motion** to adopt Ordinance# 2013-008, seconded by

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

**ORDINANCE# 2013-009 [Public Hearing and Adoption November 26, 2013]**

Capital Ordinance appropriating \$160,000 for the Purchase of an Ambulance authorized to be undertaken by the Township of Stillwater.

TOWNSHIP OF STILLWATER  
SUSSEX COUNTY, NEW JERSEY  
ORDINANCE NO. 2013-009

**CAPITAL ORDINANCE APPROPRIATING \$160,000  
FOR THE PURCHASE OF AN AMBULANCE  
AUTHORIZED TO BE UNDERTAKEN BY  
THE TOWNSHIP OF STILLWATER, IN THE COUNTY  
OF SUSSEX, NEW JERSEY**

BE IT ORDAINED by the Committee of the Township of Stillwater, in the County of Sussex, New Jersey, as follows;

Section 1. The improvement described in Section 3 of this capital ordinance is hereby respectively authorized as a general improvement to be made or acquired by the Township of Stillwater, New Jersey. For the said improvement or purpose stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvement or purpose, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to \$160,000, which has heretofore been set aside for the improvement of purpose stated in Section 3 and now available therefore by virtue of provision in a previously adopted budget or budgets of the Township for capital improvement purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$160,000 appropriations, the Township will use \$10,000 from the Reserve for Purchase of Emergency Vehicles in the General Capital Fund, and \$150,000 from the Public Service Electric and Gas Company grant for emergency preparedness, as described in Section 3.

Section 3. The improvement hereby authorized is respectively as follows:

Purchase of Ambulance \$	10,000.00	Reserve for Purchase of Emer. Vehicles
	\$150,000.00	Due from Public Service Electric & Gas Co.

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

- (a) The said purpose described in Section 3 of this capital ordinance is a capital 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 specifically assessed on property specially benefited thereby.
- (b) The average period of usefulness of said purpose is at least five (5) years.

Section 5. This capital ordinance shall take effect ten (10) days after the first publication thereof after final adoption.

**Mr. Scott** made a **motion** to open discussion to the public, seconded by **Mr. Fisher**.

There being no members of the public wishing to speak, **Mr. Scott** made a **motion** to close public discussion, seconded by **Mr. Fisher**.

**Roll Call Vote:** Ms. Chamings, yes, Mr. Fisher, yes, Mr. Scott, yes, Mrs. Straway, yes, Mayor Gross, yes

**Mr. Scott** made a **motion** to adopt Ordinance# 2013-009 with the understanding that \$150,000 came from PSE&G, seconded by **Mr. Fisher**.

The First Aid Squad has been told any charges exceeding \$160,000 will be the sole responsibility of the Squad. Ms. Chamblings is in full support of purchasing the ambulance with the funds, she just has some reservations about purchasing a demo as opposed to a bid. Mrs. Straway stated the Township has an ambulance which is continually going in for service, all of which has been documented. Therefore there is not issue with the purchase not going out for bid.

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

#### **NEW BUSINESS:**

##### **ORDINANCE# 2013-010 Introduction [Public Hearing and Adoption December 17, 2013]**

Capital Ordinance appropriating \$17,320 for Purposes Authorized to be undertaken by the Township of Stillwater.

**Mr. Scott** made a **motion** to introduce Ordinance# 2013-010, seconded by **Mrs. Straway**.

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

#### **DISCUSSION ITEMS:**

**Joint Court Contract Renewal:** It is the same contract as was held previously with the addition of a 2% increase as per State law. Mayor Gross recommended continuing the contract.

**Mr. Scott** made a **motion** to continue the joint court contract expiring in May 2017, seconded by **Mr. Fisher**.

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

**Stillwater Fire Department: Jim Pavone, Chief-Stillwater Fire Department,** spoke about the recent article in the New Jersey Herald. He feels it portrayed the Fire Department in the wrong light. Mrs. Straway stated what issues were discussed at the last meeting concerning the fire departments. The issue is not whether the fire departments are doing something wrong, but that they are following different sets of procedures. There was then discussion about background checks and the costs involved. Chief Pavone was then asked if the fire department sits down with and questions the applicants, and if they check their recommendations, to which he stated yes. Mrs. Straway stated her concerns are the inconsistencies in the procedures of the town's two fire departments. Chief Pavone would like the Committee to make a list of all their concerns to present to Mayor Gross and then have a meeting between representatives of the fire department and Mayor Gross, as their liaison. Mrs. Straway stated procedures from a risk management and a funding perspective need to be consistent between the two fire departments. The State Police will be performing background checks for the Township and the fire departments free of charge. Mayor Gross stated a consistent set of procedures will be discussed at the next safety meeting.

**Resolution# 2013-118** Mayor's Appointment of Edward Richard Maines as an Active Member of the Swartswood Fire Department with Committee Concurrence

**Mr. Scott** made a **motion** to adopt Resolution# 2103-118 appointing Edward Richard Maines as an Active Member of the Swartswood Fire Department, seconded by **Mr. Fisher**.

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

**Resolution# 2013-119** Mayor's Appointment of Leigh-Anne Konecke as an Active Member of the Swartswood Fire Department with Committee Concurrence

**Mr. Scott** made a **motion** to adopt Resolution# 2013-119 appointing Leigh-Anne Konecke as an Active Member of the Swartswood Fire Department, seconded by **Mr. Fisher**.

Mrs. Straway would like this application reviewed. She has some concerns from a risk management perspective. Ms. Chamblings asked if this appointment could be tabled until the next meeting so the Committee members can review the application. Swartswood Fire Chief Ashley would like a vote to be taken. He would like to begin using her as a member. Mayor Gross called for a vote.

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

At this time the appointment has been turned down. The application can be resubmitted. Mayor Gross addressed a question raised at the last meeting about whether or not he and Mr. Scott are members of the Stillwater Fire Department, and if they should be able to vote on matters concerning the fire department. There was a discussion about a conflict of interest policy.

**Personnel Policy:** Mayor Gross stated he had 11 items in the personnel policy he would like to discuss. He believes there should be an hour workshop to discuss the matters. Ms. Chamblings asked that the items be put in writing beforehand so the Committee can be prepared for the workshop. Mrs. Straway would like to finish reviewing the policy before the workshop, but would like to schedule it soon. The workshop was tentatively scheduled for December 3 at 6:00 pm before the regular meeting.

**ERI Update:** The Environmental Commission has given the Committee a letter recommending completing an ERI update. The Land Conservancy has recommended an update. It hasn't been updated since 2006, and refers to items from 1995 and 1973. It is not compliant with the new master plan and some State recommendations. The money to pay for the update could come from the Open Space Trust Fund. Ms. Chamblings recommends the Committee move forward with the update. Mr. Scott asked how much money is in the Open Space Trust Fund and was told approximately \$60,000.

**Ms. Chamblings** made a **motion** to have The Land Conservancy update the ERI at a cost of \$5,700, seconded by **Mrs. Straway**.

Mrs. Straway stated not only is it important to do the update, but it adds to the Township's Sustainable Jersey certification.

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

**Employee Holiday Party:** The employees would like to hold their holiday party on December 12 and close at 2:00 pm. Ms. Chamblings stated there is \$200.00 in the Recreation Commission budget for the holiday party.

**Ms. Chamblings** made a **motion** to allow the employees to close at 2:00 pm on a chosen day to hold their annual holiday party, seconded by **Mrs. Straway**.

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

The \$200.00 will be used toward the cost of the party.

Ms. Chamblings posed a question to the attorney concerning a "Sunshine Fund". The Township has unfortunately had a year of great personal loss. Could a "Sunshine Fund" be established so rather than take funds from tax payers, they could come from the "Sunshine Fund"? Mrs. Leo stated from a municipal government perspective, if the employees would like to donate to such a fund that would be fine. From an employment law perspective, there are concerns as to how a program like that could be implemented and how it could be seen as unfair. Ms. Chamblings stated that is done at her place of employment and it is totally voluntary.

**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**.

Mrs. Knott stated the Township Christmas tree will be put up on Monday, December 2. It will be a Wish Tree with needy Stillwater families being represented. All are welcome to come take a mitten off the tree and provide a gift for the family

**Attorney Report:** None

**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. Fisher**. In a voice vote, all were in favor.

Respectfully submitted,

Tammy Leonard