

STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
December 19, 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 (arrived at 6:14), Deputy Mayor Scott, Committeewoman Straway, Acting Municipal Clerk Lynda Knott, and Attorney Mike Garofalo.

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/Contract/Potential Litigation – Former Employee Health Benefits.
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 **Mrs. Straway** to conclude the Executive Session at 7:00 p.m., unanimously carried by roll call vote.

Regular Session:

Presentation: Vicki Molloy for Passaic County Electrical Cooperative – Rescheduled for January 7, 2014.

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:

2013-122 Authorizing Return of Over-Payment of Taxes – Block 1401 Lot 3

2013-123 Authorizing the Cancellation of Grant Appropriations and Receivables

2013-124 Authorizing Grant Extension January 1, 2014 to June 30, 2014

Reports:

Stillwater Township Building Department November 2013
Stillwater Recycling Report

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

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

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

Mr. Scott made a **motion** to approve the appointment of Leigh-Ann Konecke, seconded by **Ms. Chamblings**.

Mr. Fisher asked if a background check has been completed. **Anthony Ashley, Chief-Swartswood Fire Department**, the background check is in the process of being completed by the State Police, but the Division of Fire Safety completes a background check on all New Jersey fire fighters when certified. There was discussion about the new application for fire department membership, the requirements and when they take effect.

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

Resolution 2013-125: Bill List Cycle #21: \$226,598.33

Mrs. Straway made a motion to approve Bill List Cycle #21, seconded by **Mr. Scott**.

Ms. Chamblings questioned purchase order 3099 to TSR Construction for new gutters on the municipal building. The gutters on the meeting room were replaced when gutters were put on the new construction. Ms. Chamblings also questioned purchase order 3072 for the Mayor's dinner. She asked if the \$50 cost was for Mayor Gross or a guest. Mrs. Knott stated it has been tradition for the Mayor to go with a guest. Ms. Chamblings stated the reason she asked was because she went to the dinner last year and paid for herself.

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

Amendments to the Agenda:

Add New Ambulance under Old Business

Ordinance# 2013-011 Repealing and Replacing Township Ordinance# 2001-1 regarding paid Medical Benefits for Retirees and Confirming the Limited Continuation of Paid Single Benefits for Certain Township Retirees was pulled from the agenda.

Open Public Session:

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

Kathy Wunder, 962 Cedar Drive, questioned whether the pulled ordinance# 2013-011 is dead now.

Mr. Garofalo stated on January 1, 2014 at 12:01 it will be dead. Mrs. Wunder asked if the issue is dead or will it continue. Mr. Garofalo stated that is up to the 2014 Township Committee. Ms. Chamblings stated at the advice of the attorney they are deferring to him to answer. Mrs. Wunder stated the ordinance is closed but the matter may not be. Mr. Garofalo stated that is correct.

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

COMMITTEE REPORTS:

Mr. Scott: Commended the DPW workers for the wonderful job they did during the snow storm.

Mr. Fisher: Due to the snow storm, the tree lighting was changed to December 21 from 6:00 to 9:00 pm at the Swartwood fire house.

Ms. Chammings: The Planning Board meeting was canceled. She asked that the ordinance concerning GIS fees be added to the Town Committee's January 21 agenda. Water quality met on December 12. There are some model ordinances for highlands regions. She will be checking with the planning board engineer to see if they affect the town. The Martin property in Fredon is growing, but is so far not going anywhere. The Environmental Committee met on December 9. There was a great deal of discussion concerning the recycling ordinance. The members were advised to pull the exact chapter and section of the changes they would like to make to be prepared for the meeting in January. There was also discussion about what is best for a first offense for dumping verses littering. Discussion is continuing concerning the tree ordinance. The status of some Sustainable Jersey grants was also discussed. She discussed the ERI update.

Mrs. Straway: none

Mayor Gross: The procedures for the fire departments were discussed at the safety meeting. All procedures will be the same for both. The next Zoning Board meeting will be held on December 30 at 7:30 pm.

OLD BUSINESS:

New Ambulance: Ms. Chammings asked if the new ambulance will be arriving within the next few months. Mrs. Knott stated much sooner than that. Ms. Chammings wonders, when the new one arrives, if the old ambulance will be put up for auction or possibly moved to another public entity. The Stillwater Fire Department is interested in the ambulance. They will submit a letter of interest to the Town Committee.

ORDINANCE# 2013-010 Public Hearing and Adoption

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

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

There being no members of the public wanting to speak, the meeting was closed to the public.

Ms. Chammings stated the records room was a good idea. Mayor Gross stated heat and air conditioning were necessary to prevent mold.

Mr. Scott made a **motion** to adopt the ordinance, seconded by **Mr. Fisher**.

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

ORDINANCE# 2013-012 Public Hearing and Adoption

An ordinance to Amend Chapter 429-6 of the General Code of the Township of Stillwater, County of Sussex, State of New Jersey, entitled "Licensing Provisions".

Mayor Gross stated this is the first increase in the dog license fee in many years.

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

There being no members of the public wanting to speak, the meeting was closed to the public.

Mr. Scott made a **motion** to adopt the ordinance, seconded by **Mrs. Straway**.

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

ORDINANCE#2013-013 Public Hearing and Adoption

An ordinance providing for the vacation of a portion of a public street known as Kill Drive.

Mrs. Straway stated there is a section of the road which is a paper road. Property owners approached the town asking to take responsibility for it.

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

A member of the public asked if that is a private Paulinskill Lake road. Yes, and it was the association that approached the town.

There being no further members of the public wanting to speak, the meeting was closed to the public.

Mrs. Straway made a **motion** to adopt the ordinance, seconded by **Mr. Scott**.

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

NEW BUSINESS:

Developer's Agreement: Nextell and Stillwater Township and Stillwater Zoning Board of

Adjustment: The agreement has been reviewed by the Zoning Board attorney and the Township attorney. Both have agreed the agreement is in the town's best interest. Ms. Chamblings asked if it has been reviewed by the Zoning Board. Mr. Garofalo stated the Zoning Board passed it on to the Township Committee with a recommendation to sign it, so he assumes they have reviewed it.

Mr. Fisher made a **motion** to approve the signing of the agreement, seconded by **Mr. Scott**.

Ms. Chamblings asked about termination of the contract. Mrs. Straway stated the Zoning Board is autonomous and the Town Committee has nothing to do with it. Only the developer's agreement is being agreed to.

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

DISCUSSION ITEMS:

Fire Department Procedures: Mrs. Straway stated there were four things to be discussed: one cohesive membership application, consistent FIT testing, one standard operating procedure, and everyone drills together. The fire departments had stated there cannot be one standard operating procedure due to the different sizes of the departments. Mrs. Straway stated she does not understand that. Discussion followed about standard operating procedures. Mrs. Straway stated there needs to be better record keeping. Mr. Ashley stated both departments are up to date on everything. Ms. Chamblings asked about new software the departments have, if the departments are linked together, and if it will help with the information requested by Mrs. Straway. The software links the whole county. It's a sharing website and is very helpful with reporting. There was further discussion about the software and reporting.

Generator Update: Ms. Chamblings met with Mr. Stoner from Harold Pellow and Associates and Mr. Palmieri from Strunk Albert Engineering on December 8. They looked at the building and the heating and cooling units. The engineer gave recommendations, including options for both propane and diesel. Mr. Stoner sent the necessary paperwork for the spending plan to the OEM to hopefully qualify for the \$25,000 grant. Ms. Chamblings gave an overview of the approximate cost of the project. All deadlines have been met, and now waiting to hear from OEM.

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

Jack Branagan, 961 Old Schoolhouse Road, Kathy Fobes-Jacoby, 964 Mt. Holly Road, Ian Blanchard, 908 Wall Street, they are working on applying for two different grants: a \$2,000 grant and a \$10,000 grant from PSE&G for the Sustainable Jersey Small Grants Program. The \$2,000 grant is a capacity building grant for the Green Team for things such as another Green Fest. The \$10,000 grant requires a proposal and reports. If the grant is acquired, half the money is given at the beginning and half when the project is completed. A possible project would be a Paulinskill Watershed cleanup. They will be coming before the Township Committee on January 7 with two resolutions looking for Committee approval to go forward with the grants. Mrs. Straway attended a Sustainable Jersey class at the League and they were encouraging municipalities to start applying more, especially for the smaller grants, because last year they didn't spend all the money. Mayor Gross asked for clarification of what the \$10,000 grant would be used for. Included in the \$2,000 grant, they would like to put up a bulletin board at the Recycling Center showing exactly what can be recycled and any changes made. The \$10,000 grant will be a multi-phase plan starting at the Paulinskill dam continuing through the township to Stonebridge

Road doing a cleanup. Approximately 60% of the money would go toward equipment and disposal, 20% toward paying volunteer coordinators, and 20% toward reporting, workshops and presentations. Because this is Sustainable Jersey, it cannot be looked at as a one-time event. A considerable portion of the money needs to be invested into how this can be made into a model for other communities and other generations. Mayor Gross asked with regards to volunteers, who will be responsible for the liability. They are not sure how that will work. Mr. Branagan asked the attorney if the town would be covered if they signed waivers. Mr. Garofalo stated waivers often don't hold up because people claim they didn't understand them. The deadline for grant submission is January 26. They are hoping to start the project in June. Mr. Branagan showed pictures of a shed at Tunnel Field in Knowlton which is used for collecting aluminum cans. They average \$150-\$200 per month in aluminum cans. He thought this may be a great idea for Veterans Park. The interior could be divided in two for aluminum cans and plastic bottles. He may approach Lowes or Home Depot to see if they have an old shed they would like to get rid of. Mrs. Straway stated it could be tied into Sustainable Jersey and the goal for certification. The Committee had discussed approaching the area teams about recycling. It could also be a potential Eagle Scout project. Mr. Branagan also wanted to discuss the littering ordinance, Chapter 253. The signs in town say littering/dumping, but the ordinance doesn't cover dumping. The Environmental Commission has put together a definition including dumping for the ordinance. There was discussion about fines and enforcement. It is up to the discretion of the judge. There was also some discussion about recycling mixed heavy plastic.

Sherry McSweeney, former employee of Stillwater Township, on behalf of several other retired employees would like to know why the issue of Ordinance# 2013-011 came up and why they received certified letters about the ordinance. Mr. Garofalo stated he wouldn't personally answer why letters were sent. It is off the table for now. Mrs. McSweeney asked what would prevent it from happening again. Mr. Garofalo stated she would have to see what happens in the future.

Sharon Sutton, former employee of Stillwater Township, stated she received a letter saying she had 30 days to respond and there would be fair and equitable discussion. She responded but never heard back from Mr. Vex, Stillwater's employment attorney. She and her husband made decisions based on the fact that they would not have to pay for health insurance. They had the opportunity to take her husband's health insurance but chose not to because they didn't think they needed two. Their lives are now in turmoil and they can't get an answer as to why. Mrs. McSweeney stated the letters said they have been receiving family coverage "unauthorized". She would like that to be clarified. Mr. Garofalo stated he didn't believe the coverage was unauthorized and reiterated it was now off the table. He cannot say what the 2014 committee will do. Mrs. McSweeney stated he isn't answering any questions. Mr. Garofalo stated he is doing his best legal job. Mrs. Sutton stated the Committee needs to realize their lives are on hold until this is resolved.

Beth Barile, 907 Twin Oaks Drive, would like to know who brought this to a head. There was no discussion held in public, it was all discussed in executive session. Nothing was ever voted on, but these letters were sent. Mr. Garofalo stated it is now off the table. Mrs. McSweeney stated she was told she didn't have enough time in the pension and the benefits were unauthorized. She stated the Committee has attorneys sending letters out and they don't know anything about it. They stated there have been 2 ½ months of legal bills and now it's off the table for this year with no discussions held. Ms. Chamings stated, at the advice of the attorney, the members have been asked not to say anything. She then stated at the last meeting she tried to table the motion before it was introduced. She apologized for not being able to table the ordinance at that time. She was asked what the vote was to introduce the ordinance. The vote was 3 to 1; Ms. Chamings voting no, Mr. Fisher, Mrs. Straway and Mayor Gross voting yes. Mr. Scott was not in attendance. Mr. Garofalo stated right now the former employees are in the exact same position as they were before the ordinance discussions began. There have been no changes to their benefits. They asked to get that in writing from Mr. Vex. Mr. Garofalo stated the Committee would have to authorize that. The employees stated the Committee didn't authorize the original letter sent by Mr. Vex. Mr. Garofalo stated he didn't know that to be true and the employees asked where the authorization is. It was again stated the ordinance has been taken off the table. The employees would like to receive letters

stating their health benefits are authorized and they have the necessary time in the pension. There was more discussion about the letters sent by Mr. Vex to five former employees. Ms. Chammings asked if the Committee could go into executive session to discuss the authorization given or not given to Mr. Vex to send the letters, and to discuss Mr. Vex sending letters explaining the situation now that the ordinance has been taken off the table. The employees asked if they could be told why the ordinance was tabled. Mayor Gross stated the Committee has received more information since discussion of the ordinance began. Discussion continued about the letters the employees received.

Kathy Draghi, 1016 Route 619, asked what the current policy is for benefits for long-term employees. She stated according to what she has heard, benefits may have been going to the former employees without the knowledge of the current Committee. She asked if it's possible that for 12 years tax payer dollars have been used to pay benefits that should not have been paid. She is confused and asked why an ordinance would say "at no knowledge to the current Committee". Mayor Gross stated this is a difficult situation and they are trying to handle it so no one gets hurt. Mrs. Straway made an analogy to a court situation with new information being discovered at the last minute and an adjournment being requested. Mayor Gross reiterated they are trying to do the right thing.

There being no further 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, **Mr. Scott** made a **motion** to adjourn the meeting, seconded by **Mrs. Straway**. In a voice vote, all were in favor.

Respectfully submitted,

Tammy Leonard