

**STILLWATER TOWNSHIP COMMITTEE MEETING  
MINUTES**

**December 19, 2017**

**Regular Meeting**

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Chamblings 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: Committeeman Morrison, Deputy Mayor Gross, Committeeman Scott, Mayor Chamblings, Municipal Clerk Lynda Knott, Attorney Angelo Bolcato

ABSENT: Committeeman Fisher

**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.**

**MINUTES:**

November 21, 2017 Regular Meeting

December 5, 2017 Regular Meeting; Executive Session

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

**Roll Call Vote:** Mr. Morrison, yes, Mr. Gross, yes, Mr. Scott, yes, Mayor Chamblings, yes

**RESOLUTIONS:**

2017-124 Authorizing a Transfer of 2017 Appropriations

2017-125 Authorizing Payment of Redemption of Tax Lien

2017-126 Mayor's Acceptance of the Resignation of James Stachura as a Member of the Zoning Board of Adjustment with Committee Concurrence

Mr. Scott made a **motion** to adopt the resolutions as listed, seconded by Mr. Morrison.

**Roll Call Vote:** Mr. Morrison, yes, Mr. Gross, yes, Mr. Scott, yes, Mayor Chamblings, yes

**REPORTS:**

DPW Monthly Report for November 2017

Tax Collector's Report for October and November 2017

QPA Report for November 2017

Building Department Report for November 2017

Recreation Department Minutes for November 2017

Convenience Center Report for October 2017

Environmental Commission Minutes for October 2017

SC Board of Health Reports for September, October and November 2017

Environmental Commission Annual Report 2017

Zoning Officer Report for November 2017

Mr. Scott made a **motion** to accept the reports as listed, seconded by Mr. Morrison.

**Roll Call Vote:** Mr. Morrison, yes, Mr. Gross, yes, Mr. Scott, yes, Mayor Chamblings, yes

**BILLS LIST #16: \$256,635.81**

**RESOLUTION 2017-127 PAYMENT OF BILLS**

Mr. Scott made a **motion** to adopt Resolution 2017-127, removing PO #6843 for separate consideration, seconded by Mr. Morrison.

**Roll Call Vote:** Mr. Morrison, yes, Mr. Gross, yes, Mr. Scott, yes, Mayor Chamblings, yes

Mr. Scott made a **motion** to pay PO #6843, seconded by Mr. Morrison.

**Roll Call Vote:** Mr. Morrison, yes, Mr. Gross, yes, Mr. Scott, yes, Mayor Chamblings, abstain

**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 2017-14 Public Hearing and Adoption**

**STILLWATER TOWNSHIP ORDINANCE**

**ORDINANCE #2017-14**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF STILLWATER**

**TO INCLUDE A NEW SUBCHAPTER IN CHAPTER 186**

**“FIRE CONTROL” TO ADDRESS**

**HAZARDOUS MATERIAL CLEAN UP COST RECOVERY**

**WHEREAS**, the Stillwater Township Fire Department has requested that the Stillwater Township Committee adopt an ordinance authorizing the recovery of the cost incurred for hazardous material cleanup performed by the Fire Department when it is called to respond to an incident;

**BE IT ORDAINED** by the Township Committee of the Township of Stillwater, Sussex County, New Jersey that the Code of the Township of Stillwater be and is hereby amended to include a new subsection 186-19 “Hazardous Material Cleanup Cost Recovery”.

**Section 1.** Subsection 186-19 entitled “Hazardous Material Cleanup Cost Recovery” is hereby adopted as follows

**186-19 Hazardous Material Cleanup Cost Recovery**

- A. Provided that the Stillwater Township Fire Department Personnel have the requisite training required to use hazardous material products, the Stillwater Township Fire Department may, but is not required to mitigate the effects of hazardous material released, discharged or deposited upon or into any property or facilities within the Township at a scene to which the Fire Department has responded. The following described persons shall be jointly and severally liable to the Township for payment of all costs incurred by the Township and/or the Fire Department for products and materials used for such mitigation activities:
1. The person or persons whose acts or omissions, including but not limited to acts or omissions involving negligence, willful acts or omissions proximately caused such release, discharge or deposit of hazardous materials;
  2. The person or persons who owned or had custody or control of the hazardous substance or waste at the time of such release, discharge, or deposit, without regard to fault or proximate cause;
  3. The person or persons who owned or had custody or control of the container which held such hazardous waste or substance at the time or immediately prior to such release, discharge or deposit, without regard to fault of proximate cause; and
  4. The person or persons who owned or controlled the land on which the hazardous material was deposited or from which the hazardous material was released or discharged.
- B. The person(s) described in Subsection A of this Ordinance shall be liable to the Township or Fire Department for all costs incurred for the products and materials used for the cleanup. The responsible person(s) shall pay the invoice for the charges within fifteen (15) days of their receipt of the invoice.

- C. For purposes of this section, “hazardous material” means any material that because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. This includes, but is not limited to, items that are determined to be hazardous materials under applicable ordinances, statutes, laws, codes, directives and/or regulations (“Environmental Laws”) including, but not limited to, those issued by the State of New Jersey and the United States of America, including the New Jersey Department of Environmental Protection and/or the United States Environmental Protection Agency.
- D. For purposes of this section, costs incurred by the Township shall include, but shall not necessarily be limited to, the cost of any materials and products used.
- E. The remedies provided in this section shall be in addition to any other remedies provided by the law.
- F. The authority to recover costs under this section shall not include actual fire suppression services which are normally or usually provided by the Fire Department.
- G. By assisting with the cleanup of hazardous materials, neither the Township nor the Fire Department, nor any of their officers, governing body members, employees and/or volunteers shall be subject to any liability as the result of their acts or omissions. Nothing within this Ordinance shall be construed as a waiver or relinquishment of any statutory or common law immunities or exceptions from liability including, but not limited to, those available under the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et seq., that may apply to the Township, the Fire Department and/or any of their officers, governing body members, employees and/or volunteers.
- H. Notwithstanding anything in this ordinance to the contrary, nothing within this Ordinance shall absolve the person responsible for cleanup of any hazardous materials under the Ordinance from complying with all Environmental Laws, including complying with all orders and directives from all County, State and/or Federal governments or agencies, including but not limited to, the New Jersey Department of Environmental Protection and/or the United States Environmental Protection Agency.

**Section 2. Effective Date.** This ordinance shall take effect upon passage and publication according to law.

**Section 3. Severability.** If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

**Section 4. Repealer.** All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

**Section 5. Effective Date.** This ordinance shall take effect after publication and passage according to law.

Mr. Scott made a **motion** to open the meeting for public comment on Ordinance 2017-14, seconded by Mr. Gross.

**Roll Call Vote:** Mr. Morrison, yes, Mr. Gross, yes, Mr. Scott, yes, Mayor Chamblings, yes  
There being no members of the public wishing to comment, this portion of the meeting was closed.

Mr. Scott made a **motion** to adopt Ordinance 2017-14, seconded by Mr. Morrison.

**Roll Call Vote:** Mr. Morrison, yes, Mr. Gross, yes, Mr. Scott, yes, Mayor Chamblings, yes

**NEW BUSINESS:**

**RESOLUTION 2017-128: Authorizing a Shared Service Agreement Between Township of Hardwick, the Township of Stillwater and the Stillwater Area Volunteer Fire Company (SVFD) for the Provision of Fire Protection Services**

A draft of the resolution was reviewed by Mr. Bolcato and Mr. Morville, with their comments forwarded to the Hardwick Township Attorney. Mr. Gross expressed concern with the use of valuable equipment owned by the SVFD for the \$5,000 offered by Hardwick while Blairstown is receiving \$20,000 for their coverage. He was not in favor of the agreement and suggested they start their own fire department.

Mr. Scott noted the agreement with SVFD would be for secondary coverage with Blairstown providing the primary coverage. Presently, the fire department has a mutual aid arrangement with Hardwick at no cost. They respond either way, as mutual aid or as secondary coverage. He stated the payments increase by \$1,000 each year through 2022.

Mr. Morrison voiced concerns with SVFD being dispatched to every call as auxiliary coverage for \$5,000 and the responsibility that comes with that. He expressed concern with hold harmless language in the contract and being legally bound to the agreement. He suggested a donation in-kind or free coverage rather than a contract.

**Justin Francomacaro, Chief of the SVFD**, explained Stillwater has a coverage agreement with Hampton and Fredon, whereas they cover Stillwater in return. Hardwick does not have a fire department so they cannot provide coverage, instead providing payment.

**Steven Sugar, SVFD** explained he was the initial contact with Hardwick and the idea of this contract was to initiate an agreement for auxiliary coverage to then advance to primary coverage in the future. Primary coverage would provide additional funding for the department. Hardwick was originally favorable to primary coverage by SVFD but following a contentious meeting with Blairstown, SVFD was willing to entertain dual coverage by both municipalities, resulting in the contract before the Committee tonight. The fire department only covered two calls for Hardwick this year, free without a contract, which would have been the equivalent of \$2500 per call had the agreement been in place.

Mr. Francomacaro provided a background on the agreement between Hardwick and Blairstown for the past five years, noting Stillwater only responds if called by Blairstown. Mr. Morrison was concerned with being secondary coverage, being bound to a contract and the decisions of the primary department, and possible liability. Responsibility, liability issues and changing language in the contract were discussed further by the Committee.

Following the lengthy discussion, Mr. Scott made a **motion** to table Resolution 2017-128 for further consideration, seconded by Mr. Gross. Mr. Scott will attend the Hardwick meeting tomorrow night.

**Roll Call Vote:** Mr. Morrison, yes, Mr. Gross, yes, Mr. Scott, yes, Mayor Chamings, yes

**RESOLUTION 2017-129**

**STILLWATER TOWNSHIP,  
SUSSEX COUNTY, NJ  
RESOLUTION  
2017-129**

**TOWNSHIP OF STILLWATER AUTHORIZING A SHARED SERVICES  
AGREEMENT WITH THE TOWNSHIP OF SANDYSTON FOR THE SERVICES OF A  
QUALIFIED PURCHASING AGENT**

WHEREAS, the Township of Stillwater and the Township of Sandyston have agreed to enter into a Shared Services Agreement by which the Township of Stillwater shall provide Qualified Purchasing Agent services to the Township of Sandyston pursuant to N.J.S.A. 40A:65-1 et seq., and

WHEREAS, the Township of Stillwater and the Township of Sandyston agree to enter into the attached Shared Services Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Stillwater Township Committee, County of Sussex and State of New Jersey, as follows:

1. The Shared Services Agreement between the Township of Stillwater and the Township of Sandyston is approved pursuant to N.J.S.A. 40A:65-1 et seq. The terms and conditions of the Agreement (Exhibit "A") are made a part of this Resolution.

2. The Mayor and Township Clerk are authorized to sign the Agreement on behalf of the Township.

3. This Resolution shall take effect immediately, however, it shall be void and of no effect in the event that the Township of Sandyston fails or refuses to adopt a similar resolution and/or execute the Shared Services Agreement.

4. A copy of this Agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs pursuant to N.J.S.A. 40A:65-4.

Mr. Scott made a **motion** to adopt Resolution 2017-129, seconded by Mr. Morrison.

**Roll Call Vote:** Mr. Morrison, yes, Mr. Gross, yes, Mr. Scott, yes, Mayor Chamblings, yes

### **RESOLUTION 2017-130**

#### **STILLWATER TOWNSHIP SUSSEX COUNTY, NEW JERSEY RESOLUTION 2017-130**

#### **TOWNSHIP OF STILLWATER AUTHORIZING A REDUCTION IN THE INTEREST CHARGE FOR THE STILLWATER TOWNSHIP HOUSING REHABILITATION PROGRAM LOAN TO SALVATORE AND BERNICE SAMMARCO**

**WHEREAS**, Salvatore and Bernice Sammarco were the owners of the property located at 907 Main Street and had obtained a loan from the Township's Housing Rehabilitation Program on or about December 20, 1994 in the principal amount of \$20,953.00; and

**WHEREAS**, the loan was secured by a mortgage that was recorded in the Sussex County Clerk's Office in Mortgage Book 2616, at Page 314 on January 17, 1995; and

**WHEREAS**, the Sammarcos passed away and a representative of the estate has requested that the Township of Stillwater eliminate or reduce the interest charge from the 5% per year provided for in the Note. The estate representative claims that they may abandon the property, given the amount of debt owed on the home, including the loan from the Township and their intention would be to take no action to sell the property and let it fall into default. It has been represented to the Township that if an adjustment to the interest rate is made, the property may be sold and the Township's loan paid off;

**WHEREAS**, the Stillwater Township Committee has reviewed the estate's request and have determined that similar loans made by the Township provided for a one-time interest charge of 3%; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Stillwater as follows:

1. The interest rate on the Sammarco loan is reduced from 5% per year to a one-time charge of 3%, consistent with other Township Rehabilitation Program loans. As such, the property owner is responsible for paying the original principal amount of the loan, \$20,953.00, minus amounts paid of \$5,100.00, plus the interest charge of \$628.59 for a total amount due of \$16,481.59.
2. A copy of this Resolution shall be placed on file with the Clerk of the Township.
3. If any section, subsection, sentence, clause or phrase in this Resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect or made in portions of this Resolution.

Mr. Scott made a **motion** to adopt Resolution 2017-130, seconded by Mr. Gross.

**Roll Call Vote:** Mr. Morrison, yes, Mr. Gross, yes, Mr. Scott, yes, Mayor Chamblings, yes

**COMMITTEE REPORTS:**

**Mayor Chammings** reported she will be meeting with Nathaniel Sajdak in January regarding water quality funding through the William Penn Foundation for property on Pond Brook Road and at Plymouth Lake.

Mayor Chammings met with a member of the Prosecutor's Office to review the police records and retention schedule. Funding may be needed in the 2018 budget for the destruction of records.

**Reorganization Meeting:** January 6, 2018 at 6 p.m.

**Attorney Report:**

Mr. Bolcato received the in-rem foreclosure searches. He drafted a tax foreclosure list and sent it to the Tax Collector. He will follow up with her for amounts that are due and will present it to the Committee for approval in January.

Mr. Scott asked Mr. Bolcato for advisement on whether or not the township is legally required to provide signage informing the public there are surveillance cameras installed at certain locations.

**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.**

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

Respectfully submitted,

Kathy Wunder