

**STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
January 20, 2011
Regular Meeting**

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Scott at 6:04 p.m. noting the meeting schedule was 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, Committeeman Gross, Committeeman Morrison, Municipal Clerk Judy Fisher and Attorney McBriar.

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by Mr. Morrison, seconded by Mr. Gross and unanimously 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: Interviews for DPW; Discussion - CFO Position; Office Security
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. Gross, seconded by Mr. Fisher to conclude the Executive Session at 7:08 p.m., unanimously carried by roll call vote.

Middleville Road Project: Michael Vreeland, Township Engineer, was in attendance and he provided a presentation on the NJDOT grant project for Middleville Road and related costs. He also provided an overview of the project plan. An estimate of costs and map of Phase I were provided to the Committee for their review.

Following the presentation, Mr. Gross made a **motion** to authorize the Middleville Road Project, seconded by Mr. Fisher.

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

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:

2011-15 Urging the New Jersey Senate to Pass Senate Bill 2174 and for the New Jersey General Assembly to Pass Assembly Bill 2951

Proclamation: Eagle Scout Brian Philhower

Proclamation: Stillwater Area Volunteer Fire Department

NJ State Firemen's Association Membership Applications: Crystal Sugar, Eric Gonzalez, Marc Selis & Colby Van Gordon

Stillwater Recreation League: Raffle Application March 24, 2011

Stillwater Volunteer Fire Company Blue Light Permits: Deborah Pfunke, Eric VanDerHagen, Christopher R. Oswin

Stillwater Rescue Squad Blue Light Permit: Michele Hess

Recycling Center: Robert Losey, Temporary Appointment Effective January 8, 2011, \$8 per hour

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

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

Amendments to the Agenda:

The following items were added to the agenda: Joint Municipal Court with Sussex Borough/Wantage; Landfill Well Testing Contract; Temporary CFO Appointment

Joint Municipal Court with Sussex Borough/Wantage:

Ordinance: Introduction

Ordinance 2011-2 An Ordinance to Repeal Chapter 12 of the Township of Stillwater, Abolishing the Municipal Court for the Township of Stillwater, and Establishing a Municipal Court for the Township of Wantage, The Borough of Sussex and the Township of Stillwater

Mr. Morrison made a **motion** to introduce Ordinance 2011-2, seconded by Mr. Gross.

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

Inter-Municipal Court Services:

Mr. Gross made **motion** to enter into an agreement for an inter-municipality court for the municipalities of Wantage Township, Sussex Borough, and Stillwater Township, seconded by Mrs. Straway.

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

Committeeperson Reports:

Mr. Morrison reported the Planning Board held their reorganization, electing Dave Emmons as Chair and Cathy Feenstra as Vice-Chair. Their focus this year will include developing an ordinance increasing the zoning for state owned lands and the development of an ordinance regulating outdoor wood burning furnaces.

Mr. Gross reported two employees have been temporarily hired for the Recycling Center. The Zoning Board will be meeting on 1/24/11. He asked the Committee to consider making an appointment to that Board during the meeting tonight.

Mr. Fisher reported an inspection was held at the Stillwater Volunteer Fire Department. There is an issue with their gear according to PEOSHA regulations that will need to be addressed. He will be meeting with Swartswood Fire Department and the Rescue Squad during the month of February.

Mrs. Straway reported on the Environmental Commission (EC), stating the Mr. Branagan was elected Chairperson. Mr. Branagan has been in contact with the Chair of the Blirstown EC and they are trying to arrange a joint meeting with Knowlton, Hope, Frelinghuysen, Hardwick and Stillwater to discuss the ANJEC Planning Grants and the possibility of working together on a grant. Stream water testing results for the nine sites tested in Stillwater indicated water quality is good; however there was concern with reading the results without a standard range. Discussion was held on battery disposal and electronics waste at the Recycling Center; and the EC also recommended the Township Committee enter into contract with the Land Conservancy for the acquisition of open space. A discussion was held on trash problems at Veteran's Memorial Park.

Mrs. Straway spoke with Mr. Hendershot and she proposed an extra pick up day for the DPW to remove garbage from the receptacles during the busy season and also placing an additional receptacle at the park. Enforcement issues can be very difficult and teams will be asked to enforce garbage disposal each time they use the park. A brief discussion was held on instituting a carry in carry out program. Mrs. Straway explained such a policy currently exists at the State Park and the Superintendent of the park has indicated it has not been successful.

Mayor Scott commended the DPW on the roads during the snowstorms we have had recently.

Ordinance: 2nd Reading and Public Hearing

Ordinance 2011-1 Calendar Year 2011 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank

The meeting was opened for public comment. There being no public comment on the ordinance, the meeting was closed and Mrs. Straway made a **motion** to adopt Ordinance 2011-1, seconded by Mr. Fisher.

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

Open Public Session (agenda items only)

Ed Szabo, 978 Route 521 expressed concern with the joint court service costs being disproportionate and Stillwater being responsible for more than their share. Mr. Gross explained the three-year contract has been reviewed and cannot be raised more than two percent during that time period. He agreed that there were problems in the past and stated the Committee has made sure that the agreement is equally divided.

Mr. Szabo asked if the sound system could be improved as it is very hard to hear the Committee at the back of the room.

Bill Steckowich, 907 Hardwick Road expressed concern with no public session being offered during the budget meeting on January 15, 2011. He also inquired why budget worksheets were not distributed to the public. Mr. Morrison explained he had done so in the past but has realized it is not a good practice as it is a work in progress constantly changing; and it has also been recommended by several State agencies, including ORPA, that it not be done. He suggested that Mr. Steckowich obtain a copy of the 2010 budget from the Clerk so he can follow along as it is being reviewed for this year. Attorney McBriar explained a public session is not required during a workshop meeting and a public hearing is held on the budget prior to its adoption.

Mr. Steckowich was concerned with Mr. Vreeland's mention of calcium chloride during his presentation and its effectiveness once it is mixed with water. Mr. Scott stated he would speak with Mr. Vreeland about the concern.

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

Old Business:

Zoning Board of Adjustment Appointments:

Mr. Scott made a **motion** to appoint George Lippencott as an Alternate #1 member of the Zoning Board of Adjustment, expiration of term 12/31/11, seconded by Mr. Gross.

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

Planning Board Appointments (Mayor's Appointment):

Mayor Scott made a **motion** to appoint Rick Nothstine as an Alternate #2 member of the Planning Board, expiration of term 12/31/12, seconded by Mr. Gross.

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

Environmental Commission Appointment: Moved to the February 1, 2011 agenda

Recreation Commission Appointment:

Mayor Scott appointed Tina Franco as a regular member of the Recreation Commission, expiration of term 12/31/15.

New Business:

Land Conservancy (LC) 2011 Contract: The Committee discussed renewing the agreement, and Mr. Fisher expressed concern with the cost of the contract, \$11,500, and he questioned the need for more open space. It was noted the contract is funded through the Open Space Fund. The Environmental Commission (EC) also recommended the Township Committee enter into the agreement. Mr. Szabo a member of the EC who was present at the meeting confirmed the stance of the EC and noted that land is reasonably priced in this economy. Mr. Fisher felt some of the property should be developed and left on the tax rolls.

Following the discussion, Mayor Scott made a **motion** to enter into the 2011 contract with the Land Conservancy of NJ for the acquisition of open space, \$11,500, seconded by Mr. Morrison. Mr. Morrison spoke on the possibility of paying the LC on an individual acquisition basis rather than the amount of \$11,500 when maybe only one or two properties may be available during the year. Mrs. Straway was concerned with the status of the open space map updating that is currently being done by the LC and what will happen if the contract is not renewed. Mr. Gross felt most acquisitions in the past were not for developable land. He felt the matter should be studied further prior to a decision being made and the Committee agreed.

Roll Call Vote: Deputy Mayor Fisher, no, Mr. Gross, no, Mr. Morrison, no, Mrs. Straway, no, Mayor Scott, no

CFO Temporary Appointment: Mr. Gross made a **motion** to appoint Beth Barile on a temporary part-time basis as a CFO/Treasurer/Account Clerk/Payroll Clerk, at her 2010 rate, seconded by Mrs. Straway.

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

Landfill Contract for Well Testing:

Based on a recommendation by Mr. Vreeland, Mr. Gross made a **motion** to enter into contract with QC Laboratories for \$4,644.00 for 2011, to conduct the well testing at the landfill, seconded by Mr. Fisher.

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

Open Public Session:

Kathleen Draghi, 1016 Route 619 questioned the legal definition of residency to serve on the Committee. Attorney McBriar would review the specific ordinance pertaining to the matter. Mrs. Draghi was concerned that Mrs. Straway was appointed when she does not reside in Stillwater. She stated she resides next to the Straway property and watched Mrs. Straway and her husband move out. Mrs. Straway stated her husband is employed in Warren County and with that employment he has the opportunity to stay on the premises. She has the option of staying there or coming home. She receives her mail at her address in Stillwater, her driver's license is under her Stillwater address and she works in Hampton. She has a flexible schedule that determines where

she stays for the night. Following further discussion, the matter will be reviewed by the Township Attorney.

Bill Steckowich, 907 Hardwick Road stated he met with Bill Shelton regarding charter schools, and was informed township residents can send their child to charter schools out of the area at a cost of \$12,500 per student. Mr. Scott suggested Mr. Steckowich attend a Board of Education meeting to express his concerns.

Marion Gross, 912 Stillwater Road stated that she was bothered Mr. Steckowich did not express his concerns regarding the appointment of Mrs. Straway at the meeting when the appointment was made and he chose instead to approach the newspaper.

Attorney Report: No report.

Correspondence:

Mayor's Advisory Correspondence is available for review in the Correspondence Binder.

Executive Session:

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by Mr. Fisher, seconded by Mrs. Straway and unanimously carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 8:45 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: Office Security
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 8:55 p.m., unanimously carried by roll call vote.

There being no further business, Mr. Fisher made a **motion** to adjourn the meeting at 8:55 p.m., seconded by Mrs. Straway. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder