

**STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES**

**August 15, 2017
Regular Meeting**

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Chamings at 7 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: Deputy Mayor Gross, Committeeman Morrison, Committeeman Fisher, Committeeman Scott, Mayor Chamings, Municipal Clerk Lynda Knott, Attorney Angelo Bolcato
Committeeman Fisher arrived at 7:15 p.m.

EXECUTIVE SESSION:

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by Mr. Scott, seconded by Mr. Morrison and carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 6:04 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; Attorney/Client
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. Gross to conclude the Executive Session at 6:58 p.m., unanimously carried by roll call vote.

PROCLAMATION:

Middle Child's Day

WHEREAS, August 12th is Middle Child's Day; and WHEREAS, nobody knows August 12th is Middle Child's Day; and

WHEREAS, the International Middle Child Union is reaching out to "middle" towns all across the Country to help raise awareness of their overlooked namesake holiday;

NOW THEREFORE, Middleville, a community located within Stillwater Township, New Jersey hereby pledges to endorse this effort and give the Middle Children of the community the attention they always say they never get by:

Supporting the International Middle Child Union and their programs, initiatives, and policies that seek to find a cure for Middle Child Syndrome

Encouraging first and last born citizens of Middleville to be nice to their middle siblings for the day. Or at least as much of the day as possible.

Officially acknowledge by proclamation August 12th as Middle Child's Day.

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:

2017-090 Authorizing Payment of Redemption

REPORTS:

DPW Report for July 2017

Tax Collector's Report for July 2017

QPA Report for July 2017

SC Office of Public Health Nursing Activity Report for July 2017

Zoning and Code Enforcement Report for July 2017

Building Department Report for July 2017

Recreation Commission Minutes June 5, 2017

Recreation Commission Monthly Report August 7, 2017

Environmental Commission Minutes July 10, 2017

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

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

BILLS LIST #9: \$1,015,567.40

RESOLUTION 2017-091 PAYMENT OF BILLS

Mr. Scott made a **motion** to adopt Resolution 2017-091, removing PO# 6843 for separate consideration, seconded by Mr. Scott.

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

Mr. Scott made a **motion** to approve payment of PO# 6843, seconded by Mr. Fisher.

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

AMENDMENTS TO THE AGENDA: Under New Business: Add: Resolution 2017-093 and Proclamation

JCP&L – Jackie Espinoza:

Ms. Espinoza thanked the Committee for participating in the upcoming Sussex County Day. She reported there will be a Sussex County League of Municipalities networking event held on Friday, August 25, 2017 at 5:30 p.m. at the Mohawk House in Sparta. Ms. Espinoza reported on the Emerald Ash Borer, a wood-boring beetle that is attacking ash trees and causing their decline. JCP&L is monitoring the situation with respect to trees located in close proximity to their utility lines. She cautioned the township to monitor the trees as well.

DISCUSSION: Lake Plymouth Association Dam Repair

Jonah Kimmelstiel, Attorney for Lake Plymouth Community Association and John Torregrossa, President Plymouth Lake Community Association, were present. A background of the proposal was briefly reviewed - a loan for 20 years at 2% interest. In response to questioning by the Township Committee and Mr. Bolcato, Mr. Kimmelstiel understood the town wishing to have a bond (construction) provided, however the request for a larger loan than necessary will help to cover additional expenses, negating the

need for a bond. He was concerned with the tight time frame at this point. The deadline for resolution adoption by the township is the end of August to submit to Dam Safety. The Committee is currently obtaining a quote for an appraiser to do the assessment and the cost will be paid through the dam loan. Mr. Torregrossa indicated there are 90 homes, 19 township lots; 50 vacant lots; 5 lots owned by Nature Conservancy who pay only road assessments and exempt on the tax list; 2 DWGRA lots and 1 NJDEP lot - 167 total parcels; 145 subject to the special assessment.

Mr. Morrison discussed meeting with bond counsel, possibly bonding the project through the township; however, it would need to be paid in 10 years as opposed to the loan which is 20 years. Mr. Torregrossa noted it would be an increased cost for all if it was bonded. Mr. Gross expressed concern with payments being met by the Plymouth Lake property owners, noting the decrease in membership in good standing from 2016 to 2017. Mr. Kimmelstiel explained that all property owners in the community will be responsible for the assessment, not just those who chose to become a voluntary member of the association. Mr. Fisher would like to meet with the assessor and move forward with the process; Ms. Chamblings agreed, noting she would like to see what the special assessment costs would be. Mr. Torregrossa noted the loss of tax revenue if the lake has to be drained. Mr. Morrison felt it would be in the best interest of the township to keep the lake, however he wanted all the information to support his decision. He noted bonding the project would be an option should the Dam Safety loan process become too complicated. Mr. Kimmelstiel explained the State program is not complicated and was created for this very purpose. Once the Township agrees to co-sign the loan, the process is almost complete with the exception of signing documents. Without the loan the lake cannot fund the project. Bonding may also require prevailing wage and double the cost of the project. At this point, the cost of construction is estimated at under \$400,000, with the \$600,000 loan assuming cost overruns. An audit is done at the end of the project and the assessment is based only on the amount that is expended. The quality of the contractor was questioned, noting that would be ensured by the NJDEP inspections. An experienced engineer would manage the project and it would be overseen by the NJDEP. The project would formally be bid so there would be additional competition. Mr. Kimmelstiel explained the process, stating it is an eight to twelve month approval process by Dam Safety and once that approval is received, it must go back to the State for funding appropriation. Groundbreaking will probably not take place until 2019. Following the discussion, Mr. Scott made a **motion** to co-sign the loan for the dam repair at Plymouth Lake, seconded by Mr. Fisher and subject to a pro-borrower agreement between the Township and the Association.

At this point, this portion of the meeting was opened for public comment on the Plymouth Lake discussion.

Ed Szabo, 978 Route 521 referred to the meeting held at the school where the public asked many questions. He stated the Committee has received information and details but the public has not. He asked why the Committee is rushing into this matter based on a deadline, when it has been ongoing for years. He referred to the County solar project fiasco and newspaper article. He was concerned with default of the loan and the Committee moving forward without complete information and basic numbers.

Mr. Torregrossa stated the process has been lengthy due to engineering requirements costing over \$50,000. Mr. Szabo stated the reason the State is willing to provide a 2% loan is because they are responsible for the water themselves. He questioned if they own the water, why don't they co-sign.

John Nelson, Crandon Lakes Association for Property Owners - CLAPO referred to a similar situation in Crandon Lakes with their dam. There are approximately 600 active accounts in the lake – assessed for 20 or 25 years – assessment is \$25/year. The assessment is one-third – Crandon, Hampton and Stillwater. He understood both sides of the issue but agreed with Mr. Szabo on the matter being rushed.

Mayor Chamblings was concerned with not knowing what the assessment amount would be and if owners are going to pay it. She questioned why more Plymouth Lake residents were not attending the meetings.

Susan Smith, 919 Upper Drive noted it has been the members of the association who have paid for the preparation work – engineering, testing, drilling, etc. Dam Safety gave them two options- repair the dam or drain the lake; and draining the lake will also incur assessment costs as well as many other negative

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

ORDINANCE 2017-09 Public Hearing and Adoption – August 15, 2017

STILLWATER TOWNSHIP ORDINANCE

ORDINANCE #2017-09

**AN ORDINANCE OF THE TOWNSHIP OF STILLWATER
COUNTY OF SUSSEX, NEW JERSEY AMENDING CHAPTER 67
ENTITLED “RECORDS, PUBLIC ACCESS TO”
OF THE CODE OF THE TOWNSHIP OF STILLWATER
SUBSECTION 67-2-A(2) – FEES FOR COPIES**

BE IT ORDAINED by the Township Committee of the Township of Stillwater, Sussex County, New Jersey that existing Section 67-2-A(2) of the Code of the Township of Stillwater, the “Fee for copies” for the certified or certification copy of marriage, civil union or domestic partnership certificate is amended as follows:

Section 1.

Section 67-2A is amended as follows:

- (2). The sentence is repealed and replaced as follows: “Certified or certification copy of marriage or domestic partnership certificate: \$10 per copy with the exception of the first copy for Stillwater Township residents who marry in Stillwater Township is issued at no charge.”

Section 2 - When Effective

This ordinance shall take effect upon passage and publication as required by law.

Mr. Scott made a **motion** to open the meeting for public comment on Ordinance 2017-09, seconded by Mr. Gross.

There being no public comment on Ordinance 2017-09, this portion of the meeting was closed

Mr. Scott made a motion to adopt Ordinance 2017-09, seconded by Mr. Fisher.

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

NEW BUSINESS:

Resolution 2017-093 – Joel McAlister

STILLWATER TOWNSHIP

COUNTY OF SUSSEX

RESOLUTION 2017-093

MAYOR’S APPOINTMENT OF JOEL MCALLISTER

AS PROVISIONAL ROAD REPAIRER 3

WITH COMMITTEE CONCURRENCE

THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Stillwater do hereby concur with the Mayor’s appointment of Joel McAllister as Provisional Road Repairer 3 effective August 15, 2017.

Mr. Scott made a **motion** to adopt Resolution 2017-093, seconded by Mr. Gross.

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

Eagle Scout Proclamation:

PROCLAMATION

WHEREAS it is the intention of the Mayor and Township Committee of Stillwater Township to focus attention on noteworthy occasions and individuals; and

WHEREAS Evan Fredrick Ganning, a member of Boy Scout Troop 83 in Stillwater Township, has attained the rank of Eagle Scout, joining an elite group of young men dedicated to serving and improving the community; and

WHEREAS for his Eagle Scout project, Evan converted a baptism room into a room for young people to use during service that is commonly called a Crying Room for Our Lady of Mt. Carmel Church; and

WHEREAS the honor of Eagle Scout is bestowed upon a small percentage of all Boy Scouts annually, making it a truly prestigious achievement; and

WHEREAS the lessons learned and skills acquired while working toward the Eagle Scout rank help promising young men like Evan to develop into leaders who will benefit our world for years to come; and

WHEREAS the Mayor and Township Committee are proud to call Evan one of Stillwater Township's own, as he exemplifies the values that make our community strong.

NOW, THEREFORE, I, LISA CHAMMINGS, by virtue of the authority vested in me as Mayor of the Township of Stillwater, County of Sussex, State of New Jersey, do hereby proclaim Thursday, August 17, 2017:

Evan Fredrick Ganning Day

in the Township of Stillwater Township and do urge all citizens to join with me and Township Committee in recognizing the hard work and commitment required to become an Eagle Scout, and in congratulating Evan and his family on this tremendous achievement.

COMMITTEE REPORTS:

Mr. Scott reported the Recreation Commission replaced the fence at Swartswood Park. They also held a special meeting to review their five-year plan. The DPW is working on trimming along the roads and the new Supervisor is doing an excellent job. Possum Hill Road will be addressed in the near future. Mr. Scott asked the Committee to consider hiring college students during the summer when reviewing the budget for next year. Mr. Scott cautioned the public about the saturated ground and unstable trees. He asked the public to report any potholes to the DPW.

Mr. Morrison reported on a memo from Mr. Raff, DPW Supervisor, regarding field closure notification responsibility. Mr. Scott stated he and Mr. Manser would meet with Mr. Raff prior to the next Recreation Commission meeting. Mr. Morrison thanked the Rescue Squad members for their service and professionalism during a medical emergency occurring at his home.

Mr. Scott thanked Fredon for their assistance providing coverage to Stillwater.

Mayor Chamings reported the last Planning Board meeting was cancelled. The Environmental Commission is going to send a letter to the NJDEP regarding their concerns with the lack of stewardship addressing issues at Swartswood Lake. The EC has requested the Township Committee endorse the letter as well. The Committee agreed to do so and the letter will also be signed by the Mayor. Mr. Morrison suggested the Township Committee send their own letter of concern. Ms. Knott will do so.

The EC is working on signs to be placed along the Paulinskill as part of a \$1500 ANJEC grant. Nathaniel Sajdak is trying to obtain funding to work with local farmers on waste management issues. Their next meeting will be held on September 11th.

DISCUSSION ITEMS:

Recreation Commission Requests: This item was carried to the September 19, 2017 meeting.

FEMA Mitigation Grant Application Period August 14 to November 14, 2017: Grant application period is open until November 14th. The DPW is in need of a generator and erosion on Kohlbocker Road needs to be addressed. The DPW may also need other equipment.

2018 NJDOT Grant Applications due by October 6, 2017: Mr. Vreeland will be working on this item. Mr. Fisher will follow-up with him.

Township Website: Ms. Knott and Mrs. Wunder met with a representative of Curio Electric (Stanhope website) to discuss the needs of the township website; a proposal will be provided for the next meeting.

Tax Liens/In Rem Foreclosure: Mr. Morrison asked that the Tax Assessor provide a list of all lots that are under an acre and are not tax exempt. Once that list is drafted, it can be determined which ones are delinquent in their taxes. Ms. Knott has received another request by a property owner to donate their lot to the township. In most cases, the lots are undersized and located in the lake communities.

Mr. Bolcato noted it would be more cost effective to address a significant amount of properties at once as opposed to just one or two. Once a list is composed of those properties the Committee is interested in addressing, Mr. Bolcato can submit a proposal and it can be provided for in the next budget.

Fixed Asset Appraisal: Ms. Mooney would contact the State to request an extension and will obtain quotes. This item was part of the Corrective Action Plan.

Updating Section 289-3 of the Code "Permits for Special Events": Mr. Scott briefly discussed a field use request for a paid clinic by a non-resident.

Attorney Report:

Mr. Bolcato reported Service Electric Cable TV has filed their application for renewal. The Township will have to hold a public hearing with a representative of Service Electric, providing the public the opportunity to ask questions and specify any complaints. Ms. Knott would like to schedule the hearing for October; appropriate notice to be provided.

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 at 9:33 p.m., seconded by Mr. Fisher. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder