

**STILLWATER TOWNSHIP COMMITTEE MEETING  
MINUTES**

**November 21, 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 Fisher, Committeeman Scott, Mayor Chamblings, Municipal Clerk Lynda Knott, Attorney Angelo Bolcato

**REGULAR SESSION:**

**DISCUSSION: Eagle Scout Project at Town Hall – Matthew Cleaver**

Matt Cleaver appeared before the Township Committee and presented his plan for an Eagle Scout project, providing renderings of his proposal. The project will include landscaping, rocks, memorial plaque and bench in the area of the flagpole in front of the Municipal Building. He would also include a slip-on wood cover for the well and three rocks to protect individuals from backing into it. Matt would like to begin the project during the early spring allowing him time for fundraising.

Mr. Scott made a **motion** to approve the Eagle Scout project, seconded by Mr. Fisher.

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

**DISCUSSION: SECTV Franchise Renewal**

**Michael Meliti**, SECTV Attorney appeared before the Committee and provided a brief background on the public hearing, which is a requirement of the renewal process to continue to provide service and allows residents to express their concerns and ask questions.

Also present were Bob Williams, SECTV General Manager and General Counsel; Robin Blessing, Service Manager; and James Galliford, Director of IT.

SECTV has been serving Stillwater since March 1978, servicing 904 subscribers. SECTV submitted an application for municipal consent to the township for their approval for the franchise moving forward.

Mr. Meliti reviewed the exhibits submitted: Exhibit A: List of Current Programming Provided by SECTV; Exhibit B: An Updated Map of the Service Area; and Exhibit C: Tariff Filed with the State of New Jersey Regulating Rates.

The last application before Stillwater was approved in 1992 for 15 years with an automatic 10-year renewal.

Mr. Meliti reviewed bundle packages, internet and courtesy services to municipalities. Mayor Chamblings asked if service was provided to the school. Mr. Meliti stated it was wired at one time in 1998 for up to 40 connects but there are no services at this time. Mayor Chamblings will inquire at the next school board meeting.

Mr. Meliti stated once the public hearing is closed, he will draft an ordinance based on Committee input and after review the Committee can place it on the agenda for introduction and adoption. Once approved, the ordinance is provided to the BPU for a Certificate of Approval form the State.

Mr. Fisher requested a connection for the OEM in the meeting room and office. Mr. Meliti agreed.

Mayor Chamblings asked about the non-serviced area and the last time a survey was conducted regarding the required density for service (35 homes per linear mile). Mr. Meliti stated it would need to be brought to their attention and a survey would then be conducted.

Mr. Scott stated the last time approval was granted to SECTV, the biggest complaint was that service should be offered to all residents. Mr. Meliti stated if the setback of a home is 150 feet from the road it becomes a non-standard installation requiring a cost to the customer to run the line. This may not be

available depending on the density of the street. He noted many in this position have been satisfied with satellite. He stated residents with such an issue can be advised to contact SECTV directly to address their individual matter.

Mayor Chamings made a **motion** to open this portion of the meeting to the public, seconded by Mr. Scott.

**Justin Francomacaro, SVFD Chief**, questioned if the service for the emergency services was complimentary. Mr. Meliti stated the connection is complimentary, internet is at cost, and enhancements are slightly extra.

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

Mr. Bolcato will work on the ordinance with Mr. Meliti and it will be presented to the Committee for their review.

**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:**

2017-112 Approving Guerin & Vreeland Engineering, Inc.'s Proposal for Proving Survey, Mapping, Bid Phase and Construction Management Services for Ridge Road Project

2017-113 Mayor's Appointment of Bert Bodensieck as a Member of the Stillwater Area Volunteer Fire Department with Committee Concurrence

2017-114 Authorizing a Refund of Court Collections

2017-115 Amending Stillwater Township's Employee Handbook Policies and Procedure Manual

Mr. Scott **motion** to approve the Resolution portion of the Consent Agenda, removing Resolution 2017-116 for separate consideration, seconded by Mr. Fisher.

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

**RESOLUTIONS:**

**2017-116 Authorizing the Appointment of Kelsey Branagan as Part-time File Clerk on an as needed basis**

**STILLWATER TOWNSHIP**

**RESOLUTION 2017-116**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF STILLWATER AUTHORIZING THE APPOINTMENT OF KELSEY**

**BRANAGAN AS PART-TIME**

**FILE CLERK ON AN AS NEEDED BASIS**

WHEREAS, the Township Committee has identified a need in the Town for a part-time file clerk; and

WHEREAS, the Township Committee has determined that Kelsey Branagan is the candidate most qualified to fulfill the needs of the Township; and

THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Stillwater appoints Kelsey Branagan as Part-Time File Clerk on an as need basis with an hourly salary of \$8.98.

BE IT FURTHER RESOLVED that this appointment was made at a meeting of the Township Committee on Tuesday, November 21, 2017.

**Discussion:** Mr. Scott questioned the resolution and when it was decided Ms. Branagan would be hired. Mayor Chamings stated this is an established position discussed during budget review and Ms. Branagan is replacing the last employee. Mrs. Knott explained it is necessary to address such items as the

old ordinance books, dog licensing, tax bills, etc. on an as-needed basis. She is working out very well. Mr. Fisher was concerned with there being no discussion prior to Ms. Branagan being hired and procedure not being followed. Mayor Chamblings stated she had discussed it with Mrs. Knott and asked for the resolution to be placed on the agenda.

Mr. Scott made a **motion** to adopt Resolution 2017-116, seconded by Mr. Morrison.

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

### **REPORTS:**

Recreation Commission Minutes from October 2, 2017

DPW Monthly Report for October 2017

Tax Collector's Report for October 2017

QPA Report for October 2017

Building Department Report for October 2017

Animal Control Officer Report for 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> quarters of 2017

SC Office of Public Health Nursing Activity Report

Zoning Officer Report for October 2017: *Mrs. Knott referred to an item on the Zoning Officer's report, stating the individual is not physically or financially capable of cleaning up the property. The Zoning Officer would like to see a procedure implemented whereas funding is made available for such property owners similar to the rehab loan, funding could be provided by the township and then a lien placed against the property. Mayor Chamblings suggested using the revenue from the abandoned and vacant property registrations. Mr. Bolcato would research the matter.*

Mr. Fisher **motion** to approve the Report portion of the Consent Agenda, seconded by Mr. Morrison.

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

### **BILLS LIST #14: \$2,297,599.63**

#### **RESOLUTION 2017-118 PAYMENT OF BILLS**

Mr. Scott made a **motion** to adopt Resolution 2017-110, removing PO #6843 for separate consideration, seconded by Mr. Fisher.

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

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

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

### **AMENDMENTS TO THE AGENDA: Add: Resolution 2017-122**

### **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 2017-11 Introduction (Public Hearing and Adoption)**

#### **TOWNSHIP OF STILLWATER,**

#### **ORDINANCE 2017-11**

**AN ORDINANCE AMENDING CHAPTER 240 OF THE CODE OF THE TOWNSHIP OF STILLWATER KNOWN AS "LAND DEVELOPMENT", SECTION §240-14(J), ENTITLED "PUBLIC UTILITY USES, ESSENTIAL SERVICES AND TELECOMMUNICATION TOWERS AND EQUIPMENT" IN ORDER TO ADDRESS COLLOCATION OF COMMUNICATION EQUIPMENT ON EXISTING TOWERS**

WHEREAS, the Stillwater Township Planning Board has reviewed Chapter 240 of the Code of the Township of Stillwater, known as "Land Development"; specifically §240-14(J), entitled "Public Utility Uses, Essential Services and Telecommunication Towers and Equipment", and has determined this section must be revised in order to comply with recent law and regulations; and

WHEREAS, on October 21, 2014, the Federal Communications Commission issued a Report and Order which sweepingly overrides and preempts State and local land use law with respect to wireless collocation applications.

WHEREAS, under §6409(a) of the *Spectrum Act*, federal law provides that governments may not deny, and shall approve, eligible facilities' request for modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. §6409(a) of the *Middle Class Tax Relief and Job Creation Act of 2012*, Pub.L. 112-96, §6409 (2012).

WHEREAS, a local government may continue to enforce and condition approval on compliance with general applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety and allows municipalities to have discretion over a modification application if it: entails any excavation or deployment outside the current site of the tower or base station; would defeat the existing concealment elements of the structure; or does not comply with conditions associated with the prior approval of the structure, subject to certain exceptions such as non-substantial increase in height.

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-46.2, holds that an application for development to collocate wireless communications equipment (including, but not limited to, equipment shelters and emergency generators) on a wireless communications support structure or in an existing equipment compound shall not be subject to site plan review, subject to certain requirements: the wireless communications structures was previously granted all necessary approvals; the proposed collocation shall not increase the overall height of the wireless communications support structure by more than ten (10) percent of the original height, the width of the wireless communications support structure, or the square footage of the existing equipment compound to an area greater than 2,500 square feet; and the proposed collocation complies with

the final approval of the wireless communications support structure and all conditions attached thereto and does not create a condition for which variance would be required.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Stillwater that Chapter 240 of the Code of the Township of Stillwater, known as "Land Development"; specifically §240-14(J), entitled "Public Utility Uses, Essential Services and Telecommunication Towers and Equipment" shall be and is hereby amended as follows:

Section 1. A new subsection §240-14(J)(3) "Collocation" is hereby enacted:

§ 240-14(J)(3) Collocation and New Facilities

(a) Purpose and "Substantial Change".

It is the purpose of these article provisions to provide specific conditions and standards for the location, collocation and operation of cellular antennas and cellular towers within the Township of Stillwater. These article provisions recognize that there may be benefits to the construction and operation of cellular antennas and cellular towers and that state and/or federal laws and/or regulations specifically regulate aspects of such operation. These article provisions also acknowledge the need to safeguard the public good and preserve the intent and purposes of the Stillwater Township Zone Plan. These article provisions enable the location and collocation of cellular antennas and cellular towers within the Township of Stillwater in order to provide the fullest extent of communications services while simultaneously limiting the number of cellular towers to the fewest possible. These articles seek to preserve the rural, agricultural character of the Township of Stillwater and to protect its historical resources.

This Article also sets forth requirements for Eligible Facilities Requests, for modifications to existing wireless towers or base stations that do not constitute a substantial change.

The definitions set forth in 47 U.S.C. 1455 are incorporated herein, as may be amended, including the following definition of "substantial change", per 47 CFR 1.40001(c):

*Substantial Change.* A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- i. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater. Changes in height must be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height must be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act. 47 CFR §1.40001(b)(7)(i)(A);
- ii. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- iii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- iv. It entails any excavation or deployment outside the current site;
- v. It would defeat the concealment elements of the eligible support structure; or
- vi. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (i)-(iv) of this section.

(b) Conditional use.

A. The uses listed in this section are deemed to be permitted uses and shall not require a conditional use permit or variance application, notwithstanding any other provision of the chapter. Jurisdiction shall rest with the Planning Board of the Township of Stillwater.

B. Permitted uses. The following uses are specifically permitted:

Antennas in any zone on property owned by the Township of Stillwater upon which is located an existing wireless communication facility or an existing electric transmission tower.

C. The Planning Board may waive the submission requirements of § 240-14(J)(6) for any permitted use, including but not limited to the submittal of a comprehensive plan.

(c) Application procedure.

A. Collocation on an Existing Structure; Eligible Facilities Request.

1. *Application.* Stillwater Township shall prepare and make publicly available an application form which shall contain the information necessary for Stillwater Township to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

2. *Type of Review.* Upon receipt of an application for an Eligible Facilities Request pursuant to this Chapter, the Planning Board Engineer shall review such application to determine whether the application so qualifies.

3. *Timeframe for Review.* Within 60 days of the date on which an applicant submits an application seeking approval under this Chapter, Stillwater Township shall approve the application unless it determines that the application is not covered by this Chapter.

4. *Tolling of the Timeframe for Review.* The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by Stillwater Township and the applicant, or in cases where the Planning Board Engineer determines that the application is incomplete.

i. To toll the timeframe for incompleteness, the Planning Board Engineer must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.

ii. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Planning Board Engineer's notice of incompleteness.

iii. Following a supplemental submission, the Planning Board Engineer will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (7) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

5. If the Planning Board Engineer determines that the applicant's request for collocation is a substantial change to collocation on an existing structure as defined in this Ordinance, the presumptively reasonable timeframe, as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the Planning Board Engineer's decision that the application is not a covered request. To the extent such information is necessary the Planning Board Engineer may request additional information from the applicant to evaluate the application. When the Planning Board Engineer determines that such an application constitutes a substantial change, §B below must be complied with.

6. *Failure to Act.* In the event the Planning Board Engineer fails to approve or deny a request seeking approval under this Chapter within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies Stillwater Township in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

7. *Remedies.* Applicants and the Planning Board Engineer may bring claims related to this section to any court of competent jurisdiction.

B. New Wireless Facility and Substantial Change to Collocation on an Existing Structure.

1. All cellular antenna applications in zones in which cellular antennas are a conditional use shall be submitted to the Planning Board of Stillwater Township. All cellular antenna applications in zones where cellular antennas are prohibited uses shall be submitted to the Stillwater Township Zoning Board of Adjustment for a use variance.

2. The Planning Board and Zoning Board of Adjustment reserve the right to engage, at the applicant's expense, a radio frequency engineer to review the documentation submitted by the applicant in its comprehensive plan and to testify as to the engineer's findings.

3. The applicant shall, as part of its application, prepare and submit a comprehensive plan. Each comprehensive plan shall be presented in single, bound volumes. The comprehensive plan does not supplant or supersede any other site plan submission requirements. The comprehensive plan shall contain, at a minimum, a complete presentation on each of the following topics:

i. *Existing service.* The applicant shall address whether its subscribers can receive adequate service from cellular antennas located outside of the borders of Stillwater Township.

ii. *Existing antenna locations.* The applicant shall graphically depict the location of existing cellular antennas in Stillwater Township and explain how the proposed cellular antenna interacts with the existing cellular antennas.

iii. *Collocation.* The applicant shall demonstrate all existing structures that are available for location of the proposed cellular antennas. In the event that the application does not utilize any existing structure and instead proposed the construction of a new cellular tower, the

applicant shall demonstrate either that it is impossible to obtain similar proposed signal coverage by collocating the cellular antennas on existing structures or that no such structures are available.

iv. *Stillwater Township coverage.* The applicant shall set forth its strategy for providing the fullest possible signal coverage within the borders of Stillwater Township. The applicant shall additionally demonstrate how the proposed cellular antennas advance its strategy for fullest possible signal coverage within the borders of Stillwater Township.

v. *Emissions standards.* The applicant shall set forth the applicable emission standards set by the Federal Communications Commission and all other applicable technical requirements of other federal and/or state governmental agencies with appropriate jurisdiction. The applicant shall demonstrate that the proposed cellular antennas meet all such technical emission standards.

vi. *Actual emissions.* The applicant shall submit a full report of aggregate emissions of its own cellular antennas and of all other cellular antennas located on the same structure once the proposed cellular antennas are in operation.

vii. *Municipal property preference.* The applicant shall demonstrate whether the proposed cellular antennas can be located on municipally owned property.

viii. *Architectural harmony.* The applicant shall demonstrate how its proposed cellular antennas and/or cellular towers are designed to blend in with their surroundings and be as visually unintrusive and as inconspicuous as possible.

IX. *Written notice to other service providers.* The applicant shall supply copies of correspondence to all other owners and/or operators and/or providers of cellular antennas, wireless communication services and/or cellular towers regarding inquiry as to availability of existing cellular tower space and whether the construction of an additional cellular tower is required.

x. *Appearance.* The applicant shall demonstrate how the proposed location of the cellular tower attempts to minimize the visual prominence and solitary appearance of the cellular tower when viewed from either residential areas or from the public right-of-way.

xi. *Cellular tower design.* The applicant shall demonstrate that the proposed cellular tower design is the safest and least visually intrusive design and the design most accommodating for collocation of other cellular antennas. If a monopole design is not submitted, the applicant shall demonstrate why the submitted design is superior to a monopole design.

4. The maximum height of any towers within the township is 199 feet.

C. All applications for cellular towers, including collocation or new towers, shall comply with any and all general applicable building, structural, electrical, and safety codes, as well as any others deemed by the Township to be related to health and safety.

Further, all such applications shall also comply with the requirements of the [Historic Preservation District], as applicable, and any concerns or comments made by the [Commission] thereto.

D. Failure of the applicant to submit a completed comprehensive plan according to the specifications set forth above shall render an application incomplete and thereby prevent hearing of the application by the appropriate board.

E. All applicants shall appropriately conceal the cell tower antennae and related structures.

(d) Restoration and removal of cellular antennas and cellular towers.

A. The applicant shall post a performance bond for the demolition, dismantling and removal of any cellular antenna and/or cellular tower.

B. Every cellular antenna and cellular tower shall be demolished, removed and dismantled promptly after 180 continuous days of nonuse.

C. The applicant and/or operator of the cellular antennas shall provide the Township with a copy of any notice or letter of intent to cease operations in the event that such a notice or letter is sent by the applicant and/or owner to the FCC.

(e) Eligible Facilities Request Application and Fee. An Eligible Facilities Request Application shall include but is not limited to the following:

1. Address of the Wireless Tower.

2. The height (measured in feet above ground level) of the existing Tower as originally approved, including any modifications approved prior to February 22, 2012.
3. What is the height (measured in feet above ground level) at which the modifications to the Transmission Equipment will occur on the Tower?
4. What will the height (measured in feet above ground level) of the existing Tower after the modifications to the Transmission Equipment are installed?
5. Effect of modifications of Transmission Equipment on Tower height:
  - a. Will the modifications in Transmission Equipment (addition, removal or replacement of Transmission Equipment) result in increasing the height above ground level of the existing Tower?
  - b. Will the modifications in Transmission Equipment result in increasing the height above ground level of the existing Tower by more than: (i) 100% of the height of the existing Tower, as originally approved, including any modifications approved prior to February 22, 2012; or (ii) twenty feet above the height of the existing Tower, as originally approved, including any modifications approved prior to February 22, 2012, whichever height increase is greater?
6. Will the modifications in Transmission Equipment (measured at the height above ground level where the Transmission Equipment will be attached to the tower) result in any Transmission Equipment protruding horizontally from the edge of tower by more than twenty (20) feet or by more than the existing width of the tower at that height, whichever of these dimensions is greater?
7. Will the proposed changes in Transmission Equipment involve excavation or placement of new equipment outside the existing Tower site or outside any access or utility easements currently related to the site?
8. Will the proposed modification in Transmission Equipment involve installation of more than the standard number of new equipment cabinets for the technology involved, but no to exceed four?
9. Will the proposed modification in Transmission Equipment defeat the existing concealment elements of the Tower?
10. Prior Conditions of Approval
  - a. Will the proposed modification in Transmission Equipment comply with conditions of approval imposed on the Tower prior to February 22, 2012?
  - b. If the answer to 10(a) is "No," is the non-compliance due solely to any of the conditions addressed in questions 5-9 above?
11. List of all equipment to be collocated or added to the Tower or ground equipment.
12. Applicant's Certification that they have the legal authority to collocate/modify support structure which may include approvals from the jurisdiction authorizing the initial placement of transmission equipment on the tower or other structure.
13. The identity of the owner of the parcel and the owner of the existing tower(s), and proof that the owner of the parcel and tower have authorize the applicant to collocate on the tower.
14. Detailed site plan. Except where the facility will be located entirely within an existing structure or an existing building, a detailed site plan shall show:
  1. *Existing and proposed improvements.* The location and dimensions of the existing facility and the maximum height above ground of the facility (also identified in height above sea level).
  2. *Elevation.* The benchmarks and datum used for elevations.
  3. *Design.* The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of applicant's existing and proposed antennas and other equipment. The method(s) by which the antennas will be attached to the mounting structure shall be depicted.
  4. *Setbacks.* All existing setbacks.
  5. *Location of accessways.* The location of all existing accessways and the location and design of all proposed accessways.

15. Application Fee. All applicants shall pay an application fee of \$500.00 at the time that the application is filed.

Section 2. Upon introduction of this Ordinance it shall be referred to the Township of Stillwater Planning Board for review pursuant to N.J.S.A. 40:55D-64 prior to final adoption by the Stillwater Township Committee.

Section 3. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 4. This ordinance shall take effect upon final adoption, publication and the filing of a copy of said ordinance with the Sussex County Planning Board, all in accordance with the law, and applies to any new or pending application and to any matter on appeal to any municipal agency or to any Court.

Section 5. The Township Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the Sussex County Planning Board and to all others entitled thereto pursuant to the provisions of N.J.S. 40:55D-15. Upon adoption of this ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of passage thereof and to file a copy of the ordinance as finally adopted with the Sussex County Planning Board, as required by N.J.S. 40:55D-16.

Mr. Scott made a **motion** to open the meeting for public comment on Ordinance 2017-11, seconded by Mr. Gross.

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

There being no public comment on Ordinance 2017-11 this portion of the meeting was closed.

Mr. Scott made a **motion** to adopt Ordinance 2017-11, seconded by Mr. Gross.

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

#### **DISCUSSION ITEMS:**

**Website Update:** Mayor Chammings reported she sent a letter to the prior web designer requesting she transfer the domain to the township. At this point, there has been no response and no action taken by the former web designer. Mr. Morrison asked the cost to obtain a new domain. Ms. Knott would inquire noting the new web designer felt this would not be a good idea as there would be two “Stillwater” websites (outdated and new) available to those searching for information and this could be confusing.

#### **NEW BUSINESS**

##### **ORDINANCE 2017-13 Introduction (Public Hearing and Adoption – December 5, 2017)**

##### **STILLWATER TOWNSHIP BOARD OF HEALTH ORDINANCE**

##### **ORDINANCE 2017-13**

##### **AN ORDINANCE OF THE TOWNSHIP OF STILLWATER BOARD OF HEALTH, COUNTY OF SUSSEX, NEW JERSEY AMENDING CHAPTER 429 ENTITLED “ANIMALS” OF THE CODE OF THE TOWNSHIP OF STILLWATER**

**WHEREAS**, the Stillwater Township Board of Health desires to amend existing Chapter 429 “Animals” in order to establish licensing fees for potentially dangerous dogs, as well as to replace the term “Dog Warden” with “Animal Control Officer”;

**THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Stillwater, Sussex County, New Jersey that existing Chapter 429 of the Code of the Township of Stillwater, “Animals” is amended as follows:

#### **Section 1.**

Throughout Chapter 429, any reference to the term “Dog Warden” is replaced with the term “Animal Control Officer” which means the certified Animal Control Officer as defined in N.J.S.A. 4:19-15.1.

**Section 2.**

Section 429-5, “Additional Definitions” is amended to add the term “Potentially Dangerous Dog”, which shall have the meaning provided for N.J.S.A. 4:19-18.

**Section 3.**

Section 429-6 “Licensing Provisions”, is amended to add a subpart I as follows:

I. Potentially Dangerous Dog Annual License Fee: \$700.00 per year or any part of a year.

**Section 4 - When Effective**

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

**Section 5 - 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 6 - Effective Date**

This ordinance shall take effect after publication and passage according to law.

Mr. Gross made a **motion** to amend Ordinance 2017-13 to include the licensing fee of \$700.00, seconded by Mr. Scott.

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

Mr. Scott made a **motion** to introduce Ordinance 2017-13, as amended, seconded by Mr. Fisher.

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

**ORDINANCE 2017-14 Introduction (Public Hearing and Adoption – December 5, 2017)**

**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 introduce Ordinance 2017-14, seconded by Mr. Gross.

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

**ORDINANCE 2017-15 Introduction (Public Hearing and Adoption – December 5, 2017)**

**TOWNSHIP OF STILLWATER**

**ORDINANCE 2017-15**

**AN ORDINANCE OF THE TOWNSHIP OF STILLWATER, COUNTY OF SUSSEX,  
NEW JERSEY, APPROVING THE RENEWAL OF THE  
INTER-MUNICIPAL COURT BETWEEN THE TOWNSHIP OF  
STILLWATER AND THE TOWNSHIP OF WANTAGE  
AND SUSSEX BOROUGH**

**WHEREAS**, the Township of Stillwater has been a member of the Municipal Court of Wantage Township, Sussex Borough and Stillwater Township as provided for in the Agreement for Inter-Municipality Court for the Municipalities of Wantage Township, Sussex Borough and Stillwater Township, dated April 7, 2011 (the “Agreement”), which Agreement is authorized by to N.J.S.A. 2B:12-1 et sq.; and

**WHEREAS**, the Agreement was renewed by the Renewal Agreement for Inter-Municipal Court for the Municipalities of Wantage Township, Sussex Borough and Stillwater Township, dated January 1, 2014; and

**WHEREAS**, the Stillwater Township Committee desires to enter into a Renewal Agreement for Inter-Municipal Court for the Municipalities of Wantage Township, Sussex Borough and Stillwater Township effective January 1, 2018 for a term of four (4) years, terminating on December 31, 2021; and

**WHEREAS**, the Township’s cost for the court services shall be as follows:

2018	\$41,132.00
2019	\$41,954.00
2020	\$42,793.00
2021	\$43,649.00

**NOW THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Stillwater, Sussex County, New Jersey as follows:

**Section 1 - Approval**

The Stillwater Township Committee hereby approves the Renewal Agreement for Inter-Municipal Court for the Municipalities of Wantage Township, Sussex Borough and Stillwater Township as provided for in the Agreement with an effective date of January 1, 2018. The Mayor and Township Clerk are authorized to sign the Renewal Agreement.

**Section 2 - When Effective**

This ordinance shall take effect immediately, however it shall be void and of no effect in the event that any of the other participating municipalities, Wantage Township or Sussex Borough fail or refuse to adopt an ordinance approving the agreement and/or fail or refuse to sign the Agreement as it was presented to the Township of Stillwater.

**Section 3- 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 4 - Effective Date**

This ordinance shall take effect after publication and passage according to law.

Mr. Scott made a **motion** to introduce Ordinance 2017-15, seconded by Mr. Gross.

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

**RESOLUTION 2017-119:**

**Authorizing a Professional Services Agreement with Bright View Engineering, LLC to perform professional traffic consulting services in regard to the 5-Points Intersection in Stillwater Township, including preparing a summary report**

**Resolution No. 2017-119**

**WHEREAS**, N.J.S.A. 40A:11-1 et seq the “Local Public Contracts law” permits governing bodies to contract for certain professional services without competitive bidding, and

**WHEREAS**, the Township of Stillwater has the need for professional traffic consulting services for the 5-Points Intersection project; and

**WHEREAS**, Bright View Engineering, LLC has submitted a proposal dated September 18, 2017, for engineering services for the project (“Engineer’s Proposal”); and

**WHEREAS**, the compensation for professional services to be rendered for this specific project shall not exceed Three Thousand Five Hundred and 00/100 Dollars (\$3,500.00) and as such it is not anticipated to exceed the maximum permissible amounts specified in the Public Contracts Law. Furthermore, the services constitute “professional services” and are exempt from public bidding pursuant to N.J.S.A. 40A:11-5(10)(a) of the Public Contracts Law because the services are rendered or performed by a person authorized by law to practice a recognized profession, rendered or performed by a person whose practice is regulated by law, and the performance thereof requires knowledge of an advanced type in the field of learning required by a prolonged formal course of specialized instruction and study as distinguished from general academic training, instruction or apprenticeship; and

**WHEREAS**, the Local Public Contract law (N.J.S.A. 40A:11-.(1)(a)) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised; and

**WHEREAS**, funds are available for this purpose;

**WHEREAS**, the business disclosure entity certification and the determination of value shall be placed in a file with this resolution; and

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

1. The Township of Stillwater is authorized to retain Bright View Engineering, LLC to perform the engineering services outlined in the Engineer’s Proposal at a cost not to exceed Three Thousand Five Hundred and 00/100 Dollars (\$3,500.00).
2. The Mayor and Township Clerk are authorized to sign the attached Professional Services Agreement between the Township of Stillwater and Bright View Engineering, LLC.
3. Vendors performing work for and on behalf of Stillwater Township must conduct business according to the highest ethical standards. The Township recognizes the right of individuals to engage in outside activities that are private in nature and unrelated to municipal business. However, business dealings can create or appear to create a conflict between the individual and the Township’s interests. Prior to becoming a vendor for the Township, Bright View Engineering, LLC must disclose possible conflicts so that the Township may assess and prevent potential conflicts. Bright View Engineering, LLC, after being engaged by the Township, shall not engage in matters that create a conflict of interest for the Township. If a potential conflict arises, Bright View Engineering, LLC is required to promptly notify the Township Manager of the possible conflict of interest. Bright View Engineering, LLC shall not take any action that will be adverse to the Township.
4. A Notice in accordance with the Local Public Contracts Law shall be published in the New Jersey Herald as required by law.
5. A copy of this Resolution as well as the Agreement shall be placed on file with the Clerk of the Township.
6. This resolution shall take effect immediately. However, it shall be void and of no effect in the event that Bright View Engineering, LLC does not sign the Agreement.
7. 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 the remaining portions of this resolution.

The Committee discussed cutting back the brush and having Mr. Vreeland resurvey the area as well as looking into placing stop lines past the stop signs. The main issue is the site distance and location of the stop signs. The Committee would like to discuss the matter further with Mr. Vreeland and the DPW, and have Mr. Vreeland attend the next meeting.

Following the discussion, the Committee agreed to table Resolution 2017-119.

**RESOLUTION 2017-120 Authorizing the Township to Advertise for Bids for one new and unused 2017 (or newer) Weiler 1648 Plus, or Equivalent, Power Box Paver**

**STILLWATER TOWNSHIP  
SUSSEX COUNTY, NEW JERSEY  
RESOLUTION 2017-120**

**RESOLUTION AUTHORIZING THE TOWNSHIP OF STILLWATER  
TO ADVERTISE FOR BIDS FOR ONE NEW AND UNUSED 2017  
(OR NEWER) WEILER 1648 PLUS, OR EQUIVALENT, POWER BOX PAVER**

**WHEREAS**, the Township of Stillwater desires to purchase a new power box paver; and  
**WHEREAS**, the Township must publically bid for the paver in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Stillwater that the Township Clerk is hereby authorized and directed to publically advertise for sealed competitive bids for one new and unused 2017 or newer Weiler 1648 Plus, or equivalent, power box paver. Bids are to be submitted to the Stillwater Township Municipal Building, prior to the bid opening on January 5, 2018 at 10:00am.

Mr. Morrison made a **motion** to adopt Resolution 2017-120, seconded by Mr. Fisher.

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

**RESOLUTION 2017-121:**

**STILLWATER TOWNSHIP,  
SUSSEX COUNTY, NJ  
RESOLUTION TO AMEND 2017 BUDGET &  
RESCIND RESOLUTION #2017-063 (5/2/17)  
RESOLUTION 2017-121**

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Township of Stillwater has been advised that it will receive \$5,862.00 for the Stillwater 2017 Municipal Alliance Grant, and

**WHEREAS**, the Township of Stillwater approved Resolution 2017-063 on May 2, 2017 to amend its 2017 budget to include additional grant funds approved of \$5,862.00 as a revenue, appropriating the same amount as a grant expenditure, and appropriating \$1,465.00 as the municipality's share of said project from Petroleum – Other Expenses, and

**WHEREAS**, the Division of Local Government Services has denied the use of Petroleum – Other Expenses as an allowable source of funds for the match, and therefore Resolution 2017-063 shall be rescinded and replaced by this resolution.

**NOW THEREFORE, BE IT RESOLVED** that the Committee of the Township of Stillwater does hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$5,862.00, which will be available as a revenue from: Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written  
Consent of the Director of Local Government Services – Public  
And Private Revenues Offset with Appropriations: 2017 Municipal Alliance Grant, and  
BE IT FURTHER RESOLVED that a like sum of.....\$5,862.00

be and the same is hereby appropriated under the caption of:  
General Appropriations

(A) Public and Private Programs Offset by Revenues:  
2017 Municipal Alliance Grant, and

BE IT FURTHER RESOLVED that the sum of.....\$1,465.00

shall be appropriated as the municipality's share of said project or undertaking, the source for which  
shall be:

General Appropriations

Mayor & Council – Other Expenses: 2017 Municipal Alliance Grant Match.

BE IT FURTHER RESOLVED that the Chief Financial Officer submit one copy of the Chapter  
159 certification form to the Director of Local Government Services.

Mr. Scott made a **motion** to adopt Resolution 2017-121, seconded by Mr. Gross.

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

**COMMITTEE REPORTS:**

**Mr. Gross** asked Mr. Sugar to provide an update on the new radio tower system. The new receiver site is up and running at the DPW and has definitely improved service. The fire department will request a second receiver site for the Paulinskill Lake area during budget review. Mr. Sugar is currently working with Mrs. Knott and the FCC to boost the transmitter.

**Mr. Morrison** congratulated Mayor Chamblings on the election.

**Mayor Chamblings** reported the Environmental Commission discussed the sign at Veteran's Memorial Park (VMP). Mr. Vendetti attended the meeting and presented three designs. The EC will determine which sign they would like and where it will be located. Funding may be available through Clean Communities as well as a grant they received. The EC will plant 163 trees along the river as part of a tree restoration project. They discussed bee pollination; and maintenance of septic systems and may have a recommendation for the Committee in the future.

**Mayor Chamblings** reported the Recreation Commission awarded prizes to the Halloween decorating contest winners. 1<sup>st</sup> place - Dell family; 2<sup>nd</sup> place - Perigo family and 3<sup>rd</sup> place - Bielen family. The tree lighting will be held December 8, 2017 at 6 p.m. at Stillwater School. The Christmas decorating contest is ongoing, applications available at town hall. The clay has been spread at VMP and Stillwater Park – Kittatinny baseball league offered to contribute to the cost. SLAP will be asked to assist with maintenance items at the parks. The roof on the concession stand needs to be addressed. Event advertising and possibly purchasing additional banners was discussed.

**Mr. Fisher** reported on his attendance at the League of Municipalities Conference; it was very informative.

**RESOLUTION 2017-122:**

**STILLWATER TOWNSHIP,  
SUSSEX COUNTY**

**RESOLUTION 2017-122**

**MAYOR'S APPOINTMENT OF SUSAN RUDE**

**AS A MEMBER OF THE STILLWATER AREA VOLUNTEER FIRE  
DEPARTMENT FIRE POLICE 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 Susan Rude as a Member of the Stillwater Area Volunteer Fire Department Fire Police.

BE IT FURTHER RESOLVED that this appointment was made at a meeting of the Township Committee on Tuesday, November 21, 2017.

Mr. Scott made a **motion** to adopt Resolution 2017-122, seconded by Mr. Fisher.

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

**DISCUSSION ITEMS:**

**Ordinance Amendments for 2018:** Noise, Lighting, Speed Limits, Boarding House/B&B/Motel Fees  
Mrs. Knott will provide the Boarding House/B&B/Motel Fees ordinance to Ms. Schemm for the Planning Board Attorney to review.

**Rehabilitation Loans:**

The Committee reviewed a memo from the Finance Clerk regarding a rehabilitation loan and accrued interest. Mr. Bolcato provided a background on the loan provided by the Stillwater Township Housing Rehabilitation Program. The applicant, who inherited the property, is requesting relief from the charges. All other rehab loans were charged a one-time interest fee; the interest on this loan was charged annually and accumulative. Mr. Morrison questioned the value of the home. The Committee agreed additional information on the property was needed prior to making a decision.

**Township Camera Security Systems:**

Following a Committee discussion, Mr. Scott made a **motion** authorizing the purchase of a camera system not to exceed \$1200, seconded by Mr. Morrison.

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

**Rescue Squad Report:**

-Responded to 232 of 236 calls - 98% for the year; responded to 14 of 14 calls for the month of October 2017.

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

Respectfully submitted,

Kathy Wunder