

**STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES**

December 5, 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

EXECUTIVE SESSION:

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by Mr. Scott, seconded by Mr. Gross and carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 6:10 p.m.

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from that portion of this meeting.
2. The general nature of the subject matter to be discussed is as follows: Personnel; Contract; Real Property; 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.

Mr. Scott made a **motion** to leave Executive Session at 7:07 p.m., seconded by Mr. Fisher. Carried by roll call vote.

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: The minutes were removed for separate consideration.

Mayor Chamblings made a **motion** to approve the minutes of October 3, 2017, seconded by Mr. Scott.

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

Mr. Scott made a **motion** to approve the minutes of October 17, 2017, seconded by Mr. Fisher.

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

RESOLUTION:

2017-122 Authorizing Payment of Redemption for Tax Lien

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

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

BILLS LIST #15: \$430,608.07

RESOLUTION 2017-123 PAYMENT OF BILLS

Mr. Scott made a **motion** to adopt Resolution 2017-123, seconded by Mr. Fisher.

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

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 2017-13 Public Hearing and Adoption

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. Scott made a **motion** to open the meeting for public comment on Ordinance 2017-13, 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 members of the public wishing to comment, this portion of the meeting was closed.

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

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

ORDINANCE 2017-15 Public Hearing and Adoption

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 open the meeting for public comment on Ordinance 2017-15, 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 members of the public wishing to comment, this portion of the meeting was closed.

Mr. Scott made a **motion** to adopt Ordinance 2017-15, seconded by Mr. Morrison.

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

RESOLUTION 2017-119 Authorizing a Professional Services Agreement with Bright View Engineering, LLC to perform professional traffic consulting services in regard to the Five-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.

Mayor Chamblings noted Mr. Vreeland recommended having the study done and felt it was the best way to proceed. Mr. Bolcato has reviewed the contract.

Mr. Scott made a **motion** to adopt Resolution 2017-119, seconded by Mr. Gross.

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 19, 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.

Mayor Chamming's stated there were changes to the language of the ordinance and the revised ordinance must be introduced. Mr. Bolcato reviewed the changes.

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 Chamming's, yes

DISCUSSION ITEMS:

Mr. Scott reported the tree lighting will be held on Friday, December 8, 2017 at the school from 6-8 p.m. The DPW will be installing the holiday lights on the Municipal Building.

Mr. Fisher spoke with Mr. Vreeland regarding a 1948 survey he found that can be used for an updated survey including center points and right of way information for the DPW. He noted the Zoning Officer can notify the residents who need to remove the brush for sight distance.

Mayor Chamming's reported the employee holiday party will be held on December 14, 2017 and the Municipal Building will close at 1 p.m.

Attorney Report:

Mr. Bolcato reported on the in-rem foreclosures; he is waiting on the title searches. The title company will forward the information they have to this point.

2018 BUDGET DISCUSSION:

Dana Mooney, CFO was present.

Ms. Mooney spoke about the fixed asset inventory program; cost of approximately \$4,000 budgeted through the Finance Department. After the initial installation, maintenance will be done in-house. She reported that at this point there is an operating budget decrease due to the completion of the five-year plan for the revaluation in the amount of \$45,000 and no funding is needed for gypsy moth spraying for the coming year. The decrease is prior to the full budget review. Ms. Mooney spoke with Mr. Bolcato regarding including “not to exceed” numbers for future engineering projects, he agreed to do so. She has found several times in the past that the engineering costs provided were not adhered to. It was noted the Planning Board requested \$2500 for revisions to the Master Plan and there was a zero increase in health benefits.

Mayor Chamings asked those on the Committee wishing to advertise for an RFP for any of the professional services to inform Ms. Knott prior to December 15th so it can be discussed at the December 19th meeting. Ms. Knott noted the engineering contract does not expire until the end of next year. Mayor Chamings stated the Committee may want to discuss retainer vs. hourly for professionals.

Ms. Knott provided a letter from Stillwater School regarding the township donation toward their 6th grade recognition celebration.

Mr. Morrison asked for an inventory spreadsheet from the Rescue Squad and Fire Department listing their gear, its age, when it is due for replacement, etc. Ms. Mooney would request the information for the Committee.

Ms. Knott briefly discussed new chairs for the meeting room and an updated phone system for the Municipal Building. The current phone system is unsupported, does not have a sufficient number of voicemail boxes and additional phones are needed.

The Committee briefly discussed the request for a bucket truck. Mr. Morrison suggested considering renting one for the periods in which it is needed and could be scheduled ahead of time.

Budget Meeting Dates:

-Saturday, January 13, 2018 at 9 a.m. – DPW, Recreation Commission

-Tuesday, January 16, 2018 at 7 p.m. – All Municipal Departments – Operating Expenses only – no salary discussions

-Saturday, February 3, 2018 at 9 a.m. – EMS & Fire Company

-Tuesday, February 6, 2018 at 7 p.m. – Capital Budget Items (all departments)

-Tuesday, February 20, 2018 at 7 p.m. – Salaries and Wages (all departments)

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 8:18 p.m., seconded by Mr. Fisher. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder