

STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
September 18, 2018
Regular Meeting

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Chamblings 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 Morrison, Committeeman Gross, Committeeman Scott, Committeeman Fisher, Mayor Chamblings, Municipal Clerk Lynda Knott, Attorney Angelo Bolcato and Attorney Howard Vex.

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 6:06 p.m.

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

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

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

1. The public shall be excluded from that portion of this meeting.
2. The general nature of the subject matter to be discussed is as follows: Personnel; Public Safety
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 7:22 p.m., unanimously carried by roll call vote.

Mr. Fisher stepped down from the Committee for the Personnel portion of the Executive Session.

Regular Session immediate followed with roll call being taken and the flag saluted.

Mayor Chamblings extended condolences to Committeeman Gross for the loss of his wife; Mr. Hendershot, DPW, for the loss of his dad; and Mrs. Delaney, Recreation Commission, for the loss of her dad.

REGULAR SESSION:

MINUTES:

August 7, 2018 Regular and Executive Session Meeting Minutes; Board of Health Minutes

Mr. Scott made a **motion** to approve the minutes as listed, seconded by Mr. Fisher.

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

RESOLUTIONS:

2018-094 Authorizing the Payment of Back Vacation Time to Part-time Employees

2018-095 Authorizing a Refund of Planning Board Escrow

2018-096 Approving the Disposal of Office Furniture

2018-097 In Support for the JCP&L Reliability Plus

2018-098 Approving Release, Waiver and Covenant not to Sue between the Township of Stillwater and William Roy

Mr. Scott made a **motion** to approve the resolutions as listed, seconded by Mr. Fisher.

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

REPORTS:

Fire Department Reports – May, June, July and Y-T-D 2018
SCBOH Inspection Reports of May, June and July 2018
Convenience Center Reports of May, June and July 2018
DPW Report of July and August 2018
EMS Report for July 2018
QPA Report for July and August 2018
Building Department Report of July and August 2018
Zoning Officer Report of July and August 2018
Tax Collector Report of July and August 2018

BILLS LIST #13: \$1,536,536.43

BILLS LIST #14: \$184,165.81

RESOLUTION 2018-099 PAYMENT OF BILLS

Mr. Scott made a **motion** to adopt Resolution 2018-099, seconded by Mr. Gross.

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

AMENDMENTS TO AGENDA:

Ms. Knott announced that Statewide Insurance has awarded Stillwater a grant in the amount of \$1,571.55 to be used toward the payment for the alarm system.

Mayor Chamblings amended the agenda to placing Ordinances 2018-07, 2018-09 and 2018-11 together, followed by Ordinances 2018-08 and 2018-10. 2018-08 and 2018-10 are to be amended.

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 2018-07 (Public Hearing and Adoption):

**STILLWATER TOWNSHIP ORDINANCE,
SUSSEX COUNTY, NEW JERSEY
ORDINANCE 2018-07**

**AN ORDINANCE AMENDING CHAPTER 303 “PROPERTY MAINTENANCE” CHAPTER
OF THE CODE OF THE TOWNSHIP OF STILLWATER**

WHEREAS, the Stillwater Township Code Enforcement Officer has recommended that the Township Committee amend the Township Code Chapter 303 “Property Maintenance” since the existing code is outdated and references the “BOCA Basic Property Maintenance Code 1981”, which is no longer in use.

BE IT ORDAINED, by the Township Committee of the Township of Stillwater, Sussex County, New Jersey, that existing Chapter 303 of the Code of the Township of Stillwater “Property Maintenance” is repealed in its entirety and replaced as follows:

Chapter 303: Property Maintenance

Article I. Commercial Property Maintenance

§303-1 Title.

This article shall be known as the "Commercial Property Maintenance Code of the Township of Stillwater" and is hereinafter referred to as "this code."

§303-2 Purpose.

The purpose of this code is to protect the public health, safety and welfare by establishing minimum standards for the maintenance of commercial premises; to fix responsibilities and duties upon owners, operators and occupants; to authorize and establish procedures for the inspection of such premises; to fix penalties for violations of this code; and to provide for the right of access to permit repairs when necessary. This code is hereby declared to be remedial and essential for the public interest, and it is intended that this code be liberally construed to effectuate the purposes as stated herein.

§303-3 Definitions.

The following terms, whenever used herein, shall have the following meanings, unless a different meaning clearly appears from the context:

COMMERCIAL PREMISES

A lot or tract of land, including all buildings, structures and improvements, on which or on any part of which commercial activity takes place and is the principal use thereon. Commercial activity shall include all nonresidential uses, excluding home occupations and governmental, quasi-governmental, and not-for-profit uses. Commercial Premises also includes multifamily residential uses, whether owner-occupied or not, and single-family residential uses that are not owner occupied. Properties owned and operated by nonprofit organizations are hereby expressly exempt from the provisions of this chapter.

EXTERIOR OF PREMISES

Those portions of a building or structure which are exposed to public view and the open space of any premises outside of any building or structure erected thereon.

HARBORAGE

Any condition, man-made or natural, which affords a breeding place or hiding place for rodents, insects or other pests.

NUISANCE Include, but are not limited to:

- A. Any common-law nuisance or as provided by the laws of the State of New Jersey or the ordinances of the Township of Stillwater.
- B. Any attractive nuisance which may prove detrimental to the health or safety of children, whether in a building or upon a lot. This includes but is not limited to any structurally unsound fences or structures, lumber, trash, fences, debris or vegetation, such as poison ivy, poison sumac or poison oak, which may prove a hazard to children.
- C. Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises on which the condition exists.
- D. Unsanitary conditions or anything offensive to the senses or dangerous to health in violation of the laws of the State of New Jersey or ordinances of the Township of Stillwater.
- E. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.
- F. Fire hazards.

OCCUPANT

Any person having actual possession of the premises or part thereof.

OPERATOR

Any person who, alone or jointly or severally with others, shall have legal or equitable title to any Commercial Premises with or without accompanying actual possession thereof or shall have charge, care or control of any Commercial Premises as owner or agent of the owner or as a fiduciary, including but not limited to executor, administrator, trustee, receiver or guardian of the estate, or as a mortgagee in possession, regardless of how such possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any Commercial Premises shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

PERSON

Person means an individual or entity.

SHOPPING AREA

One or more buildings or parts thereof designed as a unit to be occupied by one or more businesses for the conduct of business and conducted as an integrated planned area development.

§303-4 Scope; applicability.

A. Every Commercial Premises and any building situated thereon in the Township of Stillwater used or intended to be used for commercial occupancy shall comply with the provisions of this code, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this code. This code establishes minimum standards for the initial and continued occupancy and use of all such Commercial Premises and does not replace or modify standards otherwise established for the construction, repair, alteration or use of such commercial buildings or premises contained herein.

B. In any case where the standards established by this code differ from those of the State of New Jersey or other ordinances of the Township of Stillwater in any material degree, the higher standard shall prevail.

§303-5 Owner's and operator's liability.

Owners and Operators shall have all the duties and responsibilities prescribed in this code, and no owner or Operator shall be relieved from any such duty and responsibility nor be entitled to defend against any charge of violation thereof by reason of the fact that the Occupant is also responsible therefor and in violation thereof.

§303-6 Occupant's liability.

Occupants shall have all the duties and responsibilities as prescribed in §§ 303-13 through 303-16 of this code, and the Occupant shall not be relieved from any such duty and responsibility nor be entitled to defend against any charge of violation thereof by reason of the fact that the owner or Operator is also responsible therefor and in violation thereof.

§303-7 Premises to be maintained free of hazards.

The exterior of the premises and all structures thereon shall be kept free of all nuisances and any hazards to the safety of Occupants, guests, tenants, invitees, customers, pedestrians and other persons utilizing the premises and free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or Operator. It shall be the duty of the owner or Operator to keep the premises free of hazards, which include but are not limited to the following:

- A. Refuse: including but not limited to broken glass, filth, garbage, trash, litter and debris.
- B. Natural growth: including but not limited to, brush, weeds, ragweeds, stumps, roots and obnoxious growths and dead and dying trees and limbs or other natural growth which, by reason of deteriorating or rotting conditions or storm damage, constitutes a hazard to persons in the vicinity thereof. Trees shall be kept pruned to prevent such conditions.
- C. Overhangings: loose and overhanging objects and accumulations of ice and snow which, by reason of location above ground level, constitute a danger of falling on persons in the vicinity thereof.
- D. Ground surface hazards or unsanitary conditions, including but not limited to, holes, broken or missing pavement, loose stone excavations, breaks, projections, obstructions, ice, uncleared snow and excretions of pets and other animals on paths, walks, driveways, parking lots and parking areas and other parts of the premises which are accessible to and used by the persons on the premises. All such holes and excavations shall be filled and repaired, walks and steps shall be repaired and other conditions shall be removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon discovery thereof. It shall be the responsibility of owners and Operators to take reasonable steps to discover such hazards or unsanitary conditions which may exist on their premises.
- E. Recurring accumulations of stormwater. Adequate runoff drains shall be provided and maintained to eliminate any recurrent or excessive accumulation of stormwater.
- F. Sources of infestation.

§303-8 Landscaping.

Premises shall be kept landscaped, and lawns, hedges and bushes shall be kept trimmed and from becoming overgrown. Plantings required by site plan approval shall be replaced whenever the same have died.

§303-9 Signs.

All signs, pavement markings and printed matter and pictures or illustrations contained thereon, permitted by reason of other regulations or as a lawful nonconforming use, shall be maintained in good repair.

§303-10 Exterior Maintenance.

In order to preserve property value and eliminate safety hazards and protect adjacent properties and the neighborhood from blighting influences, the exterior of every building, improvement, structure or accessory structure, including fences, shall be maintained in good repair, and all surfaces thereof shall be kept painted and whitewashed where necessary for purposes of preservation and appearance, free of broken glass, loose shingles, crumbling stone or brick or excessive peeling paint.

A. Unsafe exterior facilities. Unsafe exterior facilities including but not limited to exterior porches, landings, balconies, stairs and fire escapes, all of which shall be kept structurally sound and in good repair and shall be provided with banisters or railings properly designed and maintained.

B. Signs and billboards. All permanent signs and billboards exposed to public view permitted by the Land Development Ordinance and regulated by the Construction Code or other ordinances, regulations or as a lawful nonconforming use shall be maintained in good repair. Any sign or billboard which has weathered excessively or faded or the paint on which has excessively peeled or cracked shall, with its supporting members, be removed forthwith or put into a state of good repair. All non-operative or broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith.

C. Windows exposed to public view. All windows exposed to public view shall be kept clean and free of cracks, missing glass, marks and foreign substances and be unbroken.

D. Awnings or marquees. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of the premises shall be so maintained as not to constitute a nuisance or safety hazard. In the event that any such awning or marquee is not properly maintained in accordance with the foregoing, it shall, together with its supporting members, be removed forthwith. In the event that any such awning or marquee is made of cloth, plastic or of similar materials, said materials, where exposed to public view, shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing or other deterioration. Nothing herein shall be construed to authorize any encroachment of any awning, marquee or its structural members on streets, sidewalks or other parts of the public domain.

E. Temporary scaffolding or equipment. No temporary scaffolding or other temporary equipment used for construction, repair or maintenance shall be permitted to remain in place beyond a period necessary to reasonably complete the purpose for which such equipment was intended to be used without permission of the Code Enforcement Officer or Construction Official.

F. Store fronts. All store fronts shall be maintained in good repair, and all surfaces thereof shall be kept painted when necessary for purposes of preservation and appearance. In the event that repairs to a portion of the store front are made, such repairs shall be made with materials identical or compatible with the materials used in the area not undergoing repair, to the end that the appearance of the store front shall be uniform and attractive and shall not constitute a blighting factor depreciating adjoining properties.

G. Unoccupied buildings. All unoccupied buildings, including those areas visible by the public from the public street or sidewalk, must be maintained in broom-clean fashion and free from litter.

§303-11 Outside storage.

Outside storage or display of merchandise or equipment shall be forbidden. However, this section shall not apply to outside storage of motor vehicles, trailers, campers, boats, horticulture or agricultural products or equipment, utility sheds, outdoor furniture or other similar merchandise held for retail sale. This section shall apply but not be limited to storage of merchandise or equipment in trailers, motor vehicles, shacks, sheds or other outside containers, unless specifically approved by the Township Planning Board or Board of Adjustment.

§303-12 Maintenance of parking lots or areas.

Parking lots or areas, including the entrances and exits thereto, shall be kept in a good state of repair and maintained so as to comply with § 303-7 of this code. Signs indicating ownership and use restrictions shall be maintained in good repair, clearly visible to potential parkers. Striping, where appropriate, shall indicate spaces, direction of flow and entrances and exits and be maintained so as to assure visibility.

§303-13 Removal of garbage and refuse.

The owner, Operator and Occupant shall have the duty and responsibility of removing refuse and garbage at least twice per week, but if twice-weekly pickup is not sufficient to remove all garbage that

accumulates, more frequent removal shall be required. The same requirement applies to recyclable materials, however the frequency of removal shall be once per week, and if once per week is not sufficient, then more frequent removal shall be required.

§303-14 Occupant to maintain premises in clean and sanitary manner.

All parts of the premises under the control of the Occupant shall be kept in a clean and sanitary condition, and the Occupant shall refrain from performing any acts which would render other parts of the premises unclean or unsanitary or which would obstruct the owner or Operator from performing any duty required hereunder or maintaining the premises in a clean and sanitary condition.

§303-15 Premises to be kept free of infestation.

Every Operator and Occupant shall be responsible for the elimination of infestation in and on the premises subject to his control.

§303-16 Littering prohibited.

No person shall deposit any litter on the ground in or about any Commercial Premises.

§303-17 Maintenance requirements for shopping areas.

The owner and Operator of every shopping area shall be responsible for providing, maintaining and policing the following:

- A. Means of ingress and egress shall be clearly marked by signs.
- B. Parking spaces shall be clearly marked by painted lines.
- C. Arrows shall be painted at each end of a lane indicating the appropriate direction for the flow of traffic.
- D. A trash basket with at least a twenty-gallon capacity shall be provided for each 150 feet of store frontage in the shopping area. These baskets shall be placed in the walking area or pedestrian area and shall be provided with tight-fitting covers fitted with hinged doors and shall not be allowed to overflow.
- E. Fire zones should be kept clear of all vehicular traffic and parking, as designated by the Fire Prevention Official of the Township of Stillwater.

§303-18 Proper parking required.

It shall be the duty of owners and Operators, where parking spaces and lanes are provided for their customers, to see that all parking is done in conformity with the spaces provided and that the flow of traffic conforms to the directional arrows painted in the lanes between the parking spaces.

§303-19 Correction of violations; abatement by municipal officers.

Where violation(s) exist on the premises, the Code Enforcement Officer, Construction Official, State Police or Health Officer may order the owner, Operator or Occupant to correct the violation or condition within the period of time consistent with the hazard involved and with the measures necessary to remove the hazard; and, upon the failure of the owner, Operator or Occupant to correct said violation or condition, the Code Enforcement Officer, Construction Official, State Police or Health Officer shall have the right to abate the same. Any abatement by the Township of Stillwater shall be subject to approval by the Township Committee, appropriation of funds by the Township Committee and confirmation of available funds.

§303-20 Lien for abatement.

Where abatement of any nuisance, as defined herein, or correction of a defect on the premises or the maintenance of the premises in a proper condition to conform to applicable ordinances of the Township of Stillwater or the laws of the State of New Jersey requires expenditure of the Township of Stillwater's money therefor, the Code Enforcement Officer, Construction Official, State Police or Health Officer shall present a report of the work accomplished to the governing body, along with a summary of the proceedings undertaken to secure compliance, including notice served upon owners, Operators, Occupants or their agents, as the case may be, by certified mail, overnight delivery by a reputable delivery services (including but not limited to the United States Postal Service, Federal Express and United Parcel Service). The governing body shall then approve the expenditures made and assess the same against the premises as a lien, enforceable in the same manner a property taxes and municipal utility charges, and may also be enforceable by all means as provided by law. A copy of the resolution approving said expenses shall be certified by the Municipal Clerk and filed with the Tax Collector, who shall be

responsible for collection of the lien thereof, and a copy of the report and resolution shall be sent by certified mail, return receipt requested, to the owner.

§303-21 Procedure upon discovery of violations.

A. Except as provided in § 303-22 hereof, where violations of this code or the regulations hereunder are found to exist, a written notice from the Code Enforcement Officer and/or Construction Official shall be served upon the person or persons responsible for the correction thereof.

B. Notice shall be served personally or by certified mail, addressed to the last known address of the person to be served. In the case of an occupant, notice may be posted upon the main entrance door of the building, and in the case of an owner who does not reside within the corporate limits of the Township of Stillwater, the last known address shall be the address of the owner as shown in the office of the Tax Collector.

C. The notice shall specify the violation or violations committed, what must be done to correct the same, a reasonable amount of time, not to exceed 30 days, to abate the violation.

D. In the event that the violation is not abated, removed, cured or otherwise fully remedied within the time period prescribed in the initial notice or extended time period as permitted by the Code Enforcement Officer, a summons shall then be issued against such person or persons charged with the violation.

§ 303-22 Violations and penalties.

Any person violating any provision of this chapter shall, upon conviction, be punishable by a fine not exceeding \$1,250 .00 or imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof. Each violation of any of the provisions of this chapter and each day that such offense shall continue shall be deemed to be a separate and distinct offense.

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 Chamblings made **motion** to open the meeting for public comment on Ordinance 2018-07, seconded by Mr. Gross.

There being no public input, this portion of the meeting was closed.

Mr. Scott made a **motion** to adopt Ordinance 2018-07, seconded by Mr. Gross.

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

ORDINANCE 2018-09 (Public Hearing and Adoption):

**TOWNSHIP OF STILLWATER,
SUSSEX COUNTY, NEW JERSEY
ORDINANCE 2018-09**

**AN ORDINANCE AMENDING CHAPTER 240 OF THE CODE OF THE TOWNSHIP OF STILLWATER (KNOWN AS “LAND DEVELOPMENT ARTICLE II § 240-4 “DEFINITIONS”)
TO CHANGE DEFINITION OF ACCESSORY APARTMENT**

WHEREAS, the Stillwater Township Planning Board has reviewed Chapter 240, Article II, “Definitions,” §240-4 and has determined that this section should be modified in order to remove and replace the definition of ACCESSORY APARTMENT;

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Stillwater that Chapter 240, Article II, “Definitions,” §240-4 – “Accessory Apartments” shall be removed and replaced with the following language:

A portion of a single-family residence which is designed to be inhabited by not more than two persons residing in a familial relationship who are relatives of the owner of the property together with a caretaker or relative, if appropriate, to assist those persons or each other and residents of the property owner.

Conflicts & Severability. If other ordinances, parts of ordinances or other local requirements are inconsistent or in conflict with this ordinance, are hereby superseded to the extent of any inconsistency or conflicts, and the provisions of this ordinance shall apply.

Continuing Validity. All provisions of this Ordinance not changed in accordance herewith shall remain in force and effect.

This Ordinance shall take effect upon final adoption of publication as may be required by law.

Mayor Chamings made a **motion** to open the meeting for public comment on Ordinance 2018-09, seconded by Mr. Fisher. A member of the public asked for clarification on the definition of “accessory apartment.” Mayor Chamings provided an overview of the ordinance and the easing of prior restrictions. There being no further public comment, this portion of the meeting was closed.

Mr. Scott made a **motion** to adopt Ordinance 2018-09, seconded by Mr. Fisher.

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

ORDINANCE 2018-11 (Public Hearing and Adoption):

TOWNSHIP OF STILLWATER

ORDINANCE 2018-11

AN ORDINANCE AMENDING CHAPTER 240 OF THE CODE OF THE TOWNSHIP OF STILLWATER (KNOWN AS “LAND DEVELOPMENT ARTICLE XI § 240-114 E”) IN ORDER TO AUTHORIZE OCCUPANCY BY A FAMILY MEMBER OR CARETAKER AND ELIMINATE THE REQUIREMENT OF APARTMENT SIZED APPLIANCES

WHEREAS, the Stillwater Township Planning Board has reviewed Chapter 240, Article XI, “Zoning,” §240-114 E and has determined that this section should be revised in order to allow occupancy by a family member or a caretaker without any restriction and to remove the restriction requiring apartment sized appliances;

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Stillwater that Chapter 240, Article XI, “Zoning,” §240-114 E (6), (7) and (9) shall be repealed and replaced with the following language:

(6) Occupancy shall be limited to a maximum of two persons together with a caretaker, if appropriate to assist those persons.

(7) No built-in appliances shall be permitted other than the sink.

(9) The Applicant shall specify the person or persons who will inhabit the accessory apartment and will enter into an agreement with the Township of Stillwater, in recordable form, specifying such person or persons; agreeing that no other person or persons shall occupy said accessory apartment; agreeing to remove all kitchen appliances other than a built-in sink when the specified persons ceases to occupy the premises; and providing for the specific enforcement of the agreement by the municipality. Said agreement shall be in form for recording and shall be recorded by the municipality in the office of the Clerk of the County of Sussex at the expense of the Applicant.

Conflicts & Severability. If other ordinances, parts of ordinances or other local requirements are inconsistent or in conflict with this ordinance, are hereby superseded to the extent of any inconsistency or conflicts, and the provisions of this ordinance shall apply.

Continuing Validity. All provisions of this Ordinance not changed in accordance herewith shall remain in force and effect.

This Ordinance shall take effect upon final adoption of publication as may be required by law.

Mr. Scott made a **motion** to open the meeting for public comment on Ordinance 2018-11, seconded by Mr. Gross. There being no public comment, this portion of the meeting was closed.

Mr. Scott made a **motion** to adopt Ordinance 2018-11, seconded by Mr. Gross.

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

ORDINANCE 2018-08 (Amended - Public Hearing and Adoption – October 2, 2018):

**TOWNSHIP OF STILLWATER,
SUSSEX COUNTY, NEW JERSEY
ORDINANCE 2018-08**

AN ORDINANCE AMENDING CHAPTER 240 OF THE CODE OF THE TOWNSHIP OF STILLWATER (KNOWN AS LAND DEVELOPMENT ARTICLE II § 240-4 “DEFINITIONS”) IN ORDER TO CHANGE THE DEFINITION OF COMMERCIAL RECREATION DISTRICT

WHEREAS, the Stillwater Township Planning Board has reviewed Chapter 240, Article II “Definitions,” §240-4 and has determined that this section should be modified to remove and replace the definition of Commercial Recreation District:

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Stillwater that Chapter 240, Article II, “Definitions,” §240-4 Commercial Recreation shall be removed and replaced with the following language:

“Facilities of an active recreation nature such as riding academy, golf course, tennis club or ski area operated for profit and open to the public, and caterers, and hotels, and camping facilities.”

Conflicts & Severability. If other ordinances, parts of ordinances or other local requirements are inconsistent or in conflict with this ordinance, are hereby superseded to the extent of any inconsistency or conflicts, and the provisions of this ordinance shall apply.

Continuing Validity. All provisions of this Ordinance not changed in accordance herewith shall remain in force and effect.

This Ordinance shall take effect upon final adoption of publication as may be required by law.

Attorney Bolcato provided an overview on the determination to remove “bungalow and cottage communities,” due to the concern that there is no definition for such. The intent is to regulate camping facilities in the municipality and not to open the door for year round use of those facilities.

Mr. Scott made a **motion** to amend Ordinance 2018-08, removing “bungalow and cottage communities,” seconded by Mr. Morrison.

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

ORDINANCE 2018-10 (Amended - Public Hearing and Adoption – October 2, 2018):

**TOWNSHIP OF STILLWATER
ORDINANCE 2018-10**

AN ORDINANCE AMENDING CHAPTER 240 OF THE CODE OF THE TOWNSHIP OF STILLWATER (KNOWN AS LAND DEVELOPMENT ARTICLE XI § 240-112 “CR COMMERCIAL RECREATION DISTRICT) IN ORDER TO REDEFINE PERMITTED USES TO INCORPORATE PERMITTED AND ACCESSORY USES TO CONFORM TO HISTORIC USES MADE OF THE PROPERTIES LOCATED IN THE COMMERCIAL RECREATION DISTRICT

WHEREAS, the Stillwater Township Planning Board has reviewed Chapter 240, Article XI (Zoning), “CR Commercial Recreation District,” §240-112 and has determined that this section should be revised to conform to the historic uses made of properties located within the Commercial Recreation District:

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Stillwater that Chapter 240, Article XI, “Zoning,” §240-112 shall be amended and supplemented as to Section A. Permitted principal uses to revise Section (4) and to add a new section (6), and Section B. Permitted accessory uses and buildings to revise (1) as follows:

A. Permitted principal uses

(4) Hotels and motels having a minimum of six (6) sleeping units; lodges and nightclubs.

- (6) Seasonal camping facilities.
- B. Permitted accessory uses and buildings
 - (1) Restaurants, catering facilities and clubhouses

Conflicts & Severability. If other ordinances, parts of ordinances or other local requirements are inconsistent or in conflict with this ordinance, are hereby superseded to the extent of any inconsistency or conflicts, and the provisions of this ordinance shall apply.

Continuing Validity. All provisions of this Ordinance not changed in accordance herewith shall remain in force and effect.

This Ordinance shall take effect upon final adoption of publication as may be required by law.

Mr. Scott made a **motion** to amend Ordinance 2018-10, removing “bungalow and cottage communities,” adding “seasonal camping” under A(6), seconded by Mr. Morrison.

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

NEW BUSINESS:

ORDINANCE 2018-12 Introduction (Public Hearing and Adoption – October 2, 2018):

**TOWNSHIP OF STILLWATER,
COUNTY OF SUSSEX
ORDINANCE 2018-12**

**AN ORDINANCE GRANTING MUNICIPAL CONSENT TO THE ISSUANCE OF A
FRANCHISE TO SERVICE ELECTRIC CABLE T.V. OF NEW JERSEY, INC., TO
CONSTRUCT, OWN, OPERATE, EXTEND AND MAINTAIN A CABLE TELEVISION
SYSTEM IN THE TOWNSHIP OF STILLWATER, COUNTY OF SUSSEX, SETTING FORTH
CONDITIONS ACCOMPANYING THE GRANT OF SAID MUNICIPAL CONSENT AND
PROVIDING FOR THE REGULATION AND USE OF SAID SYSTEM.**

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

SECTION 1. Introductory Provisions/ Purpose of the Ordinance.

The Municipality hereby grants to the company its non-exclusive consent to place in, upon, along, across, above, over and under the public highway, streets, alleys, sidewalks, public ways, and public places in the Municipality, poles, wires, cables, and fixtures necessary for the maintenance and operation in the Municipality of a cable television system and cable communications system. Construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

SECTION 2. Definitions.

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions given by the Federal Communications Commission (F.C.C.) Rules and Regulations, 47 C.F.R. subsection 76.1 *et seq.*, and the Cable Communications Policy Act, 47 U.S.C. section 521 *et seq.*, as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 *et seq.*, and shall in no way be construed to broaden, alter or conflict with federal or state definitions:

(a) “Municipality” or “Township” is the Township of Stillwater, County of Sussex, State of New Jersey.

(b) “Company” is the grantee of rights under this Ordinance and is known as Service Electric Cable T.V. of New Jersey, Inc.

(c) “Act” or “Cable Television Act” is Chapter 186 of the General Laws of New Jersey, and subsequent amendment thereto, section 48:5A-1 *et seq.*

SECTION 3. Statement of Findings.

A public hearing concerning the consent herein granted to the Company was held, after proper public notice, on November 21, 2017 pursuant to the terms and conditions of the Act. Said hearing, having been held and fully open to the public, and the Municipality having received all comments regarding the qualifications of the Company to receive this consent, the Municipality hereby finds that the

Company possesses the necessary legal, technical, character, financial, and other qualifications, and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. Grant of Municipal Consent.

The Township hereby grants to the Company consent to the issuance of a non-exclusive franchise by the New Jersey Board of Public Utilities to construct, erect, operate, modify and maintain, in, upon, along, across, above, over, and under the highways, streets, alleys, sidewalks, public ways and public places now laid out or dedicated and all extensions thereof and additions thereto, in the Township of Stillwater, such poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the Township of a cable television system and cable communications system for the purpose of distributing television and radio signals, and other electronic impulses in order to furnish television and radio programs, and various communications and other electronic services to the public. The rights so granted include the right to use and occupy said highways, streets, alleys, public ways and public places, and all manner of easements for the purposes herein set forth and as provided by federal and state law, and are subject to the terms and conditions herein.

SECTION 5. Duration of Franchise and Extension of Service.

The consent herein granted shall expire on May 14, 2028, ten (10) years from the date of expiration of the current Certificate of Approval as issued by the Board of Public Utilities (BPU). The Company shall be required to proffer service to any persons, residents or businesses in conformance with its Tariff on file with the Office of Cable Television including any policies for line extension and/or non-standard installations.

SECTION 6. Franchise Fee.

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers to its cable television reception service in the Municipality, or any additional or increased amount permitted by the Cable Television Act or otherwise allowable by law during the term of the Franchise.

SECTION 7. Rates.

In accordance with N.J.S.A. 48:5A-11, the Board of Public Utilities, through the Office of Cable Television, shall, consistent with federal law, prescribe just and reasonable rates, charges and classifications for the services rendered by a cable television provider. The Township acknowledges that under the Act, municipalities do not have the authority to regulate the rates the Company charges subscribers for its services.

Although nothing herein shall require the Company to offer a discount to senior citizens, disabled residents and/or other parties, if the Company does offer such a discount in other franchise areas during the term of the franchise, said discount will likewise be offered to Township residents who qualify.

SECTION 8. Territory.

The consent granted herein to the Company shall apply to the entirety of the Municipality, and any property hereafter annexed.

SECTION 9. Construction Requirements.

Restoration: In the event that the Company or its agents shall disturb any pavement, streets, surfaces, sidewalks, driveways or other surfaces in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed to as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Municipality, shall remove, re-lay and relocate its equipment, at the expense of the Company.

The Company shall temporarily move or remove appropriate parts of its facilities to allow for the moving of buildings, and machinery, or in other similar circumstances. The expense shall be borne by the party requesting such action, except when required by the Municipality, in which case the Company shall bear the cost.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Municipality, so as to prevent the branches of such trees from coming in contact with the wires and cables of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities. In the event that the Company is notified of an existing tree-related issue or obstruction in the proximity of wires, cables and/or the corresponding pole, the Company will take affirmative steps to notify the appropriate service providers, will work cooperatively with them, and will provide any information necessary to resolve the issue in question.

SECTION 10. Local Office.

During the term of this franchise, and any renewal thereof, the Company shall maintain a local business office in Sussex County for the purpose of receiving, investigating and resolving all complaints regarding the quality of service, equipment, malfunctions, and similar matters. Said local business office shall be open during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m. Monday through Friday, except on holidays. The Company shall provide the Township Clerk with the address and phone numbers for the Company's local office, including any changes to this information that may occur during the franchise term.

SECTION 11. Municipal Complaint Officer.

The Office of Cable Television is hereby designated as the complaint officer for the Municipality, pursuant to N.J.S.A. 48:5a-26(b).

All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.

SECTION 12. Performance Bond.

During the life of the franchise, the Company shall give bond to the Municipality, which bond shall be in the amount of \$25,000.00.

Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its Application and incorporated herein.

SECTION 13. Local Programming and Public Educational and Governmental Access.

The Company shall provide public, educational, and governmental (PEG) access channels and facilities in accordance with its Application for Renewal of Municipal Consent.

SECTION 14. Free Services.

The Company shall provide services in accordance with its Tariff for cable television service approved by the Board of Public Utilities on January 1, 2018. In addition, the Company shall provide the following locations with complimentary, expanded basic cable service:

Four (4) cable connections for the Stillwater Fire Department located at 929 Stillwater Road, Stillwater.

One (1) cable connection for the Stillwater First Aid Squad located at 964 Stillwater Road, Stillwater.

One (1) cable connection for the Stillwater Department of Public Works located at 919 Middleville Road, Stillwater.

Three (3) cable connections for the Stillwater Municipal Building located at 964 Stillwater Road, Stillwater.

Forty-four (44) cable connections for the Stillwater School located at 904 Stillwater Road, Stillwater.

The complimentary services provided herein are for expanded basic cable service only. All subscribers, including those set forth herein, shall be fully responsible for the cost associated with any installation of service and with each digital box and/or other equipment that the subscriber maintains, which fees are determined by the Company in accordance with the type of digital box(es) and/or other equipment that the subscriber maintains.

SECTION 15. Programming.

Although nothing herein shall require the Company to carry or transmit any particular television stations or programming source, the Company shall provide the subscribers in the Township with at least the same broad categories of programming, in approximately the same quantity, as are now provided, and which appear in the Application for Municipal Consent.

SECTION 16. Liability Insurance.

The Company shall indemnify, defend, protect and hold harmless the Township from and against any and all losses, claims, damages, including but not limited to physical damage to property, including the property under the control of the Township, bodily injury or death or persons, including any payments made under any worker's compensation law arising out of the act or omission or anyway caused by the Company, its employees, agents, contractors and/or officers.

The Company agrees to maintain and keep in full force and effect, at its sole expense, at all times during the term of this consent, sufficient liability insurance naming the Municipality as an insured and insuring against loss by any such claim, suit, judgment, execution or demand, in the minimum amount of one million dollars (\$1,000,000.00) combined single limit for bodily injury or death to one person, five hundred thousand dollars (\$500,000.00) for property damage resulting from any one accident, and an excess liability (or umbrella) policy in the amount of ten million dollars (\$10,000,000.00). All insurance required by this ordinance shall remain in full force and effect for the entire life of this franchise. A certificate of insurance must be submitted to the Township Attorney to review for compliance with the required insurance limits. In addition, proof of renewal or replacement insurance shall be provided to the Township prior to the expiration of any insurance coverage required under this Ordinance. The Township shall be an additional insured on the insurance policies. The Company shall provide the appropriate certificates of insurance and all insurance policy endorsements confirming the Township's additional insured status. The insurer shall notice the Township at least 30 days prior of its intention to cancel or not renew any policy.

The contractor building the cable television lines shall file a commercial general liability certificate of insurance and worker's compensation certificate of insurance with the Township Clerk prior to commencing any work.

SECTION 17. Filing with Township Engineer.

The Company shall cause all construction plans relating to work which could have significant impact on public works within the Township, to be filed with the Township Engineer's Office.

SECTION 18. Activities Prohibited.

The Company shall not allow its cable or other operations to interfere with television reception or persons not served by the Company, nor shall the system interfere with, obstruct or hinder in any manner, the operation of the various utilities serving the residents of the Township.

SECTION 19. Incorporation of the Application.

All of the commitments and statements contained in the Application and any amendment thereto submitted in writing to the Municipality by the Company, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and any other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference, as long as it does not conflict with state or federal law.

SECTION 20. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court, or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 21. Consistency with Future Federal and State Statutes, Regulations, Rules and Orders.

This Ordinance is subject to all provisions of the Act and to all lawful rules and regulations of the Board of Public Utilities and the Office of Cable Television., adopted pursuant thereto. The Company shall at all times comply with the rules and regulations governing cable television operations lawfully promulgated and adopted by the Board of Public Utilities. Should any of the Federal or State Acts, Regulations, or pronouncements applicable to the regulation of cable television service be modified in any way, such modification, to the extent it embodies required terms and conditions, and meaningfully can be incorporated into this Ordinance, shall be so incorporated, consistent with any applicable effective dates specified in such modification. To the extent that any such modification(s) place(s) limits on permissible terms and conditions, and any provision of this Ordinance becomes invalid by virtue of such modification(s), the preceding section, **SECTION 20**, shall apply.

SECTION 22. Effective Date of Consent.

This Ordinance shall take effect upon its final passage and publication according to law.
Mr. Scott made a **motion** to introduce Ordinance 2018-12, seconded by Mr. Fisher.

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

COMMITTEE REPORTS:

Mr. Fisher reported on the Ridge Road project. The contractor is working on the sidewalk and the rebuilding of two detention basins. Weather permitting, milling will begin followed by two days of paving.

Surveyors are working on compiling documentation on the right of way at Five Points.

No update on Old Schoolhouse at this point. Mr. Fisher will follow up with Mr. Vreeland.

Mayor Chamblings read a positive email from a resident at Paulinskill Lake, commending the project crew and their work, and thanking the Committee for addressing Ridge Road.

The sidewalk is located in the township right of way and maintenance will fall under the responsibility of the township. Ms. Knott stated the owner would like something in writing from the township indicating such.

Mr. Scott reported the roadsides are being trimmed, weather permitting. A tree service has been cutting down trees. The DPW report was submitted and Jeff Gardner has obtained his CDL.

Mayor Chamblings asked the Committee to start reviewing the salt to grit ratio with respect to the budget.

The Recreation Commission forwarded a letter to the port-a-john company expressing their dismay with ongoing service and also their service on Stillwater Day. The company has since been replaced.

Members are needed for the Recreation Commission.

Mr. Gross reported the fire department submitted reports for May through August. Mr. Gross reviewed the fire department and EMS reports.

Mr. Morrison suggested working on scheduling budget dates at the next Committee meeting. He is working on a land sale list for the Committee to review next month.

Ms. Knott reported on the DPW contract, stating the Supervisor has created steps for the DPW employees. This will create fairness when someone new is hired. She has been working with Mr. Raff to determine titles under Civil Service. Ms. Knott will provide information to the Committee including the change. The goal is to sign the contract by December 31st and start the new one on January 1st.

Mayor Chamblings reported the Planning Board meeting was cancelled. She noted the Planning Board had no issue with the changes to the ordinances regarding cottage/bungalow communities.

Eagle Scout candidate, Matt Cleaver, has marked the area near the flagpole at the Municipal Building for his Eagle Scout project including a bench and monument.

Ridge Road millings will be used to lay a base at the Recycling Center driveway. Oil and stoning will not be done until the spring due to the weather. Drainage has been improved and repairs will continue.

The Environmental Commission met last week and discussed recommending a proposed fracking resolution to the Committee. Following review of the fracking resolution passed in 2011, the EC found it to be quite comprehensive and forwarded a copy to the organization proposing the model resolution. The EC is looking for Eagle Scout candidates for a bat house project at Veteran's Memorial Park and a tree swallow birdhouse project at Camp Towadena. The bridge and river sign project is moving forward.

The Recreation Commission is looking for assistance with disassembling the old and assembling the new bleachers in October.

ATTORNEY REPORT: None

DISCUSSION ITEMS:

Traffic Concerns on Local Roads:

An email was received from Mr. Koppenaar, County Engineer, on this matter. The request was given priority work queue attention, however due to staff cuts and shortages it will be a few months until it can

be addressed. He will coordinate with the township at that time. Mr. Koppenaal also addressed Mayor Chamming's concerns with tractor trailer traffic and her request to limit the weight on some of the County bridges. He noted the weight limits could only be changed if the bridge is deemed deficient. Ms. Knott stated the Freeholder meeting will be held at the Municipal Building on October 10th and Congressman Gottheimer will be attending an upcoming Committee meeting. Mayor Chamming asked that Mrs. Shadis and Ms. Raff be informed of the Freeholder meeting, as both had expressed concerns with speed on the County roads.

Bike, Run, Walk to Beat Epilepsy – October 21, 2018:

Mr. Scott made a **motion** granting approval for the Bike, Run, Walk to Beat Epilepsy event to be held on October 21, 2018, pending County approval, seconded by Mr. Fisher. A Certificate of insurance has been submitted.

In a voice vote, all were in favor.

Sidewalk Maintenance:

This item was discussed under Committee Reports.

Deputy Tax Collector:

This item was tabled until the next meeting.

Miscellaneous:

A letter was received from a resident regarding restricting hunting in the township. Ms. Knott informed the resident that hunting is not permitted on township property, noting hunting is allowed on some private, federal and state property. Mayor Chamming stated the individual should contact the Nature Conservancy, Land Conservancy of NJ or the Delaware Water Gap Recreation Area with her concerns.

Open Public Session:

At this point, this portion of the meeting was opened to the public.

Kathy Draghi, 1016 Route 619 asked for clarification on Ordinance 2018-08 and 2018-10 with respect to the cottages at Hendershot's Point. Ms. Knott explained the Zoning Officer's concern was with campgrounds having bungalows and cottages. A brief discussion took place on seasonal vs. year-round. Mayor Chamming stated the three areas involved are the North Shore House, Green Point Cottages and Mountain Shadows Campground.

Ms. Draghi referred to Ordinance 2018-09 and 2018-11 and asked if this would preclude someone from coming forward for ECHO housing. Mayor Chamming indicated it would not.

Ms. Draghi asked about Air BNBs and if they are permitted. Mr. Morrison indicated it is not illegal and Mayor Chamming noted there are some in the township.

Marcia Bradley, 913 Hillcrest Road is a member of the Emergency Response Team and she informed the Committee three individuals are currently in class and Stillwater will soon have a CERT.

At this point, Mayor Chamming stated the hearing for the two former Swartwood Fire Department members has been rescheduled due to a change in attorney. She noted trustees from the Stillwater Fire Department have reached out to Mr. Kornmeyer regarding the future of the facility. Ms. Bonavita stated the last she heard it was being offered to the church. Mayor Chamming indicated the church could not take it as there is a commercial aspect to the building and the cell tower would have to be removed.

There being no further 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