

**STILLWATER TOWNSHIP COMMITTEE MEETING**  
**MINUTES**  
**April 2, 2019**  
**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: Committeeman Morrison, Committeeman Gross, Deputy Mayor Scott, Mayor Chamblings, Municipal Clerk Lynda Knott, Attorney Angelo Bolcato

ABSENT: Committeeman Fisher

**REGULAR SESSION:**

**PROCLAMATION: CHILD ABUSE PREVENTION MONTH**

The Committee recognized April 2019 as Child Abuse Prevention Month and the proclamation was read by Mayor Chamblings.

**MINUTES:**

**Regular Session Minutes:** March 5, 2019

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

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

**Regular Session Minutes:** March 19, 2019

Mr. Morrison made a **motion** to approve the minutes as listed, seconded by Mr. Gross.

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

**REPORTS:**

Tax Collector's Report for March 2019

Mr. Scott made a **motion** to accept the report as submitted, seconded by Mr. Morrison.

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

**BILLS LIST #6: \$899,859.92**

**RESOLUTION 2019-052 PAYMENT OF BILLS**

Mr. Scott made a **motion** to adopt Resolution 2019-052, seconded by Mr. Morrison.

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

**AMENDMENTS TO AGENDA:** New Business – Appointment of Secretary/Assistant to the Tax Collector; New Business - Land Survey Quote for Swartswood Fire Department

**COMMITTEE REPORTS:**

**Mr. Scott** reported the Recreation Commission met. Clean Up Day will be held on Saturday, April 13<sup>th</sup>.

They discussed fireworks, bleachers at Stillwater Park; Pinnacle will aerate/fertilize the fields and the Talent Show on June 15<sup>th</sup> at Stillwater Day, Stillwater Day vendors, etc. The Recreation Commission is working on acquiring electricity to the pavilion; they discussed an issue with dogs off leashes at Veteran's Memorial Park and suggested placing additional signs throughout the park indicating there is a leash law.

**Mayor Chamblings** and member Kathy Draghi reported the Zoning Board met and there were three applications heard and approved in January and memorialized in February. The March meeting was cancelled. Mayor Chamblings stated the court proceeding audios are available from the Ashley sentencing hearing for those interested.

Mr. Morrison reported Planning Board meeting was cancelled.

## **OPEN PUBLIC SESSION**

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

**Kathy Draghi, 1016 Route 619** asked if an OPRA request would be necessary if a member of the public is interested in the court audios. Mr. Bolcato responded an OPRA request would be required.

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

## **OLD BUSINESS:**

### **ORDINANCE 2019-03 (Public Hearing and Adoption):**

#### **STILLWATER TOWNSHIP**

#### **ORDINANCE NO. 2019-03**

### **AN ORDINANCE OF STILLWATER TOWNSHIP ESTABLISHING AN ELECTRIC AND/OR NATURAL GAS AGGREGATION PROGRAM**

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market and/or natural gas market; and WHEREAS, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service and/or natural gas pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power and/or natural gas to residential and non-residential users, thereby increasing the likelihood of lower electric rates and/or natural gas rates for these users without causing any interruption in service; and

WHEREAS, under the aggregation process the residential and non-residential ratepayers may likely receive a direct reduction in their electric and/or gas bills; and

WHEREAS, the realization of energy cost savings is in the interests of the health, safety and welfare of the residents and non-residents of Stillwater Township (the "Township"); and

WHEREAS, the Township hereby finds that it is in the best interests of residential and non-residential ratepayers for the Township to create the opportunity for them to enter into an aggregation agreement in order to seek savings on electric and/or natural gas rates; and

NOW, THEREFORE BE IT ORDAINED, by the Township Committee of Stillwater Township in the County of Sussex and the State of New Jersey, duly assembled in public session, as follows:

The Township publicly declares its intent to become an aggregator of electric power on behalf of its residential users of electricity pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.

The Township will utilize approved vendors, Concord Engineering Group dba Concord Energy Services, pursuant to the NJ E-PROCUREMENT Pilot program (P.L. 2001, c.30) under the NJ Department of Community Affairs. The Reverse Energy auction will seek bids from licensed and appropriate third party suppliers. If such winning bid is selected and agreement executed, individual residential consumers would retain the option not to participate and to choose any alternatives they desire.

The Mayor and Township Clerk are hereby authorized and directed to execute any documents necessary to carry out the purpose of the Ordinance.

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.

This ordinance shall be effective immediately upon adoption and publication in accordance with law.

Mr. Scott made a **motion** to open the meeting for public comment on Ordinance 2019-03, seconded by Mr. Gross. There being no public comment, this portion of the meeting was closed.

Mr. Bolcato was satisfied with the ordinance but expressed concern with the portion of the resolution being considered regarding the public education time period and how that fits into the process. He was concerned with passing a resolution that references approving agreements the Committee may not have seen at this point. Stacia Scaduto, Consultant, Concord Energy Services was present. Ms. Scaduto explained the ordinance initiates the process to get to the next step which is the electric distribution agreement with JCP&L and obtaining preliminary customer data for annual usage. If the township chooses to proceed, the process would move forward by requesting approval from the Sussex/Warren

Cooperative to join the program. Once the township is accepted into the program, an official mailer would be sent to homeowners and public outreach meetings would be held providing information on the program, lower rates, opting out and protections that are in place. Ms. Scaduto stated she will also meet with any other groups or organizations that the Committee feels need to be informed. Ms. Scaduto stated the resolution is necessary at this point authorizing the Mayor to sign the utility agreement so the data can be obtained allowing the process to advance if the ordinance is adopted this evening. She noted there would be an additional resolution to join the Sussex/Warren Cooperative if the Committee chooses to do so. Mr. Bolcato was satisfied with Ms. Scaduto's clarification of the procedure. Mr. Scott made a **motion** to adopt Ordinance 2019-03, seconded by Mr. Gross.

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

**RESOLUTION 2019-053:**

**STILLWATER TOWNSHIP  
SUSSEX COUNTY, NEW JERSEY  
RESOLUTION 2019-053**

**RESOLUTION OF THE MAYOR AND TOWNSHIP COMMITTEE OF STILLWATER TOWNSHIP, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AUTHORIZING THE SIGNING OF GOVERNMENT ENERGY AGGREGATION PROGRAM AGREEMENTS**

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric and natural gas utility markets; and

WHEREAS, the establishment of a governmental energy aggregation program ("GEA Program") to purchase electric generation service and natural gas pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-93.1 et seq. ("Act") and the New Jersey Board of Public Utilities' implementing rules at N.J.A.C. 14:4-6.1 et seq. ("Rules") will increase competition for the provision of electric power and natural gas to residential and non-residential electricity and gas ratepayers, thereby increasing the likelihood of lower electric rates and natural gas rates for these users without causing an interruption in service; and

WHEREAS, under a GEA Program the residential ratepayers may have the opportunity to receive a direct reduction in their electric bills through the bulk purchase of energy from a third-party energy supplier; and

WHEREAS, pursuant to Ordinance 2019-03 adopted by the Stillwater Township Committee on April 2, 2019, the Township publicly declared its intent to commence a GEA Program by participating in the Sussex-Warren Area energy Co-Op (SWAEC); and

WHEREAS, the Township of Fredon is the Lead Agency for the SWAEC program and shall accept or reject pricing on behalf of the Cooperative and its participant members; and

WHEREAS, Stillwater Township, as a participating member of the SWAEC program hereby agrees to proceed with the program, by signing the Supplier Agreement, should Stillwater Township accept pricing, which provides a savings on the supply portion of the electric bill for the residential energy aggregation program; and

WHEREAS, Stillwater Township appointed Concord Engineering dba Concord Energy Services (CES) for the SWAEC to serve as the Energy Agents to assist and administer the GEA program at no cost to Stillwater Township or SWAEC or its participating members; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of Stillwater Township in the County of Sussex New Jersey, duly assembled in public session, as follows:

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

Stillwater Township as a participating member of the SWAEC program hereby agrees to proceed with the program, by signing the Supplier Services Agreement (subject to review and approval

by the Township Committee and the Township Attorney), should Stillwater Township accept pricing, which provides a reduction on the supply portion of the electric bill for the residential energy aggregation program;

The Mayor, Chief Financial Officer, Treasurer or other municipal officer is hereby authorized and directed to execute, on behalf of Stillwater Township any documents necessary to carry out the purpose of this Resolution including the Supplier Services Agreement providing a reduction is achieved at the time of auction. Please note - the execution of the Supplier Services Agreement is subject to the review and approval of the form of the document by the Township Attorney.

Mr. Scott made a **motion** to adopt Resolution 2019-053, pursuant to Ordinance 2019-03, seconded by Mr. Morrison.

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

#### **NEW BUSINESS:**

**Gardell Survey:** Quote for the Swartswood Fire Department Property - \$1,400

Mr. Bolcato reported the contract was sent to the Swartswood Fire Department attorney to review. The attorney may make minor changes and Mr. Bolcato is hoping for a response this week. An updated survey is needed, including the entire property. Gardell Land Surveying did the original survey for the cell tower located on the property but it was limited to the area of development. Gardell has indicated all work can be completed within four weeks of the acceptance of the quote. Mayor Chamblings noted that date is contingent on the signing of the acquisition contract.

Mr. Scott made a **motion** to hire Gardell Land Surveying, LLC at a fee of \$1,400 to provide an updated survey for the Swartswood Fire Department property, contingent upon the signing of the contract to acquire the property, seconded by Mr. Morrison.

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

#### **Deputy Tax Collector Position:**

Mayor Chamblings stated a memo was received from Mrs. Wunder expressing interest in assisting the Tax Collector. A brief discussion was held on the actual title (deputy, assistant, secretary). Mr. Bolcato indicated the ordinance has the title as clerk/secretary. Mr. Morrison had no issue with the appointment. Ms. Rutnik, Tax Collector, was present and agreed the title was a determination to be made by the Committee, noting it is normally Deputy Tax Collector. Mayor Chamblings read the ordinance description for the title. Ms. Rutnik asked the Committee to consider a stipend for Mrs. Wunder as she has over 13 years of experience assisting the Tax Collector and the budget has not been adopted at this point. Mayor Chamblings recommended having Mrs. Wunder assist Ms. Rutnik for the remainder of the year and readdressing the matter for 2019. She noted the memo did not indicate that a stipend was being requested. Ms. Rutnik, as the Department Head, requested a stipend on behalf of Mrs. Wunder. Mayor Chamblings and Mr. Scott felt a stipend should not be granted at this time. Mr. Morrison asked for a log of hours to be maintained until the end of the year. Mr. Gross agreed with the appointment and keeping track of the time for the next three tax quarters.

Mr. Scott made a **motion** to appoint Kathy Wunder as clerk/secretary to the Tax Collector, as defined in Chapter 10-42(c), seconded by Mr. Morrison.

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

**ATTORNEY REPORT:** No further report.

#### **Open Public Session:**

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

**Kathy Draghi, 1016 Route 619** asked if the Committee would consider online tax payments. The Committee has discussed doing so in the past. Ms. Rutnik stated she accepts online payments in Fredon through the Edmunds system, noting each program differs with respect to fees. She felt it would be beneficial and many municipalities have chosen to do so.

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

**EXECUTIVE SESSION:**

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by Mr. Gross, seconded by Mr. Morrison and carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 7:45 p.m.

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

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

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

1. The public shall be excluded from that portion of this meeting.
2. The general nature of the subject matter to be discussed is as follows: Personnel; Contracts
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. Morrison, seconded by Mr. Gross to conclude the Executive Session at 8:14 p.m., unanimously carried by roll call vote.

**RESOLUTION 2019-054:**

**STILLWATER TOWNSHIP  
RESOLUTION 2019-054**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
STILLWATER AUTHORIZING THE MAYOR TO EXECUTE STATEMENTS OF  
CONSENT FOR NJDEP APPLICATIONS**

WHEREAS, the Township Committee of the Township of Stillwater is in receipt of plans for alteration for malfunctioning septic systems for four (4) cottages at the North Shore House; and

WHEREAS, NJDEP Treatment Works Approval program requires a written statement of consent by the municipality indicating that the project as proposed is in conformance with the requirements of all municipal ordinances and that the governing body of the municipality accepts and approves the project as proposed.;

THEREFORE, BE IT RESOLVED that the Mayor is authorized to execute the Statements of Consent, supplements to the TWA-1 forms.

Mr. Morrison made a **motion** to adopt 2019-054, seconded by Mr. Gross.

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

There being no further business, Mr. Scott made a **motion** to adjourn the meeting at 8:15 p.m., seconded by Mr. Gross. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder