**STILLWATER TOWNSHIP COMMITTEE**

**MEETING MINUTES**

**January 18, 2022**

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Scott at 7:00 p.m. noting the meeting date, time and place were sent the New Jersey Herald and posted at the Town Hall, on the Township’s website and advised those present that this meeting was being held in compliance with provisions of P.L. 1975, Chapter 231, Sections 4 & 13.

The flag was saluted.

Roll Call: PRESENT: Mr. Barta, Mrs. Rumsey, Mr. Fisher, Ms. Chammings and Mayor Scott.

**MINUTES:** December 7, 2021 Regular and Executive Session Minutes

A motion was made by Ms. Chammings to adopt the **minutes as presented**, seconded by Mr. Fisher. **Roll Call Vote**: Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Fisher, yes, Ms. Chammings, yes, Mayor Scott, yes.

**REPORTS:** Building Department Report December 2021

 Tax Collector Report December 2021
 Board of Health Receipts December 2021

 Registrar License and Certified Copy Reports December 2021

 Convenience Center Report December 2021

 Food Licensing Report December 2021

A motion was made by Mr. Fisher to accept the **reports as presented**, seconded by Mr. Scott **Roll Call Vote**: Mr. Barta, did not vote as his zoom connection failed, Mrs. Rumsey, yes, Mr. Fisher, yes, Ms. Chammings, yes, Mayor Scott, yes.

**BILLS LIST #1: $1,095,485.27**

**RESOLUTION 2022-025** Authorizing Payment of Bills

**WHEREAS,** the Chief Finance Officer has certified that funds are available in the proper

account; and

**WHEREAS,** the Chief Finance Officer has approved payment upon certification from

the Township Department Heads that the goods and/or services have been rendered to the

Township;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Stillwater that the current bill lists, dated January 18, 2022 and on file and available for public inspection in the Office of the Chief Finance Officer and approved by the Chief Finance Officer for payment, be paid.

A motion was made by Mrs. Rumsey to adopt **Resolution 2022--025**, seconded by Mr. Fisher **Roll Call Vote**: Mr. Barta, did not vote as his zoom connection failed, Mrs. Rumsey, yes, Mr. Fisher, yes, Ms. Chammings, yes, Mayor Scott, yes.

**AMENDMENTS TO AGENDA –** There were no amendments to the agenda

**OPEN PUBLIC SESSION –** Seeing no one who wished to speak this portion of the meeting was closed.

 **OLD BUSINESS:**

**RESOLUTION 2022-022** Awarding Contract for Stillwater Township 2022 Municipal Auditor

WHEREAS, there exists a need for the services of certain professionals to wit: Township Auditor as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

 WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisitions will exceed $17,500; and

 WHEREAS, the anticipated term of these contracts is one year; and

 NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Stillwater that:

 1. The Mayor and Committee are hereby authorized to engage the following professional persons:

 Township Auditor: Valerie Dolan, CPA/Nisivoccia

 2. The above are engaged without competitive bidding as a professional service under the provisions of the Local Public Contract Law because said services are performed by a person authorized by law to practice a recognized profession.

 3. A copy of this resolution shall be published in the New Jersey Herald within ten days of its passage.

A motion was made by Mrs. Rumsey to adopt **Resolution 2022--022**, seconded by Mr. Barta **Roll Call Vote**: Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Fisher, yes, Ms. Chammings, yes, Mayor Scott, yes.

Update on 992 Fairview Lake Road (Block 2401 Lot 37): Ms. Chammings said the last of the three quotes was just received from Allied in the amount of $22,000. Ms. Chammings questioned whether the vendors interpreted the scope of work similarly because there was such a large range of price quotes. Ms. Chammings feels she needs more information before an award of contract could be determined. The township committee agreed. Ms. Chammings directed the clerk to forward the relevant file information to Mr. Vex so he could review the project.

**RESOLUTION 2022-026** Awarding Contract for LSRP and Preparation of Preliminary Assessment of 992 Fairview Lake Road.

This resolution was tabled until the February 1, 2022 meeting.

**COMMITTEE REPORTS:** Mayor Scott would like to have committee reports carried to February 1, 2022 to allow the boards and commissions to re-organize.

**NEW BUSINESS:**

**ORDINANCE 2022-01** CALENDAR YEAR 2022 ORDINANCE OF THE TOWNSHIP OF STILLWATER, COUNTY OF SUSSEX, NJ TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

 Introduction [Public Hearing and Adoption February1,2022]

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

**WHEREAS,** N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Township Committee of the Township of Stillwater in the County of Sussex finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Committee hereby determines that a 1.0% increase in the budget for said year, amounting to $24,991.89 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Stillwater, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Township of Stillwater shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to $87,471.62, and that the CY 2022 municipal budget for the Township of Stillwater be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED,** that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

A motion was made by Mrs. Rumsey to **introduce Ordinance 2022--01**, seconded by Mr. Fisher **Roll Call Vote**: Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Fisher, yes, Ms. Chammings, yes, Mayor Scott, yes.

**ORDINANCE 2022-02** Authorizing the Public Sale of Real Property to Contiguous Property owners Pursuant to N.J.S.A. 40A:12-139(b)(5). Introduction [Public Hearing and Adoption February 1, 2022]

**WHEREAS,** the Township of Stillwater is the owner of certain real property set forth in Schedule “A”, which properties are not needed or required for municipal use; and

**WHEREAS,** the lots are less than the minimum size required for development under the municipal ordinance and is without capital improvements; and

**WHEREAS,** the Township Committee deems it in the best interest of the Township of Stillwater to sell the properties to owners of each contiguous property in accordance with the provisions of N.J.S.A. 40A:12-13(b)(5) and N.J.S.A. 40A:12-13.2; and

 **WHEREAS,** the sale shall be conducted as an auction limited to contiguous property owners to be held at the Township of Stillwater Municipal Building, 964 Stillwater Road, Newton, New Jersey 07860 on March 1, 2022, at 7:00pm or such adjourned date as may be determined by the Stillwater Township Committee; and

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

1. The Township of Stillwater shall offer for sale by auction, pursuant to the provisions of N.J.S.A. 40A:12‑13(b)(5) and N.J.S.A. 40A:12-13.2, the properties listed on Schedule “A” to the contiguous property owners. Schedule “A” also contains the minimum sale price for each property. The sale is limited to contiguous property owners, and the sale is conditioned upon the property being sold merging with the contiguous property owner’s existing property. The properties being sold are less than the minimum size required for development under the municipal zoning ordinance and are without any capital improvement and shall be merged with the purchaser's contiguous lot. The Township Committee reserves the right, in its discretion to reject all bids for each property for any reason, including but not limited to, in the event that the minimum sale price for such property is not met.
2. Upon final passage of this Ordinance, the sale shall take place on March 1, 2022 at 7:00pm at the Stillwater Township Municipal Building, 964 Stillwater Road, Newton, New Jersey, subject to receiving no higher bid for said parcels, after offering same to the highest bidder, at said time and place.
3. A copy of this Ordinance shall be posted on the bulletin board or other conspicuous place in the Stillwater Township Municipal Building. Notice of adoption of this Ordinance shall be made in the official Township newspaper within five (5) days following the enactment of the Ordinance. Notice of the public sale shall be published in the official Township of Stillwater newspaper by two (2) insertions at least once a week during two (2) consecutive weeks, the last publication shall be within seven (7) days prior to the sale date.
4. The property shall be sold subject to the following terms and conditions:
5. The property is sold "as is". No representations of any kind are made by the Township as to the conditions of the property, and the descriptions of the property are intended as a general guide only and may not be accurate. The properties are being sold in the present “as is”, “where is”, with all faults.
6. The sale shall be made after legal advertisement of this Ordinance to the highest bidder who is the owner of a contiguous property, which property shall merge with the property being sold, and become part of the contiguous property owned by the successful bidder.
7. The Township does not warrant or certify title to the property and in no event shall the Township of Stillwater be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Township. The sole remedy being the right to receive a refund prior to closing of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Township shall not be responsible for same, shall not be required to refund money or correct any defect in title or be held liable for damages.
8. Acceptance of the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.
9. The highest bidder shall deposit with the Township cash, check or money order in the amount of not less than 10% of the bid price at the time of sale. In the event the successful bidder fails to deposit 10% of the bid price at the time of the sale, the Township of Stillwater will re-auction the property at the same public sale. If the successful bidder fails to pay the deposit, the bidder shall be responsible for any difference between their bid and the final sale bid in the event such bid is lower than the bid of the original bidder.
10. The highest bidder must pay the balance of the purchase price, plus (1) the sum of $275 for the legal services incurred by the Township; (2) the Township of Stillwater’s advertising and the actual recording fees within thirty (30) days after the date the Council adopts a resolution confirming the winning bid(s); and (3) realty transfer fees, if any. The balance shall be paid by certified funds. In addition, for all properties that are subject to Section 5 (r) of this Resolution, the Purchaser shall provide the Township Attorney with a copy of the deed for their existing property and their title insurance policy within seven (7) days of their being notified that they are the successful bidder of the sale. Once the purchase price has been paid, a Quitclaim Deed without covenants will be prepared by the Township Attorney and, after execution by the Township Officials, shall be recorded with the Sussex County Clerk’s Office by the Township Attorney. Additional work performed by the Township Attorneys beyond the standard preparation of the sale resolutions, notice of sale, letters to property owners and adjoining property owners, Deed and closing statement shall be billed at the rate charged by the Township Attorney and shall be the responsibility of the purchaser, which fees must be paid prior to the Deed being recorded.
11. The Deed will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Township of Stillwater and reserving an easement for all natural or constructed drainage systems, waterways, water and sewer easements, if any, on the premises and the continued right of maintenance and flow thereof.
12. The property will be sold subject to the current year taxes, prorated from the date of sale.
13. The Township Committee reserves the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said properties or to waive any informality in relation thereto.
14. All bidders currently owing property within the Township must have their taxes, as well as all municipal utility charges, if applicable, paid to date in order to be a qualified bidder. In the event the bidder's taxes or municipal utility charges are delinquent, the bidder shall be deemed unqualified and such bid shall be rejected.
15. This same is made subject to all applicable laws, statutes, regulations, resolutions and ordinances of the United States, State of New Jersey and Township of Stillwater.
16. No employee, agent or officer of the Township of Stillwater has any authority to waive, modify or amend any of the conditions of sale.
17. The purchaser must abide by appropriate zoning, subdivision, health and building regulations and code, and agrees that this sale will not be used as ground to support any variance from or realization of the regulations.
18. The failure of the purchaser to close on title within the time provided for in Subsection 5(f) of this Ordinance shall constitute a breach of this Ordinance unless the Township agrees in writing prior to that date to extend the time of the closing. In the event the purchaser fails to close within the dates provided for in Subsection 5(1) or such date as may be extended by the Township, the deposit paid by the purchaser shall be retained by the Township as liquidated damages. The municipality is entitled to retain the purchaser's deposit to the extent of any expenses and/or losses it incurs including but not limited to advertising costs, attorney's fees, lost tax revenues from the date of the required closing as well as additional cost of resale and the difference in the sales price, to the extent the property is sold for a lower price and any subsequent sale. The only exception to this section is in the event that the purchaser fails to close as a result of the title being unmarketable, in which case the Purchaser shall be entitled to a refund of their deposit as provided for in Subsection 5(c) of this Ordinance.
19. The purchase shall not be used for any County, Board of Taxation, Tax
Court of New Jersey, or in any Courts of the State as grounds to support a challenge of the existing assessments with regard to other properties.
20. The sale shall be subject to final approval by the Township Committee.

Potential Bidders are advised:

(1) To conduct all necessary title searches prior to the date of sale.

(2) No representations of any kind are made by the Township of Stillwater as to the conditions of the Property, including habitability or usability; the Property is being sold in its present conditions ''as is".

(3) The Property will be conveyed by a Quit Claim Deed and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription and without representation as to character of title of the Property to be conveyed.

(4) The highest bidder for the Property shall have the right, at its sole cost and expense, to obtain a new survey of the Property. Provided such survey depicts the Property and is certified to be correct to the Township of Stillwater, the Township of Stillwater shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the highest bidder provides such legal description and a copy of the certified survey to the Township of Stillwater not less than one week prior to the date set for closing of title.

Additional Terms the Successful Bidder must comply with:

(1) To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.

(2) That the failure to close title as agreed shall forfeit to the Township of Stillwater any and all money deposited with the Township.

1. Severabilitv. 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.
2. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.
3. Effective Date. This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

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

**SCHEDULE A**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Tax Block** | **Lot** | **Location** | **Lot Size** | **Minimum Sale Price** |
|  | 1001 | 20 | Plymouth Lake Drive E | 50 X 297 | $250 |
|  | 903 | 27 | Shore Drive | 50 X 170 | $250 |

A motion was made by Mr. Barta to **introduce Ordinance 2022--02**, seconded by Mr. Fisher **Roll Call Vote**: Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Fisher, yes, Ms. Chammings, yes, Mayor Scott, yes.

**ORDINANCE 2022-03** Fixing Salaries and Wages of Officers and Employees of the Township of Stillwater, County of Sussex and State of New Jersey for the Year 2022 Introduction [Public Hearing and Adoption February 1, 2022]

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

 Section1. The Township of Stillwater shall pay its municipal officers and employees for services rendered as shown below. Figures shown represent annual salary, unless otherwise noted.

POSITION: SALARY RANGE:

Township Committee Member $4,500.00 - $6,000.00

Township Clerk $50,000.00 - $90,000.00

Municipal Registrar $6,000.00 - $8,500.00

Clerk 1 $40,000 - $60,000.00

Deputy Municipal Registrar $3,000.00 - $4,500.00

Receptionist $15.00 - $25.00 per hour

File Clerk $13.00 - $18.00 per hour

Chief Financial Officer $50,000.00 - $90,000.00

Clean Communities Coordinator-Stipend $1,000.00

Qualified Purchasing Agent-Stipend $3,000.00

Tax Assessor $25,000.00 - $45,000.00

Tax Collector $25,000.00 - $45,000.00

Tax Collector-Extra Hours $40.00 - $70.00 per hour

DPW Supervisor $70,000.00 - $90,000.00

Recycling Coordinator $1,750.00 - $2,500.00

DPW Laborers As Per Contract

Solid Waste Worker $13.00 - $20.00 per hour

Solid Waste Cashier $13.00 - $20.00 per hour

Recycling Worker $13.00 - $20.00 per hour

Zoning Officer $20,000.00 - $40,000.00

Construction Code Official $10,000.00 - $25,000.00

Plumbing Sub-code Official $7,500.00 - $15,000.00

Electrical Sub-code Official $7,500.00 - $15,000.00

Fire Sub-code Official $2,500.00 - $5,000.00

Fire Inspector $2,500.00 - $5,000.00

Smoke Detector Certifications $25.00 per Certification

Smoke Detector Re-Certifications $20.00 per Certification

Electrical Inspector/Subcode Official-Vacation Coverage $35.00 - $50.00 per hour

Emergency Mgmt Coordinator $2,000.00 - $5,000.00

Deputy Emergency Mgmt Coordinator $1,000.00 - $3,000.00

Animal Control Officer $7,500.00 - $12,000.00

BOARDS AND COMMISSIONS: SALARY RANGE:

Zoning Board Secretary $5,000.00 - $9,000.00

Planning Board Secretary $5,000.00 - $9,000.00

Environmental Commission Secretary $2,500.00 - $5,000.00

Recreation Commission Secretary $2,000.00 - $5,000.00

POLICE: SALARY RANGE:

Crossing Guard $13.00 - $18.00 per hour

Section 2. Specific salaries or wages established by the Ordinance shall be made retroactive to January 1, 2022 unless otherwise noted.

Section 3. Nothing in this ordinance shall be construed as making mandatory the payment of annual salary increments to any officer or employees of the Township of Stillwater. Salary or wage increases shall be contingent upon availability of funds.

Section 4. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. This ordinance shall take effect after publication and passage according to law.

A motion was made by Mr. Fisher to **introduce Ordinance 2022--03**, seconded by Mrs. Rumsey. **Roll Call Vote**: Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Fisher, yes, Ms. Chammings, yes, Mayor Scott, yes.

**ORDINANCE 2022-04** Amending Chapter 195 Entitled “Fire Prevention” of the Code of the Township of Stillwater to Require certain structures to have a key lock box installed on the exterior of the structure. Introduction [Public Hearing and Adoption 2/1/2022]

**WHEREAS**, Township Committee of the Township of Stillwater has determined that the health, safety, and welfare of the citizens and business owners of the Township of Stillwater are promoted and safeguarded by requiring certain structures to have a key lock box installed on the exterior of the structure to aid the Stillwater Township Area Volunteer Fire Company to gain access to the structure when the same is not occupied or when the occupants are unable to grant ingress to the Fire Company; and

 **WHEREAS**, the key lock box system will reduce the need for forced entry into structures and should avoid costly and time-consuming efforts in gaining access to locked structures during an emergency.

 **NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Township Committee of the Township of Stillwater, New Jersey that Chapter 195 of the Code of the Township of Stillwater, titled "Fire Prevention" is amended by adding a new section, to be designated as Section 61.9 titled "Lock Box Entry System," to read as follows:

**LOCK BOX ENTRY SYSTEM**

A. The following structures shall be equipped with a key lock box at or near the main entrance or such other location as required by the Fire Official, Fire Chief, or Building Official:

(a) Commercial or industrial structures.

(b) Multi-family-residential structures that have restricted access through locked doors but have a common corridor for access to the living units

(c) Schools, whether public or private.

(d) Governmental structures and nursing care facilities unless the building is staffed or open 24 hours.

B. A1l new construction and new occupancies by tenants shall have a key lock installed and operational prior to the issuance of an occupancy permit. All structures in existence on the effective date of this section and subject shall have fifteen (15) months from enactment date of this ordinance to have a key lock box installed and operational.

C. In order to provide unity within the Township, the type of key lock boxes to be implemented within the Township shall be a Knox Box brand system.

 **INSTALLATION**

1. The size and model of the Knox Box installed shall be determined by the number of keys to be placed in the box and the specifications set forth by the Knox Box manufacturer.
2. Number of keys in the Knox Box cannot exceed the maximum number recommended by the box manufacturer.
3. All Knox Boxes shall be installed to the left side of the main business door.
4. All Knox Boxes shall be mounted sixty inches from the ground.
5. In the event that the Knox Box cannot be installed at the aforesaid location and/or height, the Fire Official, Fire Chief, or Building Official may designate in writing a different location and installation specifications.
6. All Knox Boxes may have a Tamper Switch installed in the building as an intrusion/burglar alarm.
7. All realty and/or property with an electronic security gate shall have the Knox Box installed OUTSIDE of the gate.
8. The Fire Official, Fire Chief, or Building Official must approve any changes in the installation.
9. Purchase and installation of the Knox Box will be the sole responsibility of the building owner.

**MAINTENANCE**

The operator of the building shall immediately notify the Fire Official, Fire Chief, or Building Official when any locks are added, changed or rekeyed which cannot currently be opened by the current key set in the Knox Box. Additional keys should be added to the Knox Box immediately.

**CONTENTS OF LOCK BOX**

The contents of the lock box should include (but not limited to) the following:

1. Keys to locked points of ingress or egress, whether on the interior or exterior of such buildings.
2. Keys to all mechanical rooms.
3. Keys to all locked electrical and utility rooms.
4. Keys to elevator and their control rooms.
5. Keys to the Fire Alarm panels and Fire Suppression Systems.
6. Keys to re-set pull stations or other Fire Protective devices.
7. Building Access Cards, as needed.
8. Keys to any other areas as requested by the Fire Official, Fire Chief, or Building Official.

**FIRE DEPARTMENT RESPONSIBILITIES**

1. No fire department personnel shall carry a Knox Box Master Key unless at an emergency scene.
2. All Knox Box Master Keys shall be installed in a Knox Box Sentra-Loc or similar system installed in the Fire Apparatus and the Fire Chief’s official vehicle.

**EXCEPTIONS TO REQUIREMENT TO INSTALL A KEY LOCK** **BOX SYSTEM**

The following structures are exempt from the mandate to install a key lock box system:

1. Single family structures and multi-family structures.
2. Structures that have 24 hours, 365 day on-site security personnel, or have other personnel on site.
3. Businesses that are open and staffed 24 hours, 365 days per year (which may include but are not limited to, Nursing Homes, Hospitals, Police & Fire Stations. etc.).
4. Rental storage facilities where there is a single lock on the separate storage pods that are renter supplied; provided, however, the entry security gates(s) will require a Knox Box if electronically controlled, or locked with a master key issued by the landlord to all tenants

**PENALTIES**

1. Any person, entity or corporation who has violated any provisions of this ordinance or who has failed to comply with any order issued by Fire Official, Fire Chief, or Building Official or has failed to comply with any order issued pursuant to any Section thereof, shall upon conviction before the proper judicial authority, be punished by a fine of not more than Three Hundred ($300.00) Dollars. Each day a violation continues shall be considered a separate offense.
2. If any sentence, clause or section or any part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of the same contained in this Ordinance. It is hereby declared as the intent of Township Committee of Township of Stillwater that this Ordinance would have been adopted has such unconstitutionality, illegality or invalidity sentence, clause or section or part thereof and not been included therein.

**Section 2.** If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 3**. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed or amended to the extent of such inconsistency.

**Section 4.** This Ordinance shall take effect upon final passage and publication according

to law.

A motion was made by Mr. Fisher to **introduce Ordinance 2022--04**, seconded by Mrs. Rumsey. **Roll Call Vote**: Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Fisher, yes, Ms. Chammings, yes, Mayor Scott, yes.

**ORDINANCE 2022-05 VESTING POWERS OF THE STILLWATER TOWNSHIP ZONING BOARD OF ADJUSTMENT IN THE STILLWATER TOWNSHIP PLANNING BOARD –** Introduction [Public Hearing and Adoption 2/1/2022]

Ms. Chammings asked to postpone the introduction of this ordinance because she just received it today and had not had a chance to review it.

Mr. Louis Sylvester, Old School House Road, asked the Township Committee to table the introduction until the board members have been notified and to add language to the ordinance allowing applications already in process to be completed prior to any merger of the boards.

Mayor Scott noted the Planning and Zoning Board members will still continue to work but will work together in a joint board and comments will be heard at the public hearing.

Mrs. Rumsey said she brought up the land use board for fact finding and did not realize action would be taken so quickly.

Mr. Barta said he spoke with the secretary, who is the secretary for both boards, and she was not aware of the merger.

Mrs. Rumsey asked the Mayor to send a memo to all Planning and Zoning Board members with a copy of the proposed ordinance.

Heidi Mountford, Zoning Board of Adjustment Member, said she feels Mr. Sylvester had a valid point to wanting continuity for his application and said perhaps the land use board would work great but she believes the board members should be given notice of the township committee’s intentions. Mrs. Mountford said she would like to give input to the township committee on the merger as well.

Kathy Draghi, Zoning Board Member, noted she remembered past discussions by the township committee of the two boards merging but felt that was initiated because the secretary is paid for twenty-four (24) meetings and both boards had minimal applications but that is not the case now. Mrs. Draghi also feels the autonomy of the zoning board should be protected.

A motion was made by Ms. Chammings to **table Ordinance 2022--05**, seconded by Mrs. Rumsey. **Roll Call Vote**: Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Fisher, yes, Ms. Chammings, yes, Mayor Scott, yes. This Ordinance has been tabled until February 1, 2022.

**RESOLUTION 2022-027** Authorizing Alicia Gardner to work additional hours to cover for Beth Martin’s maternity leave

WHEREAS, Beth Martin is on maternity leave through February 15, 2022; and

 WHEREAS, Alicia Gardner has agreed to work two full days (9:00 a.m. to 3:00 p.m.) Tuesdays and two half-day Tuesdays to cover the Reception Desk during Beth Martin’s absence; and

 NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Stillwater that:

 The Mayor and Committee are hereby authorizing Alicia Gardner to work extra hours to cover the time Beth Martin is on maternity leave at $18.00 per hour until February 15, 2022.

A motion was made by Mrs. Rumsey to **adopt Resolution 2022--027**, seconded by Mr. Fisher. **Roll Call Vote**: Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Fisher, yes, Ms. Chammings, yes, Mayor Scott, yes.

**RESOLUTION 2022-028** Mayor’s Appointment of Aiden Bello as a Junior Member of the Stillwater Area Volunteer Fire Department with Committee Concurrence

THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Stillwater do hereby concur with the Mayor’s appointment of Aiden Bello as a Junior Member of the Stillwater Area Volunteer Fire Department.

 BE IT FURTHER RESOLVED that this appointment was made at a meeting of the Township Committee on Tuesday, January 18, 2022 retroactive to January 1, 2022.

A motion was made by Ms. Chammings to **adopt Resolution 2022--028**, seconded by Mrs. Rumsey. **Roll Call Vote**: Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Fisher, yes, Ms. Chammings, yes, Mayor Scott, yes.

**RESOLUTION 2022-029** Awarding Contract for Stillwater Township 2022 Master Plan Re-Examination

 **WHEREAS**, the State of New Jersey’s Municipal Land Use Law (MLUL/N.J.S.A. 40:55D-28) provision requires the adoption and periodic ten-year reexamination or amendment by a planning board of a comprehensive plan or Master Plan to support its zoning ordinances; and

 **WHEREAS,** The Township of Stillwater desires to contract with a Municipal Planner to review its current Master Plan along with the other elements and prepare a Master Plan Reexamination Report including the required analysis of the Master Plan, zoning Ordinance, existing and proposed Land Uses, changing Demographics, as well as existing and potential new Redevelopment Areas in the Township; and

 **WHEREAS**, the Township received three (3) RFPs from Van Cleef Engineering
J. Caldwell & Associates and Heyer, Gruel & Associates; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Stillwater that:

 1. The Mayor and Committee are hereby authorized to engage the following professional persons:

 Municipal Planner: Angela Knowles, PP, AICP, LEED AP

 **Van Cleef Engineering**

 **111 Howard Boulevard, Suite 110**

 **Mt. Arlington, New Jersey 07856**

 2. The above are engaged without competitive bidding as a professional service under the provisions of the Local Public Contract Law because said services are performed by a person authorized by law to practice a recognized profession.

 3. The work will be completed within nine (9) months and for a cost not to exceed $12,000.00

 3. A copy of this resolution shall be published in the New Jersey Herald within ten days of its passage.

A motion was made by Ms. Chammings to **adopt Resolution 2022--029**, seconded by Mr. Fisher. **Roll Call Vote**: Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Fisher, yes, Ms. Chammings, yes, Mayor Scott, yes.

**RESOLUTION 2022-030** Establishing Committee Liaisons

**WHEREAS,** it is deemed necessary to establish Departments within the Township government to provide for the orderly and efficient transaction of Township business and to promote public service.

**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 allegations of the preamble are incorporated herein by this reference.

2. The following Departments are hereby established within the Township of Stillwater, effective immediately and to remain in effect until the next Reorganization Meeting of the Township Committee, unless sooner modified or terminated and the member of the Township Committee assigned to oversee the operation of such Department is as follows:

Committeewoman Rumsey: Recreation Commission, Community Center, Public Safety

Committeeman Barta: Board of Health, School Board, Planning Board

Committeewoman Chammings: Environmental Commission, Zoning Board, Recycling Center, Gypsy Moth

Committeeman Fisher: Fire Department, Public Safety, Engineering, Finance/Auditors, Personnel

Mayor Scott: DPW, Personnel, Legal,

A motion was made by Mr. Scott to **adopt Resolution 2022--030**, seconded by Mr. Barta. **Roll Call Vote**: Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Fisher, yes, Ms. Chammings, yes, Mayor Scott, yes.

**RESOLUTION 2022-031** Authorizing the Public Sale of Real Property Pursuant to N.J.S.A. 40A:12-13

 **WHEREAS,** the Township of Stillwater is the owner of certain real property set forth in Schedule “A” which property is no longer needed or required for municipal use; and

 **WHEREAS**, the Stillwater Township Committee deems it in the best interest of the Township of Stillwater to sell the properties to the highest bidders by public auction sale, subject to the minimum bid prices, in accordance with the provisions of N.J.S.A. 40A:12-13(a) et seq.; and

 **WHEREAS,** the public sale shall be held at the Township of Stillwater Municipal Building, 964 Stillwater Road, Newton, New Jersey 07860 on March 1, 2022, at 7:00 p.m. or such adjourned date as may be determined by the Stillwater Township Committee; and

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

1. The Township of Stillwater shall sell, pursuant to the provisions of N.J.S.A. 40A:12-13(a), the property(s) listed on Schedule “A”. The minimum sale price for each property is reflected in Schedule “A”. The Township reserves the right, in its discretion, to reject all bids for each property for any reason, including but not limited to, in the event that the minimum sale price for such property is not met.
2. The sale shall be conducted as an auction and shall take place on March 1, 2022 at 7:00 p.m., (hereinafter referred to as “sale date”) at the Township of Stillwater Municipal Building, 964 Stillwater Road, Newton, New Jersey 07860.
3. A copy of this Resolution shall be posted on the bulletin board or other conspicuous place in the Municipal Building. Notice of the public sale shall be published in the official Township of Stillwater newspaper by two (2) insertions at least once a week during two (2) consecutive weeks, the last publication shall be within seven (7) days prior to the sale date.
4. In the event any of the properties being sold are less than the minimum size required for development under the Township of Stillwater Zoning Resolution and are without any capital improvements, contiguous property owner(s) shall have the right of first refusal as provided for in N.J.S.A. 40A:12-13.2. In order to exercise the right of first refusal, the contiguous property owner(s) must appear at the public sale and exercise their right of first refusal by bidding on the property. For properties subject to N.J.S.A. 40A:12-13.2, a copy of this Resolution shall be mailed to the contiguous property owners at their last known address as reflected on the tax duplicates. The Resolution shall be mailed at the time that Notice is first published as provided for in paragraph 3 of this Resolution.
5. The properties shall be sold subject to the following terms and conditions:
6. The descriptions of the property are intended as a general guide only and may not be accurate. No representations of any kind are made by the Township of Stillwater as to the condition of the properties; the properties are being sold in the present condition “as is”, “where is” with all faults.
7. The properties shall be sold for not less than the amount, if any set forth in Schedule “A”.
8. The Township of Stillwater does not warrant or certify title to the properties and in no event shall the Township of Stillwater be liable for any damages to the purchaser/successful bidder if title is found unmarketable and the purchaser/successful bidder waives any and all right in damages or by way of liens against the Township of Stillwater. The sole remedy being the right to receive a refund, prior to closing, of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to the premises prior to the closing. In the event of closing and later finding of defect of title, the Township of Stillwater shall not be responsible for the same nor shall it be required to refund money or correct any defect in title or be held liable for damages.
9. Acceptance of the highest bid shall constitute a binding agreement of sale, and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale contained in this Resolution.
10. The highest bidder shall deposit with the Township cash, check or money order in the amount of not less than 10% of the bid price at the time of sale. In the event the successful bidder fails to deposit 10% of the bid price at the time of the sale, the Township of Stillwater will re-auction the property at the same public sale. If the successful bidder fails to pay the deposit, the bidder shall be responsible for any difference between their bid and the final sale bid in the event such bid is lower than the bid of the original bidder.
11. The highest bidder must pay the balance of the purchase price, plus (1) the sum of $275 for the legal services incurred by the Township; within thirty (30) days after the date the Township Committee adopts a resolution confirming the winning bid(s); and (3) realty transfer fees, if any. The balance shall be paid by certified funds. In addition, for all properties that are subject to Section 5 (r) of this Resolution, the Purchaser shall provide the Township Attorney with a copy of the deed for their existing property and their title insurance policy, since the property being sold by the Township of Stillwater will merge with the Purchaser’s adjoining property. Once the purchase price has been paid, a Quitclaim Deed without covenants will be prepared by the Township Attorney and, after execution by the Township Officials, shall be recorded with the Sussex County Clerk’s Office by the Township Attorney. Additional work performed by the Township Attorneys beyond the standard preparation of the sale Resolutions, notice of sale, letters to property owners and adjoining property owners, Deed and closing statement shall be billed at the rate charged by the Township Attorney and shall be the responsibility of the purchaser, which fees must be paid prior to the Deed being recorded.
12. The Deed will be subject to all matters of record which may affect title, including what an accurate survey may reveal, as well as the requirements of the Resolutions of the Township of Stillwater. The Township of Stillwater reserves an easement for all natural or constructed drainage systems or waterways on the premises and the continued right of maintenance and flow.
13. The property will be sold subject to the current year taxes, pro-rated from the date of sale.
14. The Township Committee reserve the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for the property or to waive any informality.
15. All bidders currently owning property within the Township of Stillwater must have their taxes, as well as municipal utility charges, if applicable, paid to date in order to be a qualified bidder. In the event the bidder’s taxes or municipal utility charges are delinquent, the bidder shall be deemed unqualified and such bid shall be rejected.
16. This sale is made subject to all applicable laws, statutes, regulations, ordinances and resolutions of the United States, State of New Jersey and the Township of Stillwater.
17. No employee, agent or officer of the Township of Stillwater has any authority to waive, modify or amend any of the conditions of sale.
18. The purchaser must abide by appropriate zoning, subdivision, health and building regulations and code and agrees that this sale will not be used as grounds to support any variance from or realization of the regulations.
19. The failure of the Purchaser to close on title within the time provided for in Subsection 5(f) of this Resolution shall constitute a breach of this resolution unless the Township agrees in writing prior to that date to extend the time of the closing. In the event the Purchaser fails to close within the dates provided for in Section 5(f) or such date as maybe extended by the Township, the deposit paid by the Purchaser shall be retained by the Township as liquidated damages. The Township of Stillwater is entitled to retain the Purchaser’s deposit to the extent of any expenses and/or losses it incurs including but not limited to advertising costs, attorney’s fees, lost tax revenues from the date of the required closing as well as additional cost of resale and the difference in the sales price, to the extent the property is sold for a lower price and any subsequent sale. The only exception to this section is in the event that the Purchaser fails to close as a result of the title being unmarketable, in which case the Purchaser shall be entitled to a refund of their deposit as provided for in Section 5(c) of this Resolution.
20. The purchase shall not be used for any County Board of Taxation, Tax Court of New Jersey, or in any Courts of the State as grounds to support a challenge of the existing assessments with regard to other properties.
21. The sale shall be subject to final approval by the Stillwater Township Committee who may accept or reject any bid in their absolute discretion.
22. Acceptance of the highest bid by the Township shall constitute a binding agreement of sale and purchaser shall be deemed to agree to comply with the terms and conditions of this Resolution.
23. In the event the property is being sold to a contiguous property owner and is less than the minimum size required for development under the municipal zoning Resolutions, the property being sold by the Township of Stillwater shall merge with the purchaser’s existing property. The successful bidder shall provide a copy of their existing property Deed to the Township Attorney as provided for in Section 5(f) of this Resolution.
24. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Resolution.
25. Potential Bidders are advised:

(a) To conduct all necessary title searches prior to the date of sale.

(b) No representations of any kind are made by the Township of Stillwater as to the conditions of the Property, including habitability or usability; the Property is being sold in its present conditions ''as is".

(c) The Property will be conveyed by a Quit Claim Deed and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription and without representation as to character of title of the Property to be conveyed.

(d) The highest bidder for the Property shall have the right, at its sole cost and expense, to obtain a new survey of the Property. Provided such survey depicts the Property and is certified to be correct to the Township of Stillwater, the Township of Stillwater shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the highest bidder provides such legal description and a copy of the certified survey to the Township of Stillwater not less than one week prior to the date set for closing of title.

1. Additional Terms the Successful Bidder must comply with:

(a) To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.

(b) That the failure to close title as agreed shall forfeit to the Township of Stillwater any and all money deposited with the Township.

1. This resolution shall take effect immediately.

**SCHEDULE A**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Tax Block** | **Lot** | **Location** | **Lot Size****(acres)** | **Minimum Sale Price** |
|  | 501 | 7 | East Court | 1.136 AC | $500 |

A motion was made by Mr. Fisher to **adopt Resolution 2022--031**, seconded by Ms. Chammings. **Roll Call Vote**: Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Fisher, yes, Ms. Chammings, yes, Mayor Scott, yes.

**RESOLUTIN 2022-032** Authorizing Purchase of Holmatro Extrication Tools

 **WHEREAS**, the Township of Stillwater desires to purchase Holmatro Extrication Tools for the Stillwater Area Volunteer Fire Department; and

 **WHEREAS**, Resolution 2022-019 authorizes purchases under New Jersey State Contract which may be in the aggregate exceed $44,000 per annum; and

 **WHEREAS**, the cost of the equipment at $46,571.36 is over the Township bid threshold, and N.J.A.C. 5:34-7.29 requires that the governing body award contracts over $44,000.00; and

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

1. The purchase of a new Holmatro Extrication Tools as quoted in proposal dated October 30, 2021 in an amount not to exceed $46,571.36 is hereby approved.
2. The Chief Financial Officer has certified that funds are available for the purchase in an amount not to exceed **$46,571.36 from American Rescue Plan funding**.

A motion was made by Ms. Chammings to **adopt Resolution 2022--032**, seconded by Mrs. Rumsey. **Roll Call Vote**: Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Fisher, yes, Ms. Chammings, yes, Mayor Scott, yes.

**RESOLUTION 2022-033 RESOLUTION OF THE TOWNSHIP OF STILLWATER APPROVING APPOINTMENTS OF TOWNSHIP BOARD AND COMMISSIONS**

**BE IT RESOLVED** by the Township Committee that they do hereby concur with the Mayor’s Appointments and Committee appointments to Board and Commission Members for the year 2022 as follows:

**PLANNING BOARD**

Name Term Term Expires

George Scott – Class I Member 1 year 12/31/2022

Paul Barta – Class III Member 1 year 12/31/2022

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Stillwater, County of Sussex, State of New Jersey that they do hereby concur with the appointments herein for the year 2022.

A motion was made by Mr. Fisher to **adopt Resolution 2022--033**, seconded by Mr. Scott. **Roll Call Vote**: Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Fisher, yes, Ms. Chammings, yes, Mayor Scott, yes.

**DISCUSSION ITEMS:**

Employee Handbook changes/revisions: Ms. Chammings said she would like if Mr. Vex would review the current employee handbook. Ms. Chammings would also like compensation time to be revisited.

Code Review: The clerk would like the township committee to begin discussions on the changes suggested by the code review analysis and hoped to schedule some discussion time with the governing body. The township committee tentatively set up 6:00 p.m. on February 15, 2022 to discuss.

Possible REM Foreclosure list: Ms. Chammings noted REM foreclosure is always on the auditor’s recommendation list and she has been trying to get a list from the tax collector of the top liens. The clerk will work with the tax collector to get the township committee a list.

Office Manager: Mayor Scott said in the past the town hall has had the clerk also be the office manager who supervises the support staff and he would like to reinstitute that now. Mrs. Rumsey felt this conversation is premature because the township committee is awaiting Mrs. Carter’s report and recommendations and they should wait and hold all discussions until then.

Community Center: The clerk put this on the agenda to see what the final decision for allowing alcohol to be consumed at the community center. After a brief discussion the Township Committee unanimously agreed that alcohol will not be allowed in the community center just as it is prohibited in other municipal buildings and parks. The clerk will amend the community center user agreement to reflect the township committee’s decision.

**OPEN PUBLIC SESSION:**

Paul Hawkins, Fire Chief, wanted to clarify that if the fire department is not allotted one of the demonstration models of the jaws of life they will be able to obtain a new set. Ms. Chammings noted the CFO had prepared a resolution for the full price of a new set of jaws but the township is hopeful they will get a demonstration model. Mr. Hawkins also noted the fire department’s fundraising avenue of renting their building and allowing users to have alcohol for their event would be harmed if the township allowed users of the community center to bring their own. Mayor Scott said the fire department’s functions were a main consideration in their decision to prohibit alcohol at the community center.

Mrs. Alicia Gardner, Recreation Secretary, said when the township committee put their new community center use form into use they were going to give the new system six months before changing anything.

Mr. Larry Lockwood, 921 Potters Road, asked the township committee to consider putting block 3501 lot 2.03 on their foreclosure list because the Lockwood’s would like to purchase that property because it is adjacent to their property. Mr. Lockwood noted they are aware the property has a large tax lien recorded on it. Mr. Lockwood asked if that piece would have to be auctioned at a public sale open to anyone because it was considered a buildable lot. Ms. Chammings said that is correct and explained the process to Mr. Lockwood.

Mrs. Kathy Draghi, 1016 County Route 619, asked if Planet Networks has given the township any data for which roads they may put their infrastructure on. Ms. Chammings said she would ask Mr. Boyle for current data for her section of County Route 619 and get back to her.

Mr. Lou Sylvester, Old Schoolhouse Road, thanked the township committee for reconsidering and not introducing the ordinance for the land use board and offered some language for current applications to be added. Mr. Sylvester also agreed with the governing body’s decision to not have alcohol at the community center.

There being no other members of the public who wished to speak this portion of the meeting was closed.

**ATTORNEY’S REPORT:** Mr. Vex said he will be working hard in the next few months on the in-rem foreclosures, employee hand book review and other matters for the township. Mr. Vex noted although he can not speak on the matters he has answered the three law suits where the township and/or fire department has been named and feels the matters must wait behind a bankruptcy matter and hopefully will just go away.

There being no further business, Mr. Fisher made a motion to adjourn the meeting at 8:42 p.m., seconded by Mr. Barta. In a voice vote, all were in favor.

Respectfully submitted,

Lynda Knott, RMC