**STILLWATER TOWNSHIP COMMITTEE**

**MEETING MINUTES**

**Tuesday February 7, 2023**

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Chammings at 7:04 p.m. noting the meeting date, time and place were sent to 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 Open Public Meetings Act, Chapter 231 P.L. 1975 P.L. 1975, Chapter 231, Sections 4 & 13.

Roll Call: PRESENT: Mrs. Delaney, Mr. Barta, Mrs. Rumsey, Mr. Scott, Mayor Chammings

**EXECUTIVE SESSION**: held in Town Hall

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by Mayor Chammings, seconded by Mr. Scott and carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 8:24 p.m.

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

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

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

1. The public shall be excluded from that portion of this meeting.

2. The general nature of the subject matter to be discussed is as follows: Personnel, Contract, Attorney Client.

3. As nearly as can now be ascertained, the matter or matters to be discussed at this time will be disclosed to the public when such matters are resolved.

A motion was made by Mayor Chammings to **suspend Executive Session until the end of public session** seconded by Mrs. Rumsey. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

The flag was saluted.

**MINUTES:** January 17, 2023 Budget Meeting and Executive Meeting Minutes

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

**MINUTES:** January 17, 2023 Regular Meeting Minutes

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

**BILLS LIST #02 $982,890.81**

**RESOLUTION 2023-37** 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 February 7, 2023 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 Mr. Scott to **adopt** **Resolution 2023-37,** seconded by Mrs. Rumsey. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

**COMMITTEE REPORTS:**

* **Committeewoman Delaney**
  + **Recreation –** Mrs. Delaney reported Tara Tosti is Chair of the Recreation Commission for 2023 and Vice Chair is Gina McCabe-Richardson. Mrs. Delaney also reported the clay for ball fields will be dropped off tomorrow (February 8, 2023) and the fencing for Stillwater Park (which is part of the Local Improvement Grant) is almost completed. Mrs. Delaney asked if there was an update on the parking lot paving. There was no update at this time. Mrs. Delany also noted several events the Recreation Commission is working on: Celebration of Disabled Persons month in March and a Water Safety program in May. The Senior Citizen Valentine’s Day Dinner Dance is scheduled for Thursday, February 16, 2023 from 6-8 p.m.
  + **Zoning Board of Adjustment –** Mrs. Delaney welcomed the new board secretary, Penny Bair. Mrs. Delany reported there were two application heard and they were both approved.

● **Committeeman Barta**

* + **Planning Board –** Mr. Barta reported that Bob Pierce is Chair of the Planning Board and Don Donofrio is Vice Chair. Mr. Barta also welcomed new secretary Penny Bair to the Planning Board and noted Bill Haggerty is Attorney, Joe Vuich is Engineer and Emily Wills is the Environmental Commission’s liaison to the Planning Board.

* + **Board of Education –** Mr. Barta reported this month’s Stillwater BOE meeting discussed social media training and the contract for tutoring core was approved.
* **Committeewoman Rumsey**
  + **Emergency Services –** Mrs. Rumsey reported the emergency services have been very busy running calls. Mrs. Rumsey also reported the Fire Department was on hand for the Polar Bear Plunge at the Fairview Lake YMCA.
  + **Community Center –** Mrs. Rumsey noted the Community Center is always busy with events.
  + **Architect –** Mrs. Rumsey reported she and Mayor Chammings met with Samuel Wykoff, Architect and discussed improvements to the community center roof and the potential addition of a vestibule on the back of the building which would contain an area for trash/recycling so no dumpsters will be needed in the parking lot.
  + **Personnel –** no report
* **Committeeman Scott**
  + **DPW –** Mr. Scott said the DPW has been lucky with the weather. They are busy filling potholes. Mr. Scott noted there have been request for Jake Brake signs and will ask the County to put up signs on their roads even though it is not enforceable.
  + **Engineering –** no report
* **Mayor Chammings**
  + **Environmental Commission –** Mayor Chammings said Jack Branagan is Chair of the Environmental Commission and Mandy Coriston is Vice Chair. Mayor Chammings said the Environmental Commission is working on an EPA Recycling Grant. Maureen Tsadilas a member of the Environmental Commission discussed. By motion by Mr. Scott, seconded by Mayor Chammings with a unanimous decision the Township Committee support the grant application.

Mayor Chammings discussed the formation of the Stormwater Management Committee.

* + **Legal –** no report
  + **Engineering –** no report
  + **CERT –** Mayor Chammings reported the January CERT meeting cancelled for weather the next meeting will be February 22, 2023.
  + **Personnel –** Executive Session suspended and will be completed at the end of the public session.

**AMENDMENTS TO AGENDA:** Move Resolution 2022-043 until after executive session

**OPEN PUBLIC SESSION:**

Marcia Bradly – asked if there could be a spot at the Community Center to have a book exchange. Perhaps outside the building or at the recycling center. Mrs. Rumsey will speak to the Boy Scout Leader to see if they would be interested in building a book lending box.

Maureen Tsadilas – asked if there was asbestos under the roof at the community center. Mayor Chammings said no the roof had been tested and it was minimal.

Joseph Doherty – asked if the Township was amending the noise ordinance. Mr. Vex apologized because it was to be discussed but the executive session discussions took longer than expected and it was not discussed.

**OLD BUSINESS:**

Township’s Tax Lien Update:

Howard Vex reported there are four (4) Quick Claim Deeds in process in lieu of In-Rem Foreclosure.

**ORDINANCE 2023-01 CALENDAR YEAR 2023 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)**

**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 2023 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 $26,105.89 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 2023 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 $91,370.62, and that the CY 2023 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 **adopt Ordinance 2023-01**, seconded by Mrs. Delaney. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, no, Mayor Chammings, yes

**ORDINANCE 2023-02** AN ORDINANCE PROHIBITING THE USE OF SPENT BIOCHAR FOR ANY PURPOSE WITHIN THE TOWNSHIP OF STILLWATER AND MANDATING THAT ANY SPENT BIOCHAR THAT MAY BE GENERATED WITHIN THE TOWNSHIP THROUGH PERMITTED USE OF BIOCHAR BE RETURNED TO THE MANUFACTURER OF SAID BIOCHAR FOR RECYCLING –**Public Hearing and Adoption**

**WHEREAS**, Biochar is a pure carbon, charcoal-like substance made from organic material that has recently gained popularity for various uses, including as a water quality enhancer for lakes, ponds and streams based on its ability to remove unwanted nutrients that can lead to excessive plant and algae growth; and

**WHEREAS,** Biochar is sold by various manufacturers to be placed in floatation balls, cages, or bags/socks and floated in lakes or other waterways and needs to be periodically replaced when spent; and

**WHEREAS,** spent Biochar contains not only the captured phosphorus and other nutrients, but also contains captured contaminants such as heavy metals and volatile organic compounds that pose a risk to human health and safety; and

**WHEREAS,** Biochar is also sold by various manufacturers to be spread on soil for agriculture as a source of phosphorus and spent Biochar has also been irresponsibly recommended for such use without sufficient proof that said use is safe; and

**WHEREAS,** the Environmental Commission of the Township of Stillwater has concluded that any use of spent Biochar within the Township of Stillwater poses an unacceptable risk that captured heavy metals and volatile organic compounds in the spent Biochar will be released back into the soil, potentially contaminating crops, the ground waters below and nearby waterways.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Stillwater, that the Township Code shall be amended as follows:

**SECTION 1**

A new Chapter shall be added to the Township Code of the Township of Stillwater as follows:

**Chapter 468. Biochar**

§ 468-1 **Purpose.**

The purpose of this chapter is to protect the health, safety and welfare of the citizens of the Township by preventing health hazards caused by the use of spent Biochar.

§ 468-2 **Restrictions on the Use of Biochar.**

A. New Biochar intended for aqua filter use within the Township of Stillwater may only be purchased from manufacturers who will accept return of the spent biochar for recycling. All purchasers of Biochar shall retain their receipt of purchase and accurate records of the manufacturer that provided the Biochar for inspection at the Township’s discretion

B. All spent Biochar must be returned for recycling to the manufacturer of that Biochar or any other Biochar recycling source so long as the spent Biochar is recycled and decontaminated and not used for any other purpose prior to recycling and decontamination.

C. Spent Biochar may not be used for any purpose within the Township of Stillwater.

§ 468-3 **Enforcement.**

This chapter shall be enforced by the Township Zoning Officer.

§ 468-4 **Violations and penalties**.

Any person who violates any provisions of this chapter shall be subject to the penalties set forth in Chapter 1, Article III, General Penalty.

**SECTION 2**

All Ordinances or parts of Ordinances inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3**

This Ordinance shall take effect immediately upon its passage.

A motion was made by Mr. Scott to **open to the public Ordinance 2023-02,** seconded by Mrs. Rumsey.

Mr. Jack Branagan, Chair of the Environmental Commission, thanked the Township Committee and noted the ordinance is a great opportunity to protect our resources from hazardous substances and acknowledged Stillwater is the first in the State to do so.

A motion was made by Mr. Scott to **adopt Ordinance 2023-02** and was seconded by Mrs. Rumsey. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

**NEW BUSINESS:**

**RESOLUTION 2023-38**MAYOR’S APPOINTMENT OF PENNY BAIR AS ZONING BOARD OF ADJUSTMENT SECRETARY WITH COMMITTEE CONCURRENCE

**THEREFORE BE IT RESOLVED** that the Township Committee of the Township of

Stillwater they do hereby concur with the Mayor’s Appointments of Penny Bair as

Zoning Board of Adjustment Secretary effective January 1, 2023 with an annual salary of

$6500.

A motion was made by Mrs. Delaney to **adopt** **Resolution 2023-38,** seconded by Mr. Barta. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

**RESOLUTION 2023-39** MAYOR’S APPOINTMENT OF PENNY BAIR AS PLANNING BOARD SECRETARY WITH COMMITTEE CONCURRENCE

**THEREFORE BE IT RESOLVED** that the Township Committee of the Township of

Stillwater they do hereby concur with the Mayor’s Appointments of Penny Bair as

Planning Board Secretary effective January 1, 2023 with an annual salary of

$6500.

A motion was made by Mr. Barta to **adopt** **Resolution 2023-39,** seconded by Mrs. Rumsey. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

**RESOLUTION 2023-40** RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF STILLWATER AUTHORIZING THE ISSUANCE OF RAFFLE LICENSE RA-23-01

**WHEREAS** the following Raffle Application with required fees have been submitted for Township Committee approval;

**Raffle # Applicant Date Type of Game**

RA-23-01 Peace by Piece NJ Inc. 04/6/2023 Raffle

**WHEREAS** said Raffle Applications have been provided to the Township Committee and New Jersey State Police for their review;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Stillwater, County of Sussex, State of New Jersey, the following:

1. The appropriate officials are hereby authorized to execute the findings and determination for the above application and shall forward same to the Legalized Games of Chance Control Commission (LGCCC) for review.
2. That the above license shall be issued pending LGCCC approval, pursuant to N.J.A.C. 13.1 et seq.

A motion was made by Mrs. Delaney to **adopt** **Resolution 2023-40,** seconded by Mr. Barta. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

**RESOLUTION 2023-41** RESOLUTION AUTHORIZATION TO CANCEL DELINQUENT TAXES ON DELETED PROPERTY

**WHEREAS,** Block 3807 Lot 2.16 Q farm and owned by Richard & Elsie Allen Disabled Veteran for Farmland assessed on Dove Island Road, and

**WHEREAS**, this Farmland assessed property was deleted in 2017 and there was a balance of property taxes in the amount of $ 45.59 which need to be cancelled.

**NOW THEREFORE BE IT RESOLVED,** by the Mayor and Township Committee authorizing the Tax Collector to cancel this amount of $ 45.59 for property that has been deleted.

A motion was made by Mr. Scott to **adopt** **Resolution 2023-41,** seconded by Mrs. Rumsey. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

**RESOLUTION 2023-42** MAYOR’S ACCEPTANCE OF THE RESIGNATION OF KEVIN CARHART AS DEPUTY OEM COORDINATOR

**THEREFORE**, BE IT RESOLVED that the Township Committee of the Township of Stillwater they do hereby concur with the Mayor’s acceptance of the resignation of Kevin Carhart as Deputy OEM Coordinator effective January 31, 2023.

A motion was made by Mrs. Rumsey to **adopt** **Resolution 2023-42,** seconded by Mrs. Delaney. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes with regret, Mrs. Rumsey, yes, Mr. Scott, no, Mayor Chammings, yes. Mr. Scott asked the clerk to send a Thank-you letter to Mr. Carhart.

**RESOLUTION 2023-44** RESOLUTION TO AUTHORIZE PAYMENT OF REDEMPTION – FABER

**WHEREAS,** on December 20, 2022 Terry Beshada, Collector of Taxes sold at Public Auction Tax Lien for delinquent municipal taxes on premises known as Block 3601 Lot 11.16 to Dan Faber 144 Pequest Road Green Twsp, NJ 07821.

**WHEREAS,** the Tax Collector has received redemption of said lien on January 27, 2023 and has deposited said sum in the current account of Township of Stillwater.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Committee of the Township of Stillwater that the Tax Collector be authorized once funds have cleared, that the tax lien be redeemed and Certificate of Sale in the amount of $ 561.13 be cancelled from record.

A motion was made by Mr. Scott to **adopt** **Resolution 2023-44,** seconded by Mrs. Rumsey. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes.

**RESOLUTION 2023-45** RESOLUTION TO AUTHORIZE PAYMENT OF ASSIGNMENT REDEMPTION - PETTIT

**Whereas,** on July 20, 2021 the Township of Stillwater assigned TSC 2020-017 also known as Block 3804 Lot 3.01 to Chris and Nicole Pettit of 901 West End Drive Newton, NJ 07860, and

**WHEREAS,** the property owner had decided to redeem the tax sale certificate on January 20, 2023 and said funds have been deposited into the current account of the Township of Stillwater.

**NOW THEREFORE BE IT RESOLVED,** by the Mayor and Committee of the Township of Stillwater that as soon as the redemption funds have cleared the current account, cancellation shall be made of the Certificate of Sale in the sum of $ 3,324.48

A motion was made by Mrs. Rumsey to **adopt** **Resolution 2023-45,** seconded by Mrs. Delaney. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes.

**RESOLUTION 2023-46** RESOLUTION AUTHORIZING A TRANSFER OF 2022 APPROPRIATIONS

**WHEREAS**, the Finance Officer certifies there are insufficient funds in the budgetary accounts listed below to meet the demands thereon for the balance of the year; and

**WHEREAS**, the Finance Officer certifies there appear to be a surplus in the budgetary accounts listed below, over and above the demand deemed necessary for the balance of the year; and

**WHEREAS**, N.J.S.A. 40A:4-58 provides that transfers of funds may be made during the last two months of the budget year;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Stillwater that the Chief Financial Officer is authorized to make a transfer in 2022 budget appropriations in the amount of $500.00 within the Current Fund, as follows:



A motion was made by Mr. Scott to **adopt** **Resolution 2023-46,** seconded by Mr. Barta. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes.

**RESOLUTION 2023-47** ACCEPTANCE OF THE RESIGNATION OF PAUL HAWKINS AS RECYCLING COORDINATOR

THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Stillwater they do hereby concur with the Mayor’s acceptance of the resignation of Paul Hawkins as Recycling Coordinator effective February 5, 2023.

A motion was made by Mrs. Delaney to **adopt** **Resolution 2023-47,** seconded by Mrs. Rumsey. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes. Mr. Barta Thanked Paul Hawkins for his job well-done.

**RESOLUTION 2023-48** MAYOR’S APPOINTMENT OF JOSEPH FUNARI AS RECYCLING COORDINATOR

THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Stillwater they do hereby concur with the Mayor’s appointment of Joseph Funari as Recycling Coordinator effective February 6, 2023 at the annual salary of $1912.00.

A motion was made by Mr. Scott to **adopt** **Resolution 2023-48,** seconded by Mrs. Rumsey. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

**RESOLUTION 2023-49** RESOLUTION AUTHORIZING PURCHASE OF KNOX BOXES FOR STILLWATER MUNICIPAL BUILDING AND DPW GARAGE

**WHEREAS**, the Township of Stillwater is required to purchase (2) Knox Boxes to be in compliance with Ordinance# 2022-004; and

**WHEREAS**, the cost of the boxes is $1,005.00 per box;

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

1. The purchase of (2)-Knox Boxes as quoted in proposal received on February 2, 2023 in an amount not to exceed $2,050.00 is hereby approved.
2. The Chief Financial Officer has certified that funds are available for the purchase in an amount not to exceed **$2,050.00 from American Rescue Plan funding**.

A motion was made by Mrs. Rumsey to **adopt** **Resolution 2023-49,** seconded by Mr. Scott. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

**RESOLUTION 2023-50** RESOLUTION AUTHORIZING RELOCATION AND UPGRADE OF LIGHTING IN THE FIRE DEPARTMENT BAYS AT THE STILLWATER COMMUNITY CENTER NOT TO EXCEED $3,000.00

**WHEREAS**, the Township of Stillwater and the Stillwater Area Volunteer Fire Department see a need to relocate and upgrade the current lighting in the Fire Department bays at the Stillwater Community Center; and

**WHEREAS**, the proposal received for the work is $2,600; and

**WHEREAS**, the Township of Stillwater has $951.40 remaining in Ordinance# 2022-17 for electrical upgrades in Township buildings;

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

1. The relocation and upgrade of lighting in the Fire Department bays at the Stillwater Community Center in an amount not to exceed $3,000.00 is hereby approved.
2. The Chief Financial Officer has certified that funds are available for the purchase in an amount not to exceed $951.40 from Ordinance# 2022-17 and **$2,048.60 from American Rescue Plan funding**.

A motion was made by Mr. Scott to **adopt** **Resolution 2023-50,** seconded by Mrs. Delaney. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

**RESOLUTION 2023-51** RESOLUTION EXTENDING THE AWARDS OF

NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES FOR THE TOWNSHIP OF STILLWATER

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

WHEREAS, no attorney has been appointed for the year 2023; and

WHEREAS, the Township Committee of the Township of Stillwater would like to extend the 2022 contract of Howard Vex, Esq. until February 28, 2023

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

1. The Mayor and Committee are hereby authorized to extend the following professional persons contract until February 28, 2023:

Township Attorney: Howard Vex, Esq.

**Vex Law, LLC**

**2001 Route 46, Suite 310**

**Parsippany, New Jersey 07054**

2. The above is 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.

A motion was made by Mrs. Rumsey to **adopt** **Resolution 2023-51,** seconded by Mr. Barta. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

**DISCUSSION ITEMS:**

LANDLORD REGISTRATION AND INSURANCE AND LEAD PAINT ORDINANCE

**ORDINANCE 2023-03** AN ORDINANCE REQUIRING REGISTRATION AND LICENSING FOR RENTAL DWELLING UNITS, INCLUDING PROOF OF STATE-MANDATED LIABILITY INSURANCE COVERRAGE, CERTIFICATE OF HABITABILITY, AND LEAD-SAFE CERTIFICATE WHERE REQUIRED BY LAW – INTRODUCTION [Public Hearing and Adoption February 21, 2023]

**WHEREAS**, the State of New Jersey now requires the Township to register businesses and homeowners that offer dwelling units for rent to assure they maintain the State-mandated liability insurance coverage for all rental units, current Certificates of Habitability and current Lead-Safe Certificates for all rental units where required by law.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Stillwater that the Township Code shall be amended changes as follows:

**SECTION 1**

A new Chapter “313” shall be added to the Township Code as follows:

**Chapter 313 Rental Dwelling Unit Registration/License to Operate**

**§ 313-1 Purpose.**

The purpose of this Chapter is to protect the health, safety and welfare of persons renting dwelling units located within the Township of Stillwater by requiring mandatory registration with the Township Clerk’s Office. Registration. Approval of a License requires satisfactory completion of the Rental Unit Registration Form provided by the Township Clerk’s Office, along with proof a current Certificate of Habitability, current state-mandated liability insurance coverage, and current Lead-Safe Certificates (where required by law) for each dwelling unit. “Dwelling unit” as used in this Chapter means a structure, or a room or group of rooms within a structure, used or intended for use, in whole or in part, for residential purposes.

**§ 313-2. Annual Registration and License Requirements**

A. All businesses or persons who own, possess, or control any business or private residence that offers one or more dwelling units for rent located within the Township of Stillwater shall annually register each and every such dwelling unit or units with the Township Clerk on the required Rental Unit Registration Form provided by the Township Clerk’s Office. The registration and license approval process must be completed with the Township Clerk’s Office by no later than June 30, 2023 and, for each calendar year after 2023, by no later than January 31st of that year. The annual fee for registering rental dwelling units shall be $25 per unit per year. Any new dwelling unit to be offered for rent must be registered and approved before they are offered for rent and the fee shall remain $25 per unit per calendar year irrespective of the time of year registered.

B. At the time of registration, proof must be provided of a current Certificate of Habitability covering all rental dwelling units consistent with § 134-6 of this Code. That section of this Code requires that, at the time of initial occupancy or a change of occupancy of any dwelling unit, the owner of the same shall make application to the Township Building Department for a Certificate of Habitability for that dwelling unit. The Township Construction Official shall conduct an inspection for the sole purpose of determining whether or not the dwelling unit complies with N.J.S.A. 52:27D-133.3 and 52:27D-198.1. The dwelling unit must be equipped with at least one carbon monoxide sensor device, or the Construction Official shall determine that there is no potential carbon monoxide hazard in the dwelling unit. The Construction Official shall also require, in accordance with the aforesaid statutes, a smoke-sensitive alarm device on each level of the structure and outside each separate sleeping area. A battery-operated, smoke-sensitive alarm device shall be accepted as meeting the requirements. In addition, each such dwelling unit shall have an acceptable portable fire extinguisher. The inspection and reinspection fees for a Certificate of Habitability shall be $50 ($40 for reinspection) per unit.

C. At the time of registration, proof must be provided of current liability insurance covering each rental dwelling unit for negligent acts or omissions in an amount of no less than $500,000 for combined property damage or bodily injury or death of one or more persons in any one accident or occurrence. (For multifamily homes with four or less dwelling units, one of which is owner-occupied, the $500,000 coverage minimum is lowered to $300,000 in accordance with State law.) The coverage minimums set forth herein are intended to be consistent with current State law requirements and if the State minimums increase in future years, the Township shall require compliance with those new minimum coverage requirements.

D. At the time of registration, a current Lead-Safe Certificate must be provided for each rental dwelling unit. Thereafter, a new Lead-Safe Certification must be provided the earlier of every three (3) years or upon tenant turnover. The Lead-Safe Certificate can be obtained by way of visual inspection performed by the Township Building Department at a cost of $25 ($25 for reinspection) or the property owner can directly hire a New Jersey DCA Certified Lead Evaluation contractor to provide the required inspection services. If deteriorated paint is found during the course of a visual assessment, the owner of the dwelling unit must remediate the perceived lead hazard or may elect to order a dust wipe inspection to confirm or refute the presence of lead-based paint. The owner of the dwelling unit shall be responsible for remediation of any perceived or actual lead-based paint hazard observed or confirmed during the inspection process. Remediation must be conducted consistent with State Law requirements and a Lead-Safe Certificate must be provided to the Township Clerk before the dwelling unit can be offered for rent.

E. All rental dwelling units located in any residential setting which are regulated, registered, or otherwise subject to the jurisdiction of the New Jersey Department of Community Affairs Bureau of Housing Inspections are exempt from the liability insurance and lead-based paint requirements of Subsections C and D above. In addition, a dwelling unit in a single-family, two-family, or multiple rental dwelling shall remain subject to the Certificate of Habitability and liability insurance requirements of Sections B, and C above, but shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit in Section D above where the dwelling unit:

(1) Has been certified to be free of lead-based paint;

(2) Was constructed during or after 1978;

(3) Is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the Hotel and Multiple Dwelling Law;

(4) Is a single-family or two-family seasonal rental dwelling which is rented for less than six months' duration each year by tenants that do not have consecutive lease renewals; or

(5) Has a valid Lead-Safe Certification. Lead-safe certifications are valid for two years from the date of issuance pursuant to N.J.A.C. 5:28A-2.4.

F. There shall be a late fee of $50 per dwelling unit that is not timely registered before June 30, 2023 and, for each year thereafter, before January 31st of that year. New units first offered for rent after the above deadlines must be registered and must submit the required proof of liability insurance, Certificate of Habitability and Lead-Free Certification (if applicable) before the unit can be rented. The Township Clerk’s Office has discretion to offer a 30 day grace period to allow full compliance with the registration requirements where the business or person registering has no history of late registrations or failure to register dwelling units covered by this Chapter.

G. All registrants who successfully meet the requirements of Sections A—F above shall be issued a License to Operate by the Township Clerk’s Office for the calendar year at issue. Said License to Operate may be withheld or revoked based on violations of this Chapter, violations of other applicable Township Ordinances or State law, or delinquent payment of property taxes or assessment due on the property where the dwelling units for rent are located for at least three consecutive quarters (*See* § 248-2. Revocation of License).

H. The Township Clerk’s Office shall, for each calendar year commencing in 2023, maintain a list of all businesses and persons who register dwelling units for rent and receive a Township License to rent dwelling units within the Township of Stillwater.

**§ 313-3. Violations and Penalties.**

A. Any person, firm, partnership, corporation or entity violating any provisions of this Chapter shall, upon conviction, be subject to the penalties set forth in Chapter **1**, Article III of the Code of the Township of Stillwater.

B. The Town may collect, through a summary proceeding under N.J.S.A. 2A:58-10 *et seq*., a fine of not less than $500 but no more than $5,000, for failure to file proof of liability insurance as required herein and by P.L. 2022, C. 1368.

**SECTION 2**

All Ordinances or parts of Ordinances inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3**

This Ordinance shall take effect immediately upon its passage.

A motion was made by Mrs. Rumsey to **introduce Ordinance 2023-03,** seconded by Mr. Barta. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

Review of Personnel Handbook – Mayor Chammings asked the Township Committee to please review the current personnel handbook and then they will break up into groups and discuss what if any changes are needed at this time to update the manual.

Veterans Property Tax Exemption – Domiciano – The Township Committee agrees with the application by a Fully Disabled Veteran for property relief.

A motion was made by Mr. Scott to **move forward with exemption,** seconded by Mrs. Rumsey. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

The clerk will prepare a memo for the tax collector to refund any property taxes paid after the exemption.

A motion was made by Mayor Chammings to **pay the Blairstown Veterinarian bill for cat storage,** seconded by Mrs. Delaney. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

**OPEN PUBLIC SESSION:**

Kathy Draghi asked why Mr. Vex’s contract was only extended and why he was not being appointed for the full year. Mrs. Draghi feels Mr. Vex has done a fabulous job cleaning up all the old tax liens and it is not right. Every other professional has been appointed for the year but Mr. Vex and she is asking why. Mrs. Rumsey said the appointment will be revisited on February 21st.

Lou Sylvester asked the Township Committee for an update on 947A Old Schoolhouse Road since a new Notice of Violation had been sent. He OPRAed the violation and it does not exist. Mr. Sylvester noted it has been a year since the Zoning Board of Adjustment had memorialized the resolution. Mayor Chammings said the Township Committee met with the zoning officer prior to this meeting and a contractor is moving forward to clean up the property as directed by the zoning officer.

Steve Sugar said the knox boxes should not cost as much as the resolution stated and he will speak to the CFO to show her where they could be purchased for less.

**ATTORNEY’S REPORT:**

Mr. Vex reported he had nothing further to report at this time except for items for executive session.

The Township Committee resumed Executive Session at 9:10 and re-entered public session at 9:50 p.m.

**RESOLUTION 2023-043 APPROVING THE MAYOR’S APPOINTMENTS OF TOWNSHIP OFFICERS WITH COMMITTEE CONCURRANCE**

**BE IT RESOLVED** by the Township Committee that they do hereby concur with the Mayor's appointments to Municipal Officers from 2/7/2023 to 12/31/2023 as follows.

Title Name Term Term Expires  
  
Municipal Clerk Lynda Knott tenured  
Local Registrar Lynda Knott 3-year tenured

Deputy Clerk/Receptionist, Beth Martin 1-year 12-31-23  
Clerk I Dawn Tighe 1-year 12-31-23  
Deputy Registrar Dawn Tighe 1-year 12-31-23

Alt Deputy Registrar Beth Martin 1-year 12-31-23  
Tax Collector Terry Beshada 4-year 12-31-25   
Chief Finance Officer Tammy Leonard 4-year 12-31-24

Qualified Purchasing Agent Lynda Knott 3-year 12-31-24  
Compliance Officer (PACO) Lynda Knott 1-year 12-31-23  
Tax Assessor Penny Holenstein tenured

Assessment Searcher Lynda Knott 1 year 12-31-23

Zoning & Code Enforcement Officer Tom Dixon 1 year 12-31-23   
Tax Search Officer Terry Beshada 1 year 12-31-23

Construction Official – Richard Bizik Jr. 1 year 12-31-23  
Electrical Sub-Code Official Patrick Murphy 1 year 12-31-23

Plumbing Sub-Code Official Jack Bell 1 year 12-31-23

Fire Inspector Richard Bizik Jr. 1 year 12-31-23

Fire Sub-Code Official Patrick Murphy 1 year 12-31-23  
Statewide Insurance Fund Commissioner Lynda Knott 1-year 12-31-23

Stillwater Municipal Alliance Coordinator Dawn Tighe 1-year 12-31-23  
Animal Control Officer Alan DeCarolis 1-year 12-31-23

Recycling Coordinator Joe Funari 1-year 12-31-23  
Clean Communities Coordinator Tammy Leonard 1-year 12-31-23

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 Mayor's appointments herein from 2/7/2023 to 12/31/2023.

A motion was made by Mr. Scott to **adopt Resolution 2023-043 without Beth Martin designated as Receptionist,** seconded by Mrs. Rumsey. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

A motion was made by Mr. Scott to **adopt Resolution 2023-043 with Beth Martin designated as Deputy Clerk/Receptionist,** seconded by Mrs. Rumsey. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, no, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

There being no further business, Mr. Scott made a motion to adjourn the meeting at 9:55 p.m., seconded by Mrs. Rumsey. In a voice vote, all were in favor.

Respectfully submitted,

Lynda Knott, RMC