**STILLWATER TOWNSHIP COMMITTEE**

**MEETING MINUTES**

**Tuesday April 18, 2023**

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Chammings at 7:03 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

The flag was saluted.

**PUBLIC HEARING OF THE 2023 MUNCIPAL BUDGET**

**VALERIE DOLAN, CPA AND TAMMY LEONARD, CFO**

Mrs. Leonard, CFO explained there were no changes to the budget from the introduction.

* The 2023 Budget for Municipal Purposes is **$2,130,006.22**, which is an increase from 2022 of $8,404.47 or approximately 0.40%.
* The Local Tax Rate is increasing by 0.09%.
* The Local Tax Rate will be 0.5215.
* The increase per household:
  + - **$200,000 ~ $1.00 annually or ~ $0.08 per month**
    - **$300,000 ~ $1.50 annually or ~ $0.13 per month**
    - **$400,000 ~ $2.00 annually or ~ $0.17 per month**
* We are under both the appropriations cap and the overall levy cap:
* Appropriations Cap ~ $2,800 under
* Levy Cap ~ $142,000 under

**DEBT**

Our total debt is 0.408% of the average of the past 3 years’ levies, and is well below the allowable municipal debt level of 3.5% of that average. As of 12/31/22, we have Bond Anticipation Notes in the amount of $2,105,700.00, with an interest rate of 2.74%.

**CAPITAL PLAN**

The Capital Plan for 2023 is for $881,400, of which 31.25% or $275,443.00 will be financed. A DOT grant for $155,260 was received to help offset the cost of the Mount Benevolence Phase II project. The remainder of all projects will be fully funded from our Capital Improvement Fund, Capital Fund Balance and reserves.

The paving projects set forth in the 2022 Capital Plan were not undertaken last year due to the high cost of asphalt. This includes the paving of Mount Benevolence Phase I and the paving of the parking lots at Stillwater Park in Swartswood and Veterans Memorial Park. These should be included in this year’s projects.

**FUND BALANCE (Surplus)**

The Township’s Fund Balance as of 12/31/22 is approximately $3.8 million dollars. As a result, we are able to use $925,000.00 as revenue in the 2023 budget. The Township’s remaining Fund Balance after utilizing $925,000.00 in the budget, will be approximately $2.9 million dollars.

In 2022, the Township established a Fund Balance Policy (Resolution 2022-124) stating, “*It is the goal of the Township to maintain a Fund Balance equal to twenty-five (25%) percent of the Township’s annual Total Adjusted Expenditures and Tax Requirements*”.

**TAX COLLECTION**

The percentage of collection in 2022 was 97.84%, an increase of 0.43%. The percentage used to calculate the RUT, or Reserve for Uncollected Taxes, is 96.48%, a difference of 1.36%. Most municipalities allow a 1.0 to 2.0% cushion. This puts Stillwater at the lower end of that cushion. The RUT for 2023 was reduced by $100,000.00 from 2022 to $500,000.00. The RUT will continue to be re-examined each year and adjusted accordingly.

**PRESENTATION: 2022 Audit – Valerie Dolan, CPA and Tammy Leonard CFO**

**RESOLUTION 2023-83** Authorizing Reading of the Municipal Budget by Title and providing for Public Hearing on the Budget Adoption

**WHEREAS, N.J.S.40A:4-8** provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full Governing Body, provided that at least one (1) week prior to the date of public hearing a complete copy of the approved budget, as advertised, has been posted in the Municipal Building, the Official Municipal web-site and copies have been made available by the Clerk to persons requesting them; and

**WHEREAS**, these conditions have been met;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Stillwater, County of Sussex, State of New Jersey, that the 2023 Municipal Budget shall be read by title at this public hearing for same.

Mayor Chammings opened to the public for discussion of the 2023 budget public hearing.

Heidi Mountford questioned if she could look at the audit for 2021 and 2022. Heidi also thanked and commended those who have worked on the budget and bringing the RUT, Reserve for Uncollected Taxes, down. Mrs. Mountford asked how the township spends the surplus. Mrs. Dolan explained it was up to the township committee and it is used mostly for emergencies and one-time expenditures.

Arlene Fisher asked if the Fire Truck which is being built is included in the 2023 budget. The Committee and CFO explained the township does not pay for the truck until it is delivered. The cost was included in the 2022 budget and a capital ordinance had been adopted for the bond in 2022.

Lou Sylvester questioned how much the surplus the township has and what is in the RUT. The RUT is at $500,000 where it was at $600,000 last year. The amount of surplus used to keep the tax levy flat in 2023 is $925,000 and the balance will be approximately $2.9 million dollars.

Seeing no one else who wished to speak this portion of the meeting was closed.

A motion was made by Mrs. Rumsey to **adopt Resolution 2023-83**, seconded by Mrs. Delaney. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, no, Mayor Chammings, yes

**RESOLUTION 2023-84** Certification of the Annual Audit

WHEREAS, N.J.S.A .40a:5-4 requires the governing body of every unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant and with the Municipal Clerk pursuant to N.J.S.A .40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6-5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C .5:30-6-5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provision of the R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52: A local officer or member of the local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under provisions of this Article, shall be guilty of a misdemeanor and upon conviction, may be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one year or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED , that the Township Committee of the Township of Stillwater, hereby states that it has complies with N.J.A.C. 5:30-6-5 and does hereby submit a certified copy of the resolution and the required affidavit to said Board to show evidence of said compliance.

STATE OF NEW JERSEY

COUNTY OF SUSSEX

We, members of the governing body of the Township of Stillwater, in the County of Sussex, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Township Committee of the Township of

Stillwater, in the County of Sussex;

1. In the performance of our duties and pursuant to NJAC 5:30-6-5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to NJSA 40A:5-6 for the 2017
2. We certify that we have personally reviewed and are familiar with as a minimum the sections of the Annual Report of Audit entitled “Comments and Recommendations”.

A motion was made by Mrs. Rumsey to **adopt Resolution 2023-84**, seconded by Mrs. Delaney. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

**MINUTES:** April 4, 2023 Executive and Regular Meeting Minutes

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

**MINUTES:** April 11, 2023 Workshop Meeting Minutes

A motion was made by Mr. Scott 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

**REPORTS:** Community Center Receipt Report – March 2023

Landlord Registration Fee Report – March 2023

OPRA Report - March 2023

Convenience Center Report – March 2023

Recreation Commission Fees/Escrows – March 2023

Construction Permit Activity Report – March 2023

Vacant/Abandon Property Registration Report – March 2023

Board of Health Receipts – March 2023

Dog Licensing Report – January thru March 2023

Tax Collector Report – March 2023

Animal Control Officer Report – January thru March 2023

SAVCO – March 2023

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

**BILLS LIST #07 $109,910.78**

**RESOLUTION 2023-85** 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 April 18, 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 2023-85,** seconded by Mrs. Delaney. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

**AMENDMENTS TO AGENDA:**

Mayor Chammings added Resolution 2023-88: RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ASSOCIATED APPRAISAL GROUP FOR APPRAISAL SERVICES RELATED TO GREENWOOD POINT COTTAGES TAX APPEAL to the agenda.

**OPEN PUBLIC SESSION (agenda items only):**

Arlene Fisher expressed her concerns with the tractor trailers still coming down Mt. Benevolence Road and feels the road project for Mt. Benevolence Road will result in the speed of the tractor trailer traffic going down the road. Mrs. Fisher asked how the committee plans on stopping the tractor trailers. A suggestion from the committee was to call the number on the back of the truck to hopefully get them rerouted. The Committee also stated there should be more police presence now the budget has been passed.

Lou Sylvester expressed his concerns on having the parking lots at the town parks paved and improved and asked why it was not part of Ordinance 2023-07. Mayor Chammings explained with the Township now being Tier A for Stormwater Management, the paving and improving of the parking lots are going to have to be readdressed with the Township Engineer and the capital ordinances addressing the paving were adopted in 2022.

John Torregrossa from Plymouth Lake Association expressed the concerns regarding the grit clean up from the roads of Plymouth Lake. The committee is going to do more research on what is required for Tier A for clean up of private roads. The committee will then meet with the Association and plan what the next steps would be including a written agreement outlining each organization’s roles, responsibilities and cost.

**OLD BUSINESS:**

Township’s Tax Lien Update: Mr. Howard Vex stated he received the title searches from the second list of foreclosures and will be reviewing them. There are approximately thirteen properties on the list.

**ORDINANCE 2023-06** CAPITAL BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF MT. BENEVOLENCE ROAD (PHASE II) IN AND BY THE TOWNSHIP OF STILLWATER, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING $575,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $275,443 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION. – **PUBLIC HEARING AND ADOPTION**

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF STILLWATER, IN THE COUNTY OF SUSSEX, NEW JERSEY** (not less than two‑thirds of all the members thereof affirmatively concurring), **AS FOLLOWS**:

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Township of Stillwater, in the County of Sussex, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of $575,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of $14,497 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes., and including also the sum of $155,260 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement, the sum of $50,000 from Capital Fund Balance of the Township, the sum of $12,800 from Ordinance No. 2020-07 of the Township, the sum of $7,000 from Ordinance No. 2021-04 of the Township, and the sum of $60,000 from Ordinance No. 2021-10 of the Township.

For the financing of said improvement or purpose, including for the purposes of applicable United States Treasury Regulations, the reimbursement of expenditures heretofore or hereafter made therefor, and to meet the part of said $575,000 appropriation not provided for by application hereunder of said down payment and grant, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of $275,443 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding $275,443 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the improvement of Mt. Benevolence Road (Phase II) in and by the Township by the reconstruction or resurfacing thereof to provide a roadway pavement at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in section 40A:2-22 of said Local Bond Law), including all sidewalks, curbing, drainage facilities, catch basins, milling, chipping, signage, structures, equipment, traffic markings, manholes, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

The estimated maximum amount of bonds or notes to be issued for said purpose is $275,443.

The estimated cost of said purpose is $575,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said $14,497 down payment for said purpose, the said $155,260 grant-in-aid from the New Jersey Department of Transportation, the said $12,800 from Ordinance No. 2020-07, the said $60,000 from Ordinance No. 2021-10, the said $7,000 from Ordinance 2021-04, and the said $50,000 from Capital Fund Balance.

The following additional matters are hereby determined, declared, recited and stated:

The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by $275,443, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

An aggregate amount not exceeding $60,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

The funds from time to time received by the Township on account of the grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvement or purpose, or to payment or reduction of the authorization of the obligations of the Township authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such costs shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, acting chief financial officer or treasurer of the Township (the “Chief Financial Officer”), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at not less than par at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

It is the opinion of the Township Committee of the Township, as the governing body thereof, that it is in the best interest of the Township that $60,000 constituting proceeds of notes of the Township heretofore issued under Ordinance No. 2021-10 of the Township shall be appropriated to and used to finance costs, including incidental expenses, of the improvement or purpose above described in Section 3 of this bond ordinance.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after

final adoption, as provided by said Local Bond Law.

Mayor Chammings opened to the public for discussion on this Ordinance.

Heidi Mountford expressed her concerns for the continuation of improvements to Mt Benevolence Road. She stated she has been getting a lot of water inside her barn, which sits right on the edge of the road, and she had been in contact with Josh Raff, the prior CPMW, about the catch basins which were going to be placed during phase two of the project. The township clerk will provide Mrs. Mountford with a copy of the plans for the improvement of the road.

Tim Fisher questioned as to how far up Mt. Benevolence does phase two go. Mayor Chammings would speak to the Acting DPW Supervisor about the logistics of the project.

A motion was made by Mr. Scott to **adopt Ordinance 2023-06,** seconded by Mr. Barta. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

**ORDINANCE 2023-07** ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN BY THE TOWNSHIP OF STILLWATER, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING $74,400 THEREFOR FROM VARIOUS SOURCES. – **PUBLIC HEARING AND ADOPTION**

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF STILLWATER, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:**

The improvements or purposes described in Section 2 of this ordinance are hereby authorized as general improvements to be made or acquired by The Township of Stillwater, in the County of Sussex, New Jersey, and there is hereby appropriated therefor the sum of $74,400 to the extent of (a) $40,000 from the Asphalt Overlay Reserve, (b) $23,946.33 from the Capital Improvement Fund, (c) $10,000 from the Open Space Fund and (d) $453.67 from Ordinance No. 2020-06 of the Township.

The improvements hereby authorized and the purposes for the financing of which the appropriation is made as provided in Section 1 of this ordinance are (a) the acquisition by purchase a bobcat mower and an asphalt hotbox for use by the Department of Public Works ($50,000), (b) the resurfacing of Spikes Dam at Crandon Lake ($6,500), (c) the acquisition and installation of a keyless entry system for the Municipal Building and Community Center ($453.67), and a codification system for use by the Township Clerk’s office and a copier for use by the Construction Office ($10,900), together with for all the aforeaid all equipment, work, materials, apparatus and appurtenances necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

This ordinance shall take effect after publication after final passage as provided by law.

Mayor Chammings opened the floor to the public to speak on Ordinance 2023-07 only. Seeing

no one from the public wishing to speak on the ordinance this portion of the meeting was closed.

A motion was made by Mr. Scott to **adopt Ordinance 2023-07,** seconded by Mrs. Rumsey. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

**NEW BUSINESS:**

**ORDINANCE 2023-09** AN ORDINANCE AUTHORIZING THE PUBLIC SALE  
OF REAL PROPERTY TO CONTIGUOUS PROPERTY OWNERS PURSUANT TO N.J.S.A. 40A:12-13(b)(5) **Introduction [Public Hearing and Adoption May 2, 2023]**

**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 June 20, 2023, 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 June 20, 2023 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.

A motion was made by Mr. Scott to **introduce Ordinance 2023-09,** seconded by Mrs. Delaney. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

**RESOLUTION 2023-78** APPROVING THE TRANSFER OF A PAPER ROAD KNOWN AS “EAST COURT” ON THE TAX MAP OF THE TOWNSHIP OF STILLWATER IN EXCHANGE FOR A REPLACEMENT PAPER ROAD FROM LOWER LAKE EAST TO HAMPTON ROAD

**WHEREAS,** a landowner in the Township of Stillwater has requested that the Township Committee approve the exchange of an existing paper road known as “East Court” (adjacent to Upper Lake East in Crandon Lakes) for a new paper road at a different location on the same landowner’s property to connect Lower Lake East to Hampton Road.

**WHEREAS,** the request, if granted, would involve an equal exchange of property with the landowner and has been deemed to be beneficial to the Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Stillwater that the Township Attorney, Township Clerk and other Township Officers, as may be necessary, are hereby authorized to take all necessary steps to effectuate the exchange of the existing paper road known as “East Court” for the new proposed paper road as set forth herein.

A motion was made by Mr. Scott to **adopt Resolution 2023-78,** seconded by Mrs. Rumsey. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

**RESOLUTION 2023-86** AUTHORIZING EXCUTION OF THE ATTACHED DEED TO CONFIRM THE SALE OF LAND FROM THE TOWNSHIP TO JOSEPH GROSSI ON JUNE 20, 1995

**WHEREAS,** a landowner in the Township of Stillwater has requested that the Township Committee authorize the execution of a “missing” deed to confirm the landowner’s ownership of the entirety of Block 411, Lot 25, with an address of 902 Carnation Terrace in the Township of Stillwater.

**WHERAS**, the Township Clerk has conducted a diligent search of the Township records which strongly imply that the Township of Stillwater sold to the landowner the parcels in question on June 20, 1995 and said landowner has been paying the required property taxes on those parcels along with the other parcels now constituting Block 411, Lot 25.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Stillwater that the Township Attorney, Township Clerk and other Township Officers, as may be necessary, are hereby authorized to take all necessary steps to execute the attached deed to permit Mr. Rossi to move forward with the pending sale of Block 411, Lot 25 with clear title.

A motion was made by Mr. Scott to **adopt Resolution 2023-86,** seconded by Mr. Barta. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, abstain, Mr. Scott, yes, Mayor Chammings, yes

**RESOLUTION 2023-87** AUTHORIZING THE ISSUANCE OF ANNUAL CAMPGROUND LICENSE

**WHEREAS**, The Township Committee of the Township of Stillwater, County of Sussex and State of New Jersey, pursuant to the authority vested in it by an act of Legislature, has heretofore by ordinance, provided for campgrounds in the Township of Stillwater; and

**WHEREAS**, the following named Campground holder has filed an application for the license renewal, passed inspections and all fees have been paid.

**NOW, THEREFORE, BE IT RESOLVED**, that the following campground license be granted renewal for the period of May 1, 2023 to April 30, 2024.

**LICENSEE**

Mountain Shadows Lake Association

**BE IT FURTHER RESOLVED**, that the Township Clerk is hereby authorized to issue the License herein granted, the same effective as provided by Law.

Mr. Scott and Mrs. Rumsey questioned if there were still outstanding violations. The township clerk stated she has a memo from both the Zoning Officer and Construction Inspector signing off on all requirements. A motion was made by Mr. Scott to **adopt Resolution 2023-87,** seconded by Mrs. Rumsey. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

**RESOLUTION 2023-88** RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ASSOCIATED APPRAISAL GROUP FOR APPRAISAL SERVICES RELATED TO GREENWOOD POINT COTTAGES TAX APPEAL

**WHEREAS**, On March 30, 2023 Chad E. Wolf, Esq. filed a Petition of Appeal regarding Greenwood Point Cottage’s tax assessment; and

**WHEREAS**, Penny Holenstein, Stillwater Township Tax Assessor requires real estate appraisal services for a fee simple market value for assessment purposes; and

**WHEREAS**, Penny Holenstein has chosen the professional services of Associated Appraisal Group for a Restricted Use Appraisal Report and Testimony at the Sussex County Tax Board for a fee of $3,000.00 with the funds available in the 2023 budget;

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

1. The Mayor and Municipal Clerk are authorized to execute the Professional Services Agreement with Associated Appraisal Group, 17-17 Route 208 North, Suite 210, Fairlawn, New Jersey 07410 in the amount of $3,000.00

A motion was made by Mrs. Rumsey to **adopt Resolution 2023-88,** seconded by Mr. Scott. **Roll Call Vote**: Mrs. Delaney, yes, Mr. Barta, yes, Mrs. Rumsey, yes, Mr. Scott, yes, Mayor Chammings, yes

**DISCUSSION ITEMS:**

MS4 Tier A Ordinances – Pet Waste, Wildlife Feeding and Litter Control: The Committee is going to look over the model ordinances and let Mr. Vex and the clerk know the changes. Township Attorney, Howard Vex, is going to look at the current ordinances on the books and these model ones and add or change to make our current ones Tier A compliant.

Building Department File Purge: There is a small amount of money available to pay someone to go through the building department files and purge what is no longer needed. There is an interested person, already employed by Stillwater Township, the committee is going to set up an interview with for the position

Open Letter Urging Restoration of Energy Tax Receipts Property Tax Relief: With an all in favor vote the committee agreed to have the clerk fill out the form.

**CORRESPONDENCE:**

Memo from NJ Department of Heath re: Animal Cruelty Investigator title no longer exists

**OPEN PUBLIC SESSION (any subject – 3-minute limit):**

Kaitlyn Hammerle read the following statement into the record:

*“On 2/21/23, Noise ordinance 272-2 was passed against “loud, repetitive firearm discharge that is likely to annoy neighbors”. I attended the meeting, along with other second amendment advocates, on March 21st to ask the committee to repeal the ordinance and create one that is fair to all members of this community. I am here again today asking the same. Target practice and responsible gun ownership is a part of the fabric of this community and town and this ordinance is very subjective and can be misused to target law abiding residents. The way this ordinance is written makes it pretty unclear what “excessive” is and leaves that determination up to the discretion of the neighbor who is disturbed. Other noise ordinances in this town have specific times that specific noises are prohibited. This ordinance offers no guidance as to when it can be utilized. Is it rounds discharged, length of time, type of firearm? It’s a slippery slope without further clarification. I am once again asking for the committee to repeal this ordinance. As we have seen in the past, this town has a large group of second amendment activists, and I am standing here as one of them asking what will the committee do to satisfy the majority of the town.  Again, I am happy to take a seat at the table with the discussion involving creating a fair ordinance in replacement of the ordinance passed in February.”*

Sean Donahue expressed his concerns this ordinance is infringing on the Second Amendment Rights and feels the ordinance should be repealed. Cody Castner asked the committee if a petition would be helpful and if so how many signatures would be required to repeal this ordinance. The Township Attorney is going to review the ordinance and look to provide better definitions of terms for this subject.

Bill Doolittle, Treasurer of Emmons Lane Association, is looking for the Emmons Lane Association to be part of the Municipal Services Act so snow removal costs could be reimbursed. Mr. Doolittle is looking for instruction for the organization to become eligible . The Township Attorney, Howard Vex, is going to have an answer for Mr. Doolittle by the next meeting.

Lou Sylvester expressed his continued concerns regarding 947A Old Schoolhouse Road and the clean-up of unhealthy debris. The committee explained today was the Zoning Officer’s first day back and he had visited the site today but they have no further information at this time.

Joseph Doherty read the following statement into the record:

*“As the person responsible for encouraging council to amend the Township Noise Ordinance, I say again that I support the Second Amendment right to keep and bare arms. However, when that right is abused I must protest and being exposed to five hours of constant target practice shooting and setting off of explosive devices as I was in an abuse. It was that abuse that prompted me to seek redress. I wanted to have a mechanism in place that I could rely on that would protect a citizen’s right to counter the inconsiderate actions of a neighbor. I was going to talk to the offending party, but decided not to after speaking with another neighbor who did and was met with a less-than-friendly attitude and an expressed determination to do as he pleases. I figured it would be unwise to approach an armed and arrogant individual with such as attitude. It was then I decided to turn to our elected and appointed representatives for assistance. Once again, I express my thanks and appreciation to council for their efforts. I am confident that most, if not all, fair-minded people would agree with my assessment of the initial situation and my course of action in seeking a remedy. I too have rights and one of those rights is too enjoy reasonable peace and quiet in the comfort and security of my home without having to endure a war zone atmosphere being played out outside my window. Such activity is an assault on the senses and should not be tolerated. I understand that council has a difficult task in trying to get it right with the able assistance of Attorney Howard Vex, who has worked diligently to come up with the right wording to satisfy the interest of all parties involved.*

*I came to Stillwater from the city almost 10 years ago. I was looking to exchange city life for country living. It has never been my intention to interfere with the gun and hunting culture that exists in Stillwater. I do not condemn nor do I condone the gun and hunting mentality that exists here – I merely choose to tolerate it. I believe in the good neighbor policy and sincerely hope that this issue can be resolved to the mutual satisfaction of all interested parties.”*

**ATTORNEY’S REPORT:**

Mr. Vex had no further report at this time.

There being no further business, Mr. Scott made a motion to adjourn the meeting at 9:07 p.m., seconded by Mr. Barta. In a voice vote, all were in favor.

Respectfully submitted,

Beth Martin, Deputy Clerk