

**STILLWATER TOWNSHIP COMMITTEE
REGULAR MEETING MINUTES**

MAY 21, 2024

A **MEETING** of the Stillwater Township Board of Health was called to order by Mayor L. Chammings at 6:00 pm. Mayor L. Chammings stated that this meeting is being held in compliance with the provisions of P.L. 1975, Ch. 231, Secs. 4 & 13 the Sunshine Law and that adequate notice of the meeting has been published in the New Jersey Herald on April 28, 2024 and is posted in the usual location of posted notices in the municipal building as well as electronically on the township website.

ROLL CALL: Committeeman D. Manser, Committeewoman D. Delaney, Committeewoman V. Rumsey, Mayor L. Chammings, Committeeman G. Scott
Also Present: Township Attorney E. Bernstein

FLAG SALUTE: Mayor L. Chammings led the Flag Salute.

EXECUTIVE SESSION: held in the Stillwater Township Municipal Building.

A **MOTION** was made by Committeeman G. Scott and seconded by Committeewoman V. Rumsey, with all members in favor, to adopt the Resolution permitting the Committee to go into Executive Session at 6:02 p.m.

**STILLWATER TOWNSHIP COMMITTEE
RESOLUTION FOR EXECUTIVE SESSION**

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 & Litigation/Potential Litigation
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 Committeewoman V. Rumsey and seconded by Committeeman G. Scott, with all members in favor, to go back into Regular Session at 7:00 P.M.

Township Attorney E. Bernstein stated to let the record reflect that all members of the governing body present commencing from Executive Session are present to recommence to the open session along with the Township Attorney via zoom and Township Clerk. There were updates on negotiations between the township and Teamsters Local 125, the township labor council has been given direction. No formal action needs to be taken. There was an update on several other attorney client privilege matters, the governing body gave direction to Mr. Bernstein, he will be working with the clerk and the Mayor & committee regarding the same. No formal action needs to be taken. There was also an extensive discussion regarding a number of applicants for the position of part-time receptionist for the Township. The Township Committee discussed the process on which the personnel committee will interview the semi-finalists and bring back a recommendation between 3-5 for the Township Committee's consideration in June. No formal action needs to be taken. With that being said, the Township Committee may resume their regular order of business at this time.

NEW BUSINESS

ORDINANCE INTRODUCTION & FIRST READING

Township Attorney E. Bernstein stated that this was a continuation of the Ordinance Introduction which was ready by title only at the previous meeting. The questions were

clarified that he and the Municipal Clerk had at the last meeting and is now ready for introduction.

ORDNANCE NO. 2024-10

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE BOARD OF HEALTH ORDINANCES OF THE TOWNSHIP OF STILLWATER, COUNTY OF SUSSEX, STATE OF NEW JERSEY

Be it ordained and enacted by the Board of Health of the Township of Stillwater, County of Sussex, State of New Jersey, as follows:

§ 420-1. Code adopted; existing ordinances continued.

Pursuant to N.J.S.A. 40:49-4, the Board of Health ordinances of the Township of Stillwater of a general and permanent nature adopted by the Board of Health of the Township of Stillwater, as revised and codified and consisting of Chapters 420 through 467, are hereby approved, adopted, ordained and enacted as "Part III of the Code of the Township of Stillwater," hereinafter known and referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the Board of Health ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such Board of Health ordinances and not as new enactments. This ordinance and the Code adopted hereby shall supersede and replace Chapters 420 through 467 of the 2005 Code of the Township of Stillwater, as amended and supplemented.

§ 420-2. Code on file; additions and amendments.

A. A copy of the Code has been filed in the office of the Township Clerk and/or the Board of Health Secretary and shall remain there for use and examination by the public until final action is taken on this ordinance. Following adoption of this ordinance, such copy shall be certified to by the Secretary of the Board of Health of the Township of Stillwater, as provided by law, and such certified copy shall remain on file in the office of the Board of Health Secretary and/or Clerk of the Township, to be made available to persons desiring to examine the same during all times while said Code is in effect.

B. Additions or amendments to Part III of the Code, when adopted in such form as to indicate the intent of the Board of Health to make them a part thereof, shall be deemed to be incorporated into Part III of such Code so that reference to the "Code of the Township of Stillwater" shall be understood and intended to include such additions and amendments.

§ 420-3. Notice; publication.

The Secretary of the Board of Health or the Clerk of the Township of Stillwater shall cause notice of the passage of this ordinance be given in the manner required by law. The notice of passage of this ordinance coupled with the filing of the Code in the office of Secretary of the Board of Health or the Clerk of the Township of Stillwater as provided in § 420-2 shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 420-4. Severability.

Each section of this ordinance and Part III of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 420-5. Repealer.

A. Board of Health ordinances or parts of ordinances inconsistent with the provisions contained in Part III of the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Board of Health of the Township of Stillwater which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

B. The following Board of Health ordinances have been excluded from the Code and specifically repealed:

- (1) Former Chapter 452, Plumbing, of the 2005 Code.
- (2) Former Chapter 467, Water Supply, of the 2005 Code.

§ 420-6. Ordinances saved from repeal.

The adoption of Part III of this Code and the repeal of ordinances provided for in § 420-5 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any Board of Health ordinance adopted subsequent to December 5, 2017.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Board of Health or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision of the Board of Health.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Board of Health.

§ 420-7. Changes in previously adopted ordinances.

A. In preparing the revision and codification of the Board of Health ordinances pursuant to N.J.S.A. 40:49-4, certain minor grammatical and nonsubstantive changes were made in one or more of said ordinances. It is the intention of the Board of Health that all such changes be adopted as part of the Code as if the ordinances so changed had been formally amended to read as such.

B. In addition, the changes, amendments or revisions as set forth in Board of Health Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the Board of Health ordinances as they have been renumbered and appear in the Code.)

C. Nomenclature changes. Throughout Part III of the Code, the following titles have been updated as follows:

- (1) References to "Road Department" are amended to read "Department of Public Works."
- (2) References to "Map Filing Law (N.J.S.A. 46:23-9.9 et seq.)" are amended to read "Map Filing Law (N.J.S.A. 46:23-9.9 et seq.)."

§ 420-8. Titles and headings; editor's notes.

A. Chapter and article titles, headings and titles of sections and other divisions of Part III of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 420-9. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to change, alter or tamper with Part III of the Code in any manner which will cause the laws of the Board of Health of the Township of Stillwater to be misrepresented thereby. Anyone violating this section shall be subject, upon conviction, to a fine of not less than \$5 nor more than \$500.

§ 420-10. When effective.

This ordinance shall take effect immediately upon passage and publication according to law.

Township Attorney E. Bernstein stated that the supplement explaining the code changes didn't seem to match the corresponding Ordinance 2024-10. He recommended introducing the Ordinance by title only, the second reading will be to discuss the changes and it will be finally adopted at the June 18th meeting.

A MOTION was made by Committeewoman V. Rumsey and seconded by Committeeman G. Scott to introduce Ordinance 2024-10.

ROLL CALL: Committeeman D. Manser; yes, Committeewoman D. Delaney; yes, Committeewoman V. Rumsey; yes, Committeeman G. Scott; yes, Mayor L. Chamings; yes. Motion carried with all in favor.

ADJOURNMENT

A **MOTION** was made by Committeeman G. Scott and seconded by Committeeman D. Manser with all members in favor, to adjourn the Board of Health meeting at 7:02 P.M.

**STILLWATER TOWNSHIP COMMITTEE
REGULAR MEETING MINUTES**

MAY 7, 2024

A **REGULAR MEETING** of the Stillwater Township Committee was called to order by Mayor L. Chamblings at 7:09 p.m. Mayor L. Chamblings stated that this meeting is being held in compliance with the provisions of P.L. 1975, Ch. 231, Secs. 4 & 13 the Sunshine Law and that adequate notice of the meeting has been published in the New Jersey Herald as to the time, place, and date of meetings, and is posted in the usual location of posted notices in the municipal building as well as electronically on the township website.

ROLL CALL: Committeeman D. Manser, Committeewoman D. Delaney, Committeewoman V. Rumsey, Mayor L. Chamblings, Committeeman G. Scott
Also Present: Township Attorney E. Bernstein via Zoom

AMENDMENTS TO AGENDA:

Mayor L. Chamblings added Resolution 2024-78 to the agenda as well as a discussion item: Donation of Land.

PUBLIC SESSION (Agenda Items Only – 3 Minute Time Limit)

PUBLIC SESSION OPEN. At 7:06pm

No public comment.

PUBLIC SESSION CLOSED. At 7:07pm

OLD BUSINESS

PUBLIC HEARING AND FINAL ADOPTION

ORDINANCE 2024-08A

**AN ORDINANCE AUTHORIZING THE PUBLIC SALE
OF REAL PROPERTY TO CONTIGUOUS PROPERTY OWNERS
PURSUANT TO N.J.S.A. 40A:12-13(b)(5)**

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 18, 2024, 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 18, 2024 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 to be not earlier than seven (7) days prior to the sale date.

4. The property shall be sold subject to the following terms and conditions:

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

(g) 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.

(h) The property will be sold subject to the current year taxes, prorated from the date of sale.

(i) 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.

(j) 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.

(k) 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.

(m) No employee, agent or officer of the Township of Stillwater has any authority to waive, modify or amend any of the conditions of sale.

(n) 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.

(o) 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.

(p) 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.

(q) 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.

5. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

6. 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.

7. Effective Date. This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

SCHEDULE A

<u>Tax Block</u>	<u>Lot</u>	<u>Location</u>	<u>Lot Size</u>	<u>Sale</u>
<u>Minimum</u>				
<u>Price</u>				
301	7	Poplar Terrace	338 x 100	\$500
301	5	Poplar Terrace	75 x 100	\$250
409	1	Lower Lake W	150 x 105	\$250
409	14	Vine Way	75 x 100	\$250
501	6	East Court	70 x 165	\$250

A **MOTION** was made by Committeeman G. Scott and seconded by Committeewoman V. Rumsey to open discussion to the public.

Township Resident Robert Taylor stated that he was interested in Block 409 Lot 1 and 14. He wanted to clarify that he couldn't purchase both at the land sale, that he had to purchase lot 14 first since that's the contiguous lot to his current property, have the deed recorded, then come back for lot 1 at the next land sale. The Township Committee stated that was correct, assuming that no one bids successfully on the other lot at the land sale on June 18th.

A **MOTION** was made by Committeeman G. Scott and seconded by Committeewoman D. Delaney to close discussion to the public.

ROLL CALL: Committeeman D. Manser; yes, Committeewoman D. Delaney; yes, Committeewoman V. Rumsey; yes, Committeeman G. Scott; yes, Mayor L. Champlings; yes. Motion carried with all in favor.

Mayor L. Champlings stated that the public auction will take place on June 18th at 7:00pm and will precede the meeting.

A **MOTION** was made by Committeeman G. Scott and seconded by Committeewoman D. Delaney to adopt Ordinance 2024-08A.

ROLL CALL: Committeeman D. Manser; yes, Committeewoman D. Delaney; yes, Committeewoman V. Rumsey; yes, Committeeman G. Scott; yes, Mayor L. Champlings; yes. Motion carried with all in favor.

NEW BUSINESS:

ORDINANCE INTRODUCTION AND FIRST READING

ORDINANCE NO. 2024-11

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE TOWNSHIP OF STILLWATER, COUNTY OF SUSSEX, STATE OF NEW JERSEY

Be it ordained and enacted by the Township Committee of the Township of Stillwater, County of Sussex, State of New Jersey, as follows:

§ 1-1. Code adopted; existing ordinances continued.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Township of Stillwater of a general and permanent nature adopted by the Township Committee of the Township of Stillwater, as revised and codified and consisting of Chapters 1 through 400, are hereby approved, adopted, ordained and enacted as the Code of the Township of Stillwater, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments. This ordinance and the Code adopted hereby shall supersede and replace the 2005 Code of the Township of Stillwater, as amended and supplemented.

§ 1-2. Code on file; additions and amendments.

- A. A copy of the Code has been filed in the office of the Township Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance. Following adoption of this ordinance, such copy shall be certified to by the Clerk of the Township of Stillwater by impressing thereon the Seal of the Township, as provided by law, and such certified copy shall remain on file in the office of the Township Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.

- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Township Committee to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Township of Stillwater" shall be understood and intended to include such additions and amendments.

§ 1-3. Notice; publication.

The Clerk of the Township of Stillwater shall cause notice of the passage of this ordinance to be given in the manner required by law. The notice of passage of this ordinance coupled with filing of the Code in the office of the Township Clerk as provided in § 1-2 shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-4. Severability.

Each section of this ordinance and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-5. Repealer.

- A. Ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Township of Stillwater which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

- B. The following ordinances have been excluded from the Code and are specifically repealed:
 - (1) Former Chapter 55, Article I, Alcohol and Drug Use by Township Employees, of the 2005 Code.
 - (2) Former Chapter 55, Article II, Sexual Harassment, of the 2005 Code.
 - (3) Former Chapter 55, Article III, Health Benefits for Certain Retirees, of the 2005 Code.
 - (4) Former Chapter 195, Article I, Fire Prevention Code; Storage of Materials, of the 2005 Code, as amended by Ord. No. 2008-3, adopted April 1, 2008.

- (5) Former Chapter 195, Article II, Uniform Fire Code, of the 2005 Code.
- (6) Former Chapter 321, School Bus Shelters, of the 2005 Code.
- (7) Former Chapter 363, Towing and Wreckers, of the 2005 Code, as amended by Ord. No. 2008-9, adopted September 16, 2008.
- (8) Former Chapter 382, Article I, Tree Cutting for Commercial Wood Products, of the 2005 Code.

§ 1-6. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-5 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to December 6, 2022.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Township's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- L. Any ordinance adopting or amending the Zoning Map.
- M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.

§ 1-7. Changes in previously adopted ordinances.

- A. In preparing the revision and codification of the Township's ordinances pursuant to N.J.S.A. 40:49-4, certain minor grammatical and nonsubstantive changes were made in one or more of said ordinances. It is the intention of the Township Committee that all such changes be adopted as part of the Code as if the ordinances so changed had been formally amended to read as such.
- B. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the

effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

C. Nomenclature changes. Throughout the Code, the following titles have been updated as follows:

- (1) References to "Road Department" are amended to read "Department of Public Works."
- (2) References to "Map Filing Law (N.J.S.A. 46:23-9.9 et seq.)" are amended to read "Map Filing Law (N.J.S.A. 46:26B-1 et seq.)."
- (3) In Chapter 134, references to "Building Inspector" are amended to read "Construction Official."
- (4) In Chapter 289, references to "Recreation Commission" are amended to read "Recreation Commissioners."

§ 1-8. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to change, alter or tamper with the Code in any manner which will cause the laws of the Township of Stillwater to be misrepresented thereby. Anyone violating this section shall be subject, upon conviction, to one or more of the following penalties: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

§ 1-10. When effective.

This ordinance shall take effect immediately upon final passage and publication as provided by law.

A **MOTION** was made by Committeewoman V. Rumsey and seconded by Committeeman D. Manser to Introduce Ordinance 2024-11.

ROLL CALL: Committeeman D. Manser; yes, Committeewoman D. Delaney; yes, Committeewoman V. Rumsey; yes, Committeeman G. Scott; yes, Mayor L. Chamings; yes. Motion carried with all in favor.

CONSENT AGENDA - All items with an Asterisk (*) are considered to be routine and non-controversial in nature. All such items will be handled by one (1) motion and one (1) second and one (1) vote. There will be no separate discussion of any of these items unless a Committee member requests same, in which case the item(s) will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

* **MINUTES:** May 7, 2024 Regular Meeting Minutes

***CORRESPONDENCE:**

1. Stillwater Township Environmental Commission May 13, 2024 Agenda, April 8, 2024 Meeting Minutes

***REPORTS:**

1. Community Center Receipt Report – April 2024
2. Recreation Commission Report – April 2024
3. Board of Health Receipts – April 2024
4. Construction Permit Activity Report April 2024
5. Vacant/Abandon Property Registration Report – April 2024
6. Convenience Center Report – April 2024
7. Registrar Report – April 2024
8. Certified Copies Report – April 2024
9. ACO Report – April 2024
10. Landlord Registration Fees- April 2024
11. Sussex County Health Department Inspection Report- April 2024
12. Tax Collector’s Report- April 2024
13. OPRA Report- April 2024
14. DPW Report- April 2024
15. Zoning Report- March-April 2024

***RESOLUTIONS:**

RESOLUTION 2024-75

**MAYOR’S ACCEPTANCE OF THE RESIGNATION OF BETH
MARTIN AS AN ALTERNATE MEMBER ON THE
RECREATION COMMISSION WITH COMMITTEE
CONCURRENCE**

THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Stillwater do hereby concur with the Mayor’s acceptance of the resignation of Beth Martin as a member of the Recreation Commission effective May 6, 2024.

RESOLUTION 2024-76

**AN ASSEMBLY RESOLUTION OPPOSING CERTAIN PROPOSALS
CONCERNING THE DELAWARE WATER GAP NATIONAL RECREATION
AREA**

WHEREAS, The Delaware Water Gap National Recreation Area ("Delaware Water Gap") is a unit of the National Park System located in New Jersey and Pennsylvania, that currently encompasses nearly 70,000 acres, of which 21,978 acres are in Sussex County and 9,222 acres are in Warren County; and

WHEREAS, The Delaware Water Gap offers numerous recreational opportunities, such as bicycling, bird watching, boating, camping, canoeing, cross country skiing, fishing, hiking, horseback riding, hunting, swimming, walking, and special events, and is home to numerous rare, threatened, and endangered species of plants, amphibians, fish, mammals, and reptiles; and

WHEREAS, In 2022, and again in 2023 with a revised proposal, the Delaware River National Park and Lenape Preserve Alliance proposed to change the designation of the Delaware Water Gap from a National Recreation Area to a National Park and Preserve, and to expand the area of the present Delaware Water Gap; and

WHEREAS, The Delaware River National Park and Lenape Preserve Alliance plan to establish the "Delaware River National Park and Lenape Preserve" ("Redesignation Project"), which would include the Delaware Water Gap and the Middle Delaware National Scenic and Recreational River, would limit or prohibit certain recreational activities in certain areas of the park, such as hunting, that are enjoyed by both residents and visitors; and

WHEREAS, If enacted, such a change would be likely to negatively affect the economic prosperity of businesses in Sussex and Warren counties that benefit substantially from tourism to the Delaware Water Gap, and residents would no longer have the opportunity to enjoy hunting and other recreational activities locally; and

WHEREAS, The specifics and scope of the Redesignation Project, and the environmental, economic, and agricultural impact of the project remain unknown, including if, and how, fees will be collected, and how the project will be funded; and

WHEREAS, The Redesignation Project raises concerns that the rights of local property owners will be disregarded, and eminent domain will be used by the federal government to acquire private and State property adjacent to the Delaware Water Gap, including nearby High Point State Park, Stokes State Forest, and Worthington State Forest; and

WHEREAS, The conversion of private property to federal parkland would result in a reduction of tax revenue in affected municipalities, may negatively affect local school districts in the area, and may negatively affect the local economy by preventing farmers who lease land along the Delaware River from producing crops that feed livestock; and

WHEREAS, The Redesignation Project may further affect the local economy in a similar manner by potentially prohibiting or restricting recreational activities, including hunting, which will cause local businesses in Sussex and Warren counties to suffer financially, force tourism to other states that offer these activities, and prevent residents from enjoying hunting and other recreational activities locally; and

WHEREAS, It is fitting and proper for this House to express opposition to proposals, such as the proposal from the Delaware River National Park and Lenape Preserve Alliance, to change the designation of the Delaware Water Gap from a National Recreation Area to a National Park and Preserve and expand the current boundaries of the Delaware Water Gap National Recreation Area, to ensure that the rights of local property owners are protected, to prevent financial and economic losses in the area, and to protect the freedom of local residents and visitors to enjoy all of the recreational activities the Delaware Water Gap has to offer; now, therefore,

BE IT RESOLVED *by the General Assembly of the State of New Jersey:*

1. This House opposes all proposals to change the designation of the Delaware Water Gap from a National Recreation Area to a National Park and Preserve and to expand the Delaware Water Gap National Recreation Area beyond its current boundaries.
2. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly to the Governor and Lieutenant Governor of the State of New Jersey, the Secretary of the Interior, the Director of the National Park Service, the Regional Director of the Northeast Region of the National Park Service, every member of Congress elected from this State, and the Commissioner of the New Jersey Department of Environmental Protection.

STATEMENT

This resolution expresses opposition to all proposals to change the designation of the Delaware Water Gap from a National Recreation Area to a National Park and Preserve and expand the current boundaries of the Delaware Water Gap National Recreation Area. The Delaware Water Gap National Recreation Area ("Delaware Water Gap") is a unit of the National Park System located in New Jersey and Pennsylvania that encompasses portions of Sussex and Warren Counties.

The Delaware Water Gap offers numerous recreational opportunities that are enjoyed by the residents of Sussex and Warren counties, as well as residents from throughout the State and visitors from across the country. A recently proposed project titled "Delaware Water Gap: Redesignation Project" ("Redesignation Project") seeks to change the designation of the Delaware Water Gap from a National Recreation Area to the Delaware River National Park and Lenape Preserve, and to expand the area of the present Delaware Water Gap National Recreation Area. The specifics and scope of the Redesignation Project and the environmental, economic, and agricultural impacts of the project, remain unknown, including if, and how, fees will be collected, and how the project will be funded.

In addition, the Redesignation Project raises concerns that the rights of local property owners may be disregarded. It is possible the federal government will use eminent domain to acquire private and State property alongside the Delaware Water Gap National Recreation Area, including nearby High Point State Park, Stokes State Forest, and Worthington State Forest. The conversion of private property to federal property would result in numerous economic ramifications. It would result in a reduction of tax revenue in affected municipalities, may negatively affect local school districts in the area, and may negatively affect the local economy by preventing farmers who lease land along the Delaware River from producing crops that feed livestock.

The Redesignation Project may further affect the local economy by prohibiting or restricting recreational activities, including hunting. As stakeholders determined in 2016, prohibiting these recreational activities will cause local businesses in Sussex and Warren counties to suffer financially, and prevent local residents from enjoying hunting and other recreational activities locally.

Stillwater Township opposes all proposals to change designation of Delaware Water Gap from National Recreation Area to National Park and Preserve, including proposal from Delaware River National Park and Lenape Preserve Alliance.

APPROVAL OF THE CONSENT AGENDA

A MOTION was made by Committeewoman D. Delaney and seconded by Committeewoman V. Rumsey to adopt the Consent Agenda as presented.

ROLL CALL: Committeeman D. Manser; yes, Committeewoman D. Delaney; yes, Committeewoman V. Rumsey; yes, Committeeman G. Scott; yes, Mayor L. Chammings; yes. Motion carried with all in favor.

Committeeman G. Scott stated that he wanted to thank Beth Martin for her time volunteering on the Recreation Commission.

Mayor L. Chammings stated that there was an amendment to the Agenda to add a Resolution which they can review now.

RESOLUTION 2024-78

RESOLUTION AUTHORIZING THE TOWNSHIP ENGINEERS TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE MT. BENEVOLENCE PHASE 3 PROJECT IN THE AMOUNT NOT TO EXCEED \$37,500

WHEREAS, the Township of Stillwater is undertaking the reconstruction of Mt. Benevolence Road (the “Project”); and

WHEREAS, Michael Vreeland, P.E. and Joseph Vuich from the engineering firm Van Cleef Engineering Associates, LLC, serve as the Stillwater Township Engineers and have submitted a proposal dated May 20, 2024, to design, bid, administer and close out the Project in the total amount of \$37,500; and

WHEREAS, the Township desires to accept the proposal by Van Cleef Engineering Associates, LLC for the services;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Stillwater, New Jersey that the Township Engineers, Michael Vreeland, P.E. and Joseph Vuich from Van Cleef Engineering Associates, LLC are hereby authorized to provide professional engineering services for the Mt. Benevolence Phase 3 in an amount not to exceed \$37,500.

The Township's Chief Financial Officer has certified that sufficient funds are available for the engineering services.

This Resolution shall take effect immediately.

A copy of this Resolution shall be placed on file with the Clerk of the Township.

If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.

A MOTION was made by Committeewoman V. Rumsey and seconded by Committeewoman D. Delaney to adopt Resolution 2024-78.

ROLL CALL: Committeeman D. Manser; yes, Committeewoman D. Delaney; yes, Committeewoman V. Rumsey; yes, Committeeman G. Scott; yes, Mayor L. Chammings; yes. Motion carried with all in favor.

DISCUSSION ITEMS:

Donation of Land

Mayor L. Chammings stated that an email came from the tax collector. The March of Dimes has a small plot of land on Laurel Drive in Crandon Lakes. They would like to donate it back to the town which would require a quit claim deed. Township Attorney E. Bernstein stated to make sure that they don't owe anything to the township and to inspect the property before agreeing to accepting the donation. Mayor L. Chammings stated that currently there is \$109.10 owed on the property. He stated to have the tax collector send it onto Mr. McBriar for the deed and send Mr. Bernstein the information.

PUBLIC SESSION (any subject – 3-minute limit)

PUBLIC SESSION OPENED at 7:19 PM

Township Resident Robert Taylor stated that he wanted to add for the donation of land on Laurel Drive, to make sure that they don't owe any money to the lake association as well.

Township Resident Joseph Doherty expressed concern for the number of trees that are marked with ribbons to be taken down and questioned if some could just be trimmed back. Mayor L. Chamming stated that JCP&L has an arborist that does an assessment of the trees to decide if they need to be removed. She stated that most are Ash trees.

Township Resident C. Feenstra asked with regards to Resolution 2024-76 for the National Park, with the Committee be following up on it? Mayor L. Chamming stated that this was just the first part of supporting the No National Park. The Resolution will be forwarded onto our legislators and that if they'd like to speak with us further on our decision that they may contact us.

Township Resident Chris Benedict introduced herself and stated that she's usually on Zoom. The Township Committee thanked Chris for attending in person and introducing herself.

Township Resident Kathy Draghi stated that at the last meeting, the Township Committee discussed hiring for the part time receptionist position and that it was a civil service position however she's seen regular advertisements and nothing on the civil service website. Mayor L. Chamming stated that is because it is a non-competitive position. Township Attorney E. Bernstein stated that a conversation was had with the township's contact at Civil Service who directed us that the Receptionist title (02976) is a non-competitive title therefore you are able to advertise and hire "off the street" without going through the examination announcement and testing process.

No further public comments.

PUBLIC SESSION CLOSED

ATTORNEY'S REPORT

Township Attorney E. Bernstein stated that the only report that he had was discussed in Executive Session.

BILLS LIST #09 **\$1,135,760.75**

RESOLUTION 2024-77

AUTHORIZING PAYMENT OF BILLS

WHEREAS, the Chief Financial Officer has certified that funds are available in the proper account; and

WHEREAS, the Chief Financial 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 May 21, 2024, are on file and available for public inspection in the Office of the Chief Financial Officer and approved by the Chief Financial Officer for payment, be paid.

Mayor L. Chammings stated that she wanted to remove PO 14822, 14950 and 14887 from the bills list for separate votes.

A MOTION was made by Committeewoman V. Rumsey and seconded by Committeewoman D. Delaney to adopt Resolution 2024-77, funds permitting.

ROLL CALL: Committeeman D. Manser; yes, Committeewoman D. Delaney; yes, Committeewoman V. Rumsey; yes, Committeeman G. Scott; yes, Mayor L. Chammings; yes. Motion carried with all in favor.

Mayor L. Chammings stated PO 14887 was a bill for Michael Chammings for landscaping. She stated that he is of no relation to her but she likes to recluse herself since they have the same last name.

A MOTION was made by Committeeman G. Scott and seconded by Committeewoman V. Rumsey to approve PO 14887.

ROLL CALL: Committeeman D. Manser; yes, Committeewoman D. Delaney; yes, Committeewoman V. Rumsey; yes, Committeeman G. Scott; yes, Mayor L. Chammings; abstain. Motion carried with 4 in favor and 1 abstention.

A MOTION was made by Committeeman G. Scott and seconded by Committeewoman V. Rumsey to approve PO 14822 and 14950 to the Minisink Press.

ROLL CALL: Committeeman D. Manser; yes, Committeewoman D. Delaney; abstain, Committeewoman V. Rumsey; yes, Committeeman G. Scott; yes, Mayor L. Chammings; yes. Motion carried with 4 in favor and 1 abstention.

ADJOURNMENT

A MOTION was made by Committeeman G. Scott and seconded by Committeeman D. Manser, with all members in favor, to adjourn the meeting at 7:33 P.M.

Respectfully submitted by,

Valerie Ingles
Municipal Clerk