

**STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES OF APRIL 15, 2014
REGULAR MEETING**

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Scott at 6:00 p.m. noting the meeting date, time and place were duly published in the New Jersey Herald and posted at the Town Hall and advised those present that this meeting was being held in compliance with provisions of P.L. 1975, Chapter 231, Sections 4 & 13.

Roll Call: PRESENT: Mayor Scott, Committeeman Gross, Committeewoman Chammings, Committeeman Fisher, Committeewoman Straway, Acting Municipal Clerk Lynda Knott, and Attorney Ursula Leo ABSENT: None

Executive Session:

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by **Mr. Fisher**, seconded by **Mr. Gross** and carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 6:03 p.m.

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

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

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

1. The public shall be excluded from that portion of this meeting.
2. The general nature of the subject matter to be discussed is as follows: Personnel –Contract – DPW, Real Property and 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.

There being no further business to attend to, a **motion** was made by **Mr. Fisher**, seconded by **Mrs. Straway** to conclude the Executive Session at 6:58 p.m., unanimously carried by roll call vote.

Regular Session:

Mayor Scott invited all present to join him in saluting the flag

PROCLAMATION: Proclaiming April “Child Abuse Prevention Month”

Mayor Scott read the following proclamation into the record:

WHEREAS, child abuse and neglect is a complex and ongoing problem in our society, affecting many children in Sussex County, and

WHEREAS, every child is entitled to be love, cared for, nurtured, feel secure and be free from verbal, sexual, emotional and physical abuse and neglect; and

WHEREAS, child abuse and neglect not only directly harms children, but also increases the likelihood of criminal behavior, substance abuse, health problems, and risky behavior; and

WHEREAS, the effects of child abuse are felt by communities as a whole and need to be addressed by the entire community; and

WHEREAS effective child abuse prevention programs succeed because of partnerships among families, social service agencies, schools, religious and civic organizations, law enforcement agencies and the business community.

NOW, THEREFORE, BE IT RESOLVED THAT, the Township Committee of the Township of Stillwater does hereby proclaim April 2014 as

Child Abuse Prevention Month

And calls upon all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

Mrs. Michele Adamski, 9972 Route 521, spoke as a volunteer with Ginny's House and thanked Mayor Scott and the Township Committee for proclaiming April 2014 as Child Abuse Prevention Month. Mrs. Adamski touched on various signs of child abuse and how it can be recognized. Mrs. Adamski also presented the Township Committee with a blue bow to display at Town Hall and literature for interested residents.

CONSENT AGENDA: All matters listed below are considered routine in nature and will be enacted by one motion. There will be no separate discussion of the items. If any discussion is desired, that particular item will be removed from the consent agenda and will be considered separately on the regular agenda.

MINUTES: February 11, 2014 Budget Meeting, February 18, 2014 Regular Meeting

RESOLUTIONS: 2014-045 Authorizing Refund of Tax Overpayment for 100% Disabled Veteran
2014-046 Authorizing Payment of Lien Redemption – Block 1601 Lot 6.08
2014-047 Authorizing Payment of Lien Redemption – Block 3305 Lot 19
2014-048 Authorizing Camp License Renewal for North Shore House LLC
2014-049 Acceptance of Resignation of John deJager as Construction Official

REPORTS: Building Department Report of March 2014
Tax Department Reports of February 2014 and March 2014
Stillwater EMS Monthly and Monthly Day Calls for March 2014

Mr. Gross made a **motion** to approve the Consent Agenda, seconded by **Mr. Fisher**.

Roll Call Vote: Ms. Chamings, yes, Mr. Fisher, yes, Committeeman Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – the Consent Agenda was adopted.

2014 Bill List Cycle # 6: \$184,756.98

Resolution 2014-050 Motion by **Mrs. Straway**, seconded by **Mr. Gross** to approve the 2014 Bills List Cycle #6.

Roll Call Vote: Ms. Chamings, yes, Mr. Fisher, yes, Mrs. Straway, yes, Committeeman Gross, yes, Mayor Scott, yes

Amendments to the Agenda: None

Open Public Session: Mayor Scott invited members of the public to speak.

Kathy Fobes-Jacoby, 964 Mount Holly Road, reported she would be attending a webinar for Sustainable Jersey and would bring information back to the May 6, 2014 meeting for discussion.

COMMITTEE REPORTS:

Mr. Gross: No report.

Mr. Fisher: Reported that Stillwater Clean-Up Day is scheduled for April 26 with April 27 as a rain date. Stillwater Day is scheduled for June 21, 2014. Mr. Fisher noted the donated shed has been placed at Veterans Field and thanked the DPW for preparing the ground with stone for the shed. Ms. Chamming added she has heard various Stillwater girls at Kittatinny High School looking for the Miss Stillwater applications. Ms. Chamming asked that the application be put on the Township website and sent to Kittatinny High School with an announcement.

Ms. Chamming: Reported the Land Conservancy of New Jersey would be presenting the updated ERI (Environmental Resource Inventory) to the Planning Board tomorrow, April 16, 2014 at 7:30 p.m. Ms. Chamming invited all interested to attend.

Ms. Chamming stated that a representative from the Soil Conservation District looked at the logging project being done by Fairview Lake Camp and it was progressing as indicated in their woodland management plan.

Ms. Chamming also reported that the Green Team has asked the Recreation Commission to consider a "cleat exchange" and the Green Team will be volunteering to stuff the tax bill envelopes and including a flyer with the tax bills on what activities they are planning and how the community can be more "green".

Mrs. Straway: No report.

Mayor Scott: Reported he was appointing Eric Van der Hagen to the Planning Board as Alternate #1 and she would be in attendance at the meeting on April 16, 2014. Mayor Scott also reported he would be attending the New Jersey Mayor's Conference in Atlantic City. Emeritus Mayor Gross will also be attending the conference.

OLD BUSINESS:

Ordinance 2014-007 Public Hearing and Adoption

AN ORDINANCE REVISING CHAPTER 382 OF THE CODE OF THE TOWNSHIP OF STILLWATER ENTITLED "TREES"

WHEREAS, Section 382 of the Code of the Township of Stillwater entitled "Trees" prohibits the indiscriminate, uncontrolled and excessive destruction, removal and cutting of trees within the Township; and

WHEREAS, it is the desire of the Township Committee of the Township of Stillwater to place further safeguards against the clear cutting of woodlands within the Township.

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

1. Section 382-11I shall be revised to read:

Trees removed for agricultural or Silva cultural development by way of an approved Woodland Management Plan shall be permitted, provided that a letter is filed with the Building Inspector and Zoning Officer stating that the land involved is suited for the aforementioned use and is signed by the Sussex County Agricultural Agent.

2. A new Section 382-10G shall be added and read as follows:

No owner of a lot or tract may cut, remove or destroy more than ten (10) percent of the trees on the lot or tract during a single calendar year without complying with the provisions of Section 382-13 of this section. Also see Section 240-104 I, J, K.

3. A new Section 382-13Q shall be added and read as follows:

Before a tree removal permit is issued pursuant to this section, the Zoning Officer shall inspect the property and trees to be cut. Said inspection shall occur within twenty (20) days of the filing of an application for tree removal. The applicant shall mark with a ribbon, paint or other identifying material the trees to be cut. No tree cutting permit shall issue except upon the recommendation of the Zoning Officer.

4. Section 382-14A shall be revised to read as follows:

A permit fee of \$30.00 is required in connection with obtaining an approved plan.

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.

Repealer. All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this ordinance are hereby repealed in their entirety.

Effective Date. This ordinance shall take effect after publication and passage according to law.

Upon Motion by Mr. Fisher, seconded by Ms. Chamings and unanimous voice vote the meeting was open to the public for discussion on this ordinance only.

Mrs. Michele Adamski, 9972 Route 521, was concerned this ordinance will allow tree cutting. Mayor Scott explained this ordinance prohibits uncontrolled and excessive removal and cutting of trees within the Township.

Seeing no one further wishing to speak Mayor Scott closed this portion of the meeting.

Upon Motion by Mr. Fisher, seconded by Mrs. Straway and **Roll Call Vote:** Ms. Chamings, yes, Mr. Fisher, yes, Committeeman Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Ordinance 2014-007 was adopted.

NEW BUSINESS:

BOND ORDINANCE 2014-008 [Public Hearing and Adoption May 6, 2014]

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS BY THE TOWNSHIP OF STILLWATER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$415,000 THEREFOR, INCLUDING A GRANT IN THE AMOUNT OF \$180,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE ISSUANCE OF \$223,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Stillwater, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$415,000, including a grant in the amount of \$180,000 expected to be received from the State of New Jersey Department of Transportation and, including the aggregate sum of \$12,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$223,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

(a) Providing for renovations to the Municipal Building and improvements to parking lot, including all work and materials necessary therefor or incidental thereto.

<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
\$100,000	\$ 95,000	10 years

(b) Providing for road resurfacing to, but not limited to, Millbrook Road, including all work and materials necessary therefor or incidental thereto..

<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
\$ 90,000	\$ 85,500	10 years

(c) Providing for Phase II road improvements to Middleville Road, including all work and materials necessary therefor or incidental thereto.

<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
\$225,000 (including a grant in the amount of \$180,000 expected to be received from the State of New Jersey Department of Transportation)	\$ 42,500	10 years

<u>TOTAL APPROPRIATION</u>	<u>TOTAL BOND AUTHORIZATION</u>	<u>AVERAGE PERIOD OF USEFULNESS</u>
\$415,000	\$223,000	10 years

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by 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 notes issued pursuant to this 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:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time 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 date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes

pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the names of the purchaser.

Section 5. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Township may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and submitted to the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$223,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the

Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Upon Motion by Mr. Fisher, seconded by Mrs. Straway and **Roll Call Vote:** Ms. Chammings, yes, Mr. Fisher, yes, Committeeman Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Ordinance 2014-008 was Introduced and adopted.

ORDINANCE 2014-009[Public Hearing and Adoption May 6, 2014]

ORDINANCE REAPPROPRIATING \$221,766 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE PURCHASE OF TWO DUMP TRUCKS WITH PLOWS AND SANDERS AND OTHER RELATED ITEMS IN AND BY THE TOWNSHIP OF STILLWATER, NEW JERSEY

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

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$221,766 of the proceeds of obligations originally made available pursuant to Bond Ordinance No. 2012-4 finally adopted on June 19, 2012, by the Township of Stillwater (the “Township”) are no longer necessary for upgrades and repairs to Baldwin Gate Bridge and for the purchase of a tandem dump truck with plow and sander. The \$221,766 proceeds are hereby reappropriated to provide for the purchase of two dump trucks with plows and sanders and other related items.

Section 2. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Section 3. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Upon Motion by Mr. Fisher, seconded by Mrs. Straway and **Roll Call Vote:** Ms. Chammings, yes, Mr. Fisher, yes, Committeeman Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Ordinance 2014-009 was Introduced and adopted.

CAPITAL ORDINANCE 2014-010[Public Hearing and Adoption May 6, 2014]
CAPITAL ORDINANCE APPROPRIATING \$193,300 FOR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF STILLWATER, IN THE COUNTY OF SUSSEX, NEW JERSEY

BE IT ORDAINED by the Township Committee of the Township of Stillwater, in the County of Sussex, New Jersey, AS FOLLOWS;

Section 1. The several improvements described in Section 3 of this capital ordinance are hereby respectively authorized as general improvements to be made or acquired by the Township of Stillwater, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to \$193,300, which has heretofore been set aside for the improvements or purposes stated in Section 3 and now available therefore by virtue of provision in a previously adopted budget or budgets of the Township for capital improvement purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$193,300 appropriations, the Township will use \$193,300 from the General Capital Improvement Fund.

Section 3. The improvements hereby authorized and the several purposes for the allocation of which said obligations are to be spent, the appropriation made for an estimated cost of each such purpose, and the estimated maximum amount of funds to be spent for each such purpose, are respectively as follows:

Fire Dept – Equipment – Including AED’s, Hose & Applicances	\$15,300.00	General C.I.F.
Furniture & Fixtures for Municipal Offices	\$17,000.00	General C.I.F.
Public Works – Equipment, Including Hydraulic Broom	\$11,000.00	General C.I.F.
Purchase of Dump Trucks with Plows & Sanders, to supplement Bond Ordinance	\$81,000.00	General C.I.F.
Infrastructure Repairs & Maintenance, Including Recycling Center Driveway, Crack Sealing Program – Year One & Guiderail Upgrade Program – Year One	\$57,500.00	General C.I.F.
Generator for Municipal Building – Additional Costs, Not Covered by Grant Funds	\$11,500.00	General C.I.F.

All the aforesated improvements or purposes where applicable, are in accordance with specifications on file in the office of the Township Clerk, which specifications are hereby approved.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- (a) The said purposes described in Section 3 of this capital ordinance are capital expenses and are each 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 specifically assessed on property specially benefited thereby.
- (b) The average period of usefulness of said purposes within the limitations of said Local bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed by this capital ordinance, is five (5) years.

Section 5. 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.

Section 6. This capital ordinance shall take effect ten (10) days after the publication thereof after final adoption.

Upon Motion by Mr. Gross, seconded by Mrs. Straway and **Roll Call Vote:** Ms. Chamblings, yes, Mr. Fisher, yes, Committeeman Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Ordinance 2014-010 was Introduced and adopted.

RESOLUTION 2014-051 Authorizing the Mayor to Execute the 2013-2015 DPW Collective Bargaining Agreement was tabled until May 6, 2014

RESOLUTION 2014-052 Authorizing Change Order #2 to Resolution Awarded to Daniel A. Rivara in 2014 for Stillwater town Hall Renovation

Upon Motion by Mr. Fisher, seconded by Mrs. Straway **Roll Call Vote:** Ms. Chamblings, yes, Mr. Fisher, yes, Mrs. Straway, yes, Committeeman Gross, yes, Mayor Scott, yes

Open Public Session: Mayor Scott invited the public to speak on any matter. Seeing no one wishing to speak Mayor Scott closed this portion of the meeting.

Attorney Report: None

Correspondence: Mayors' Advisory Correspondence is available in the Correspondence Binder at the Municipal Building.

There being no further business, Mr. Fisher made a **motion** to adjourn the meeting, seconded by Mrs. Straway. In a voice vote at 7:38 p.m., all were in favor.

Respectfully submitted,

Lynda Knott, Acting Municipal Clerk