

**STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES OF JUNE 17 2014
REGULAR MEETING**

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Scott at 5:30 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, Committeewoman Chammings, Committeeman Gross, Committeeman Fisher, Committeewoman Straway, Acting Municipal Clerk Lynda Knott, and Attorney Angelo Bolcato 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 **Mrs. Straway** and carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 5:35 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, Real Property, Litigation and Public Safety.
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 **Mrs. Straway**, seconded by **Mr. Fisher** to conclude the Executive Session at 7:02 p.m., unanimously carried by roll call vote.

Regular Session:

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

Mayor Scott informed the audience that there had been an earlier executive session where interviews were held and that a second executive session will be held.

PRESENTATION: 2013 Audit – Valerie Dolan, CPA, RMA, PSA Nisivoccia LLP

Mrs. Dolan noted the 2013 audit went well and even with the chaos of Town Hall renovations the Financial Reports and Audit were filed on time. Mrs. Dolan stated the Fund Balance was up \$350,000.00 to \$2,122,000.00. One factor for the increase in the funds balance was an additional \$86,000 in tax collection. The 2012 audit had seven accusations for the Township to address. Four accusations have been resolved through the CFO's Corrective Action Plan. The remaining three issues will most likely never be resolved. Mrs. Dolan explained that the first item is segregation of duties and Stillwater

Township has only two full-time office employees and many part-time so few do the work of many. Also Stillwater Township does not have an accumulated fix asset listing and Mrs. Dolan said it is not cost effective for Stillwater to pay for the listing. Mr. Gross asked about the debt ratio. Mrs. Dolan said Stillwater Township has only borrowed .296 percent and is allowed three (3%) percent. Mrs. Dolan noted that there were 67 municipal tax liens and stated it is very important for all tax liens to be foreclosed on to allow the properties to be sold and returned to the tax roll because the Township still pays the County and the schools even if the Township is not receiving any revenue. Mayor Scott thanked Mrs. Dolan for her report.

**STILLWATER TOWNSHIP
SUSSEX COUNTY**

RESOLUTION 2014-072

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

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

WHEREAS, The Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, The Local Finance Board has promulgated 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 “General 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 “General Comments” and “Recommendations”, as evidenced by the group affidavit form of the governing body, 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, as per the regulations of the Local Finance Board, 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 promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a 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 the 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 does hereby state that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Mrs. Straway made a **motion** to approve the Resolution 2014-072, seconded by **Mr. Fisher**.

Roll Call Vote: Ms. Chammings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Resolution 2014-072 was adopted

PRESENTATION: Kittatinny Regional High School Budget – Craig Hutchenson, Superintendent and Kathy Kane, Business Administrator

Mr. Hutchenson and Mrs. Kane provided a presentation on the 2014-2015 Kittatinny Regional High School budget. Mr. Hutchenson stated he was now Superintendent of Schools for Kittatinny Regional High School and McKewon Elementary School in Hampton. This shared service provides a savings for both schools. In this current budget there will be an increase of \$21.10 per \$100,000 valuation. The entire power point presentation is available for viewing on the Kittatinny Regional High School website. A brief question and answer period followed the presentation.

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: May 20, 2014 Regular and Executive Minutes

RESOLUTIONS: 2014-065 Renewal of Liquor Licenses
2014-066 Durso Refund of Zoning Board of Adjustment Escrow
2014-067 Katz Refund of Zoning Board of Adjustment Escrow
2014-068 Amending 2014 Budget

REPORTS: Tax Department Report of May 2014
Building Department Report of May 2014

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

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

RESOLUTION 2014-069 Appointing Lynda Knott as Municipal Clerk

Mrs. Straway made a **motion** to approve the Resolution 2014-069, seconded by **Mr. Fisher**.

Roll Call Vote: Ms. Chammings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Resolution 2014-069 was adopted.

RESOLUTION 2014-070 Authorizing 9-1-1 Shared Service Agreement with Sussex County

Mr. Gross made a **motion** to approve the Resolution 2014-070, seconded by **Mr. Fisher**.

Roll Call Vote: Ms. Chammings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Resolution 2014-070 was adopted.

2014 Bill List Cycle # 9: \$207,322.11

RESOLUTION 2014-071 Authorizing Payment of Bills

Motion by **Mr. Gross**, seconded by **Mr. Fisher** to approve the 2014 Bills List and Resolution 2014-071 Payment of Bills for Cycle #9 minus PO #3729 for \$95.59.

Roll Call Vote: Ms. Chammings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Resolution 2014-069 was adopted.

Amendments to the Agenda: None

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

John Nelson, 6 Logwood Trail, Newton is representing Crandon Lakes Association. Mr. Nelson stated the Crandon Lakes Association is disputing the formula calculated for snow removal for 2013. Mr. Nelson said that Hampton Township supplies grits to Crandon Lakes but Stillwater Township does not. Mr. Nelson noted that Crandon Lakes Association feels that the grits should be supplied because Crandon Lakes Association pays substantially more for the grits than Stillwater Township. Mr. Nelson added he noticed the small print on the voucher states that if a vendor signs for the payment they agree with the amount. Mr. Nelson asked the Township Committee if they would consider adding an addendum to the voucher allowing Crandon Lakes Association to be paid the stated amount and then negotiate for the additional reimbursement they feel they are entitled. Committeewoman Straway asked Mr. Nelson to wait until the Township's new attorney is present for comment. Attorney Bolcato advised the Township Committee not to agree to the addendum but wait until the final figure is determined before paying Crandon Lakes Association.

Jackie Espinoza, Stillwater Township's JCP&L representative, shared with the Township Committee and audience updates from JCP&L including communications enhancements and their commitment to improving reliability of service. Ms. Espinoza invited the Township Committee to the RDO Tour of their new dispatch center in Morristown on Thursday, June 19, 2014.

Frank Russo, 912 Poplar Terrace, Stillwater discussed his interest in purchasing property from Stillwater Township. The two parcels are Block 302, Lot 1 and Block 301, Lot 7. The Clerk will speak with the Tax Assessor and have her give a value to these lots and the Clerk will also speak with the Zoning Officer for her opinion on whether or not the large lot is considered a building lot. Mayor Scott noted all adjourning property owners would be notified of their request and that they too may bid on the lots.

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

COMMITTEE REPORTS:

Mr. Gross: Stated there were no Zoning Board applications in May and the next meeting is scheduled for June 30, 2014.

Mr. Fisher: Reminded all that Stillwater Day was Saturday, June 21, 2014. The Miss Stillwater contest would be held at 2 p.m. and at dusk would be the fireworks display. Mr. Fisher stated the DPW had purchased the supplies needed for him to insulate and sheetrock the new sheds at the recycle center and he would be working on that soon. Mr. Fisher noted the EMS has been actively seeking new members.

Ms. Chammings: Reported the Environmental Commission discussed updating the recycling ordinance to new SCUMA standards. Ms. Chammings noted trees marked for removal for the Middleville Road Phase II project. Ms. Chammings asked the Clerk to check with the Municipal Engineer if the storm water drains specified in the Middleville Road Phase II project are the new type endorsed by the DEP. Ms. Chammings said the next Planning Board meeting would be on Wednesday, June 18, 2014 and stated the Sussex County Agricultural Board will be sending flyers to the Township on the "Right to Farm".

Mrs. Straway: Reported the Sustainable Jersey Green Team had enough actions for Bronze level status. Mrs. Straway noted the Green Team would be present at Stillwater Day and that the following Saturday, June 28, 2014 they would hold the first day of the River Clean-Up.

Mayor Scott: No report.

OLD BUSINESS:

ORDINANCE 2014-011 AMENDING ARTICLE II OF CHAPTER 195 OF THE CODE OF THE TOWNSHIP OF STILLWATER ENTITLED "FIRE PREVENTION" TO PROVIDE FOR ENFORCEMENT OF THE UNIFORM FIRE SAFETY CODE BY THE SUSSEX COUNTY FIRE MARSHALL - Public Hearing and Adoption

WHEREAS, the Township of Stillwater heretofore adopted Article II of Chapter 195 of the Code of the Township of Stillwater entitled "Fire Prevention" to provide that the Township of Stillwater shall enforce the Uniform Fire Safety Act, pursuant to the provisions of N.J.S.A. 52:27D-202; and

WHEREAS, the Township of Stillwater is desirous of having the Sussex County Fire Marshall enforce the Uniform Fire Code in the Township of Stillwater effective July 1, 2014; and

WHEREAS, Chapter 195 of the Code of the Township of Stillwater must be amended to allow therefore.

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

SECTION I.

Article II of Chapter 195 of the Code of the Township of Stillwater is hereby repealed in its entirety and replaced with the following:

§ 195-7. Enforcement of statute.

Pursuant to § 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383), N.J.S.A. 52:27D-202, the New Jersey Uniform Code shall be enforced by the County of Sussex.

§ 195-8. Local enforcement agency; establishment.

The local enforcing agency shall be the County of Sussex.

§ 195-9. Duties of agency.

The Sussex County Fire Marshall shall enforce the Uniform Fire Safety Act and the codes and regulations adopted thereunder in in all buildings, structures and premises within the established boundaries of the Township of Stillwater covered by the Act and the codes and regulations and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the New Jersey Uniform Fire Code.

§ 195-10. Inspections

The Sussex County Fire Marshall shall conduct all life hazard and non-life hazard building inspections. The Sussex County Fire Marshall shall carry out the periodic inspection of life hazard uses or whenever conditions which constitute an imminent hazard are found to exist as required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.

§ 195-11. Appeals.

Pursuant to §§ 15 and 17 of the Uniform Fire Safety Act, N.J.S.A. 52:27D-206 and 52:27D-208, any person aggrieved by any order of the Sussex County Fire Marshall shall have the right to appeal to the Construction Board of Appeals of Sussex County. The appeal shall be filed with the Construction Board of Appeals by the 15th day after the receipt by the person of notice of the ruling, action, order or notice complained of.

§ 195-12. Permit fees.

The permit fees will be established by the County of Sussex.

§ 195-13. Fire incident reports.

Fire incident reports shall be made available to interested parties after such parties make a request, in writing, to the Sussex County Fire Marshall for such reports.

§ 195-14. Recordkeeping of activities.

The Sussex County Fire Marshall shall maintain all records of its activities on file.

§ 195-15. Violation and penalties.

Violations and penalties shall be as prescribed by N.J.S.A. 52:27D-207 through 52:27D-211 and as set forth in the New Jersey Administrative Code pursuant to duly adopted regulations by the Department of Community Affairs.

SECTION II. When Effective

This ordinance shall take effect on July 1, 2014 after passage and publication as required by law.

Upon Motion by Mr. Gross, seconded by Mr. Fisher and **Roll Call Vote**: Ms. Chammings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Ordinance 2014-011 was opened to the public for discussion. Seeing no one who wanted to speak Mayor Scott closed this portion of the meeting.

Upon Motion by Mr. Gross, seconded by Mr. Fisher and **Roll Call Vote**: Ms. Chammings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Ordinance 2014-011 was adopted.

NEW BUSINESS

ORDINANCE 2014-012 AMENDING ORDINANCE 2014-006 FIXING THE SALARY AND WAGES FOR TOWNSHIP EMPLOYEES AND OFFICIALS [Public Hearing and Adoption July 1, 2014]

Upon Motion by Mrs. Straway, seconded by Mr. Fisher and **Roll Call Vote**: Ms. Chammings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Ordinance 2014-012 was Introduced and adopted.

The Clerk noted Pass It Along wanted permission from the Township to have their bicycle fund raiser pass through Stillwater Township.

Upon Motion by Ms. Chammings, seconded by Mrs. Straway and **Roll Call Vote**: Ms. Chammings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Pass It along was granted permission to use Township roads for its fund raiser on Sunday, September 14, 2014.

Open Public Session: Mayor Scott invited the public to speak on any matter.

Mrs. Margaret Emmets, Swartwood Lake Association, said it was at their meeting they had learned about the new storm water drains from the DEP. They will be receiving information and mailing the same to 140 member residents. Mrs. Emmets also said they have seen more areas of water chestnuts in the lake and will be doing a water chestnut clean-up the week after the fourth of July. Mrs. Emmets noted the water chestnuts are annual plants and removing them before they seed will be best.

Mr. Nelson, 6 Logwood Trail, Newton noted that gypsy moth casings have been seen on the Hampton Township side of Crandon Lakes.

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

Attorney Report: None

The Township Committee returned to executive session to discuss personnel matters.

There being no further business to attend to, a **motion** was made by **Mrs. Straway**, seconded by **Mr. Fisher** to conclude the Executive Session at 9:30 p.m., unanimously carried by roll call vote.

A **motion** was made by **Ms. Chammings**, seconded by **Mr. Gross** to hire Robert Huber as Construction Official for \$10,000.00. Discussion continued regarding the possibility of entering a shared service with Sandyston for construction official. Mr. Huber has been hired by Sandyston as construction official with Wesley Powers as building sub-code until Mr. Huber is certified. In order not to rush into any situation and allow for more discussion Ms. Chammings recommended the decision wait until the next meeting on July 1st so all questions are answered. Ms. Chammings rescinded her motion and all agreed to make the decision at the July 1, 2014 meeting.

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 9:45 p.m., all were in favor.

Respectfully submitted,

Lynda Knott, RMC
Municipal Clerk