

**STILLWATER TOWNSHIP COMMITTEE MEETING  
MINUTES OF OCTOBER 7, 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, Committeewoman Chammings, Committeeman Gross, Committeewoman Straway, Municipal Clerk Lynda Knott, and Attorney Richard Stein  
ABSENT: Committeeman Fisher

**Regular Session:**

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

**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:** Regular and Executive Minutes of August 19, 2014

**REPORTS:** Construction Department Report of September 2014  
Tax Collector Report of September 2014

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

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

**RESOLUTION 2014-095 Refund of Overbilled Taxes Due to Township Revaluation**

**Mr. Gross** made a **motion** to approve Resolution 2014-095, seconded by **Mrs. Straway**.

**Roll Call Vote:** Ms. Chammings, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Resolution 2014-095 was adopted.

**2014 Bill List Cycle # 14:** \$2,306,590.04

**RESOLUTION 2014-096 Authorizing Payment of Bills**

Motion by **Mrs. Straway**, seconded by **Mr. Gross** to approve the 2014 Bills List and Resolution 2014-096 Payment of Bills for Cycle #14.

**Roll Call Vote:** Ms. Chamblings, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Resolution 2014-096 was adopted.

**James Fox, Esq.** of Morris Downing & Sherred representing Crandon Lakes Association of Property Owners came before the Township Committee and gave a brief history of the Kelly Act for snow removal services and how the current formula between Crandon Lakes Association and Stillwater Township was formed by Judge Stanton. Mr. Fox stated in prior years the formula covered 92 – 98 percent of the Association’s cost but in 2013 the percentage dropped to seventy-eight (78) percent. Mr. Fox said the Association feels the drop in cost coverage is caused by the cost of “grits”. Mr. Fox gave two scenarios where the Township could close the gap in costs. The first would be to change the formula cost of grits from the Township’s cost to the Association’s cost and the second scenario would allow the Association to purchase grits at the Township’s cost from Sussex County.

**Amendments to the Agenda:** None

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

Mrs. Jeanne Gibson, 1071 Route 619, voiced her concerns about the safety of West End Drive not having white lines painted on the sides of the road as a guide for motorists. Mrs. Gibson stated she spoke with the DPW Supervisor and was told the road was redone last fall, but Mrs. Gibson said the yellow line is barely there less than a year later. Ms. Chamblings told Mrs. Gibson the Township would look into rethinking the side road white lines.

Mr. Kenneth Bradley, 10 East Side Drive, Newton, NJ asked who took out the building permits and who is the contractor of the cell tower being constructed on the Swartswood Fire Department’s property on Newton Swartswood Road. None of the Township Committee members knew the answer and Mr. Bradley was asked to contact Kathy Wunder in the Township’s Building Department or fill out an OPRA form for the information.

Mr. Frank Russo, 912 Poplar Terrace, Stillwater stated the Township owned properties need to be assessed at a reasonable rate for interested parties to purchase and return to the Township’s tax rolls. Mr. Russo feels these vacant properties are priced too high for residents to purchase.

Mr. Jack Branagan, 961 Old School House Road, voiced his concerns regarding the invasive plants planted by PSE&G’s contractor in the power line right-of-ways. Mrs. Straway suggested Mr. Branagan call George Sous from PSE&G directly and the Township Clerk will send Mr. Branagan an e-mail with Mr. Sous’ contact information. Ms. Chamblings noted the seed mix used by PSE&G is mandated and enforced by the DEP.

Mr. Steckowich, 907 Hardwick Road, asked if the Township Clerk could read a prayer he brought but could not read himself. The Mayor and Township Attorney denied his request.

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

**COMMITTEE REPORTS:**

**Mr. Gross:** Stated the August meeting of the Zoning Board of Adjustment is August 25<sup>th</sup> at 7:30 p.m.

**Mr. Fisher:** Reported that Stillwater Township won 2<sup>nd</sup> place for its display board at the Sussex County Fair. The display board was designed by the members of the Recreation Commission and will be on display at the Town Hall .

**Ms. Chammings:** Reported the DPW is busy patching roads and also resurfacing roads with oil and stone. Ms. Chammings also noted that Millbrook Road will be repaved. Ms. Chammings said that she and Mr. Gross would form a sub-committee to look at job descriptions for the employees at the Convenience and Recycling Center and hope to address the Township Committee and residents at the September 16<sup>th</sup> meeting. Ms. Chammings also gave kudos to Mrs. Emmetts for continuing to lead the fight against water chestnuts in Swartswood Lake.

**Mrs. Straway:** Reported Green Team will host the 2014 Green Fest on Sunday September 7, 2014 from 1:00 to 4:00 p.m. at Fairview Lake Camp. Some activities during the Green Fest will be a bicycle parade and an art show. Mrs. Straway also noted that Old Tannery Road Bridge was being replaced by Salmon Brothers and is expected to be completed by Thanksgiving. Mrs. Straway stated the contract for Middleville Road Phase II was awarded and sent to Top Line Construction and upon acceptance a pre-construction meeting will be scheduled.

**Mayor Scott:** Reported the Planning Board is discussing the solar ordinance and the pole barn for Franciscan Ministries. Mayor Scott also noted the many sightings of gypsy moths reported.

**OLD BUSINESS:**

**ORDINANCE 2014-017 ORDINANCE AMENDING ORDINANCE 2014-006 FIXING THE SALARY AND WAGES FOR TOWNSHIP EMPLOYEES AND OFFICIALS**

**BE IT ORDAINED** by the Township Committee of the Township of Stillwater in the County of Sussex, New Jersey as follows:

Section 1. The annual salary, wage and compensation to be paid to Township Employees and Officials as contained in Section 1 of Ordinance 2014-006 is hereby amended to add the positions as follows, retroactive to July 1, 2014:

File Clerk	\$ 8.25 per hour
Receptionist	\$11.00 per hour

Section 2. The annual salary, wage and compensation to be paid to Township Employees and Officials as contained in Section 1 of Ordinance 2014-006 is hereby amended as follows, retroactive to July 1, 2014:

Construction Official	\$5,000.00 Pro-Rated
Building Sub-code Official	\$5,000.00 Pro-Rated

Section 3. The annual salary, wage and compensation to be paid to Township Employees and Officials as contained in Section 1 of Ordinance 2014-006 is hereby amended as follows, retroactive to September 1, 2014:

Electrical Sub-Code Official

\$8,000.00 Pro-Rated

Section 4. This ordinance shall become effective immediately upon final adoption and publication as required by law, and shall be retroactive to the date of appointment.

Upon Motion by Mr. Fisher, seconded by Mrs. Straway and Roll Call Vote: Ms. Chamings, yes, Mr. Fisher, yes, Mr. Gross, no, Mrs. Straway, yes and Mayor Scott, yes – Ordinance 2014-017 was adopted.

**NEW BUSINESS**

**ORDINANCE 2014-018 APPROPRIATING \$15,000 FOR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF STILLWATER Public Hearing and Adoption October 21, 2014**

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

Section 1. The improvement described in Section 3 of this capital ordinance is hereby respectively authorized as a general improvement to be made or acquired by the Township of Stillwater, New Jersey. For the said purpose stated in said Section 3, there is hereby appropriated the respective sum of money therein stated as the appropriation made for said purpose, which has heretofore been set aside for the purpose 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 purpose and to meet the part of said \$15,000 appropriation, the Township will use \$15,000 from the General Capital Improvement Fund.

Section 3. The estimated maximum amount of funds to be spent for this improvement or purpose is as follows:

Observation Phase of Engineering, Middleville Road, Phase II, not to exceed \$15,000.00

The aforesaid purpose where applicable, is 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 purpose described in Section 3 of this capital ordinance is a capital expense and the purpose is one which the Township may lawfully 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 Mrs. Straway, seconded by Mr. Gross and Roll Call Vote: Ms. Chamings, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Ordinance 2014-018 was Introduced and adopted.

**ORDINANCE 2014-019 AUTHORIZING THE SALE OF BLOCK NO. 401, LOT NO.12 STILLWATER, NEW JERSEY [Public Hearing and Adoption November 12, 2014]**

**WHEREAS**, the Township of Stillwater is the owner of all those lots, parcels and tracts of land as hereinafter set forth in Schedule A, which land is not needed or required for municipal use; and

**WHEREAS**, said lots are less than the minimum size required for development under the municipal ordinance and are without capital improvements thereon; and

**WHEREAS**, the Township Committee of the Township of Stillwater have deemed it in the best interest of the Township of Stillwater to sell said lots to owners of contiguous properties 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**, certain of said contiguous owners have offered to purchase lots adjacent to their real property as set forth in Schedule A for the sums set forth thereon; and

**WHEREAS**, the Municipal Assessor of the Township of Stillwater has advised that said sums, taking into consideration all factors relative thereto, are fair and just;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Stillwater that:

1. The Township of Stillwater shall sell, pursuant to the provisions of N.J.S.A. 40A:12-13(b)(5) and N.J.S.A. 40A:12-13.2, the lots to the contiguous property owners for the amounts as set forth in Schedule A attached hereto, subject to the right of other contiguous property owners to bid an amount in excess of the amount offered as set forth in Schedule A. Pursuant to the provisions of said statutes, these conveyances shall be to an owner of adjoining property as the properties to be sold are less than the minimum size required for development under the municipal zoning ordinance and are without any capital improvement thereon. The minimum sale price for said properties are as set forth in Schedule A, which sums are not less than the fair market value of said real properties.
2. Upon final passage of this Ordinance on November 11, 2014 at the Stillwater Municipal Building, 964 Stillwater Road, Newton, New Jersey, the Township of Stillwater shall sell the property set forth in Schedule A, subject to receiving no higher bids for said parcels, after offering same at public auction to the highest bidder at said time and place.
3. The said property shall be sold subject to the following terms and conditions:
  - (a) The said property shall be sold for not less than the amount set forth in Schedule A.
  - (b) The sale shall be made at public auction, after legal advertisement of this Ordinance, and shall be made to the highest bidder who is the owner of contiguous property, which property shall become consolidated with the property being sold herein, 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 the same, shall not be required to refund money or correct any defect in title or be held liable for damages..
  - (d) Acceptance of the offers made as set forth in Schedule A or 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 purchaser will be required to pay no later than November 11, 2014, ten percent (10%) of the bid, in cash or check; said payment shall be returned to the purchaser, without interest, if the title to said property is legally determined to be unmarketable, providing claims made therefor within sixty (60) days after the sale.

- (f) A Bargain and Sale Deed without covenants will be delivered at the office of the Township Clerk on or before sixty (60) days after the date of the sale, at which time and place the balance of the purchase price shall be required to be paid in cash or bank check. The Mayor and Clerk are hereby authorized to execute said Deeds.
- (g) The Deed of Conveyance 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 and water easements on the premises, if any, and the continued right of maintenance and flow thereof.
- (h) The purchaser shall also pay to the Township of Stillwater the cost of preparation of this Ordinance and the Deed of Conveyance plus all charges of sale, including the cost of advertisement, the notice of public sale and all other instruments necessary or required by law at the time of the sale.
- (i) The property will be sold subject to 2014 taxes, prorated from the date of sale.
- (j) The Governing Body does hereby reserve the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said property or to waive any informality in relation thereto.

4. This Ordinance shall take effect after final passage and publication according to law.

**SCHEDULE A**

**PROPERTY**

**MINIMUM BID**

Block No. 401, Lot No.12  
 Located at Laurel Drive

\$1,500.00

Upon Motion by Mr. Gross, seconded by Mrs. Straway and Roll Call Vote: Ms. Chamings, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Ordinance 2014-018 was Introduced and adopted.

**DISCUSSION ITEMS**

Veterans Property Tax Exemption: The Tax Assessor forwarded a memo to the Township Committee stating there is a new totally disabled Veteran that is now entitled to a property tax exemption and asked the Township Committee if they wished the exemption to be retroactive to January 1, 2014. The Township Committee asked Mr. Stein to prepare a resolution for the next meeting granting the resident a tax exemption beginning January 1, 2014.

Two fund raising groups looked to the Township Committee for approval to have their events come through Stillwater Township. United Way BOOMR Fall Foliage Bike Tour scheduled for September 27<sup>th</sup> and Bike, Run, Walk to Beat Epilepsy scheduled for October 11, 2014. Both events have now been

successfully run through Stillwater Township in prior years and the Township Committee directed the Clerk to give the Township Committee's approval for their events in 2014.

The Environmental Commission asked the Township Committee to consider collecting mixed rigid plastic at the Convenience and Recycling Center. The EC suggested charging residents one or two cents more than Sussex County Municipal Utilities Authority charges Stillwater Township to cover the costs. Mr. Fisher, liaison to the Convenience and Recycling Center will speak with Mr. Whitehead, the Township's Recycling Coordinator.

Mrs. Straway asked the Clerk to distribute to the Township Committee a copy of the Fire Department Ordinance for discussion at the next meeting.

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

**Attorney Report:** Attorney Stein noted that before any work can be done on Middleville Road Phase II the NJDOT must approve the contract between Stillwater Township and Top Line Construction. Mr. Stein also stated he was waiting for additional documentation from the Nature Conservancy regarding the Schuler Property before he could give the Township Committee his opinion.

There being no further business a Motion was made by Mr. Fisher to attend to adjourn the meeting, seconded by **Mrs. Straway**. In a voice vote at 8:50 p.m., all were in favor.

Respectfully submitted,

Lynda Knott, Municipal Clerk