

TOWNSHIP OF STILLWATER
TOWNSHIP COMMITTEE
JANUARY 22, 2013
RE-ORGANIZATION MEETING

The meeting was called to order at 6 p.m. by Acting Municipal Clerk Lynda Knott. Ms. Knott stated that this meeting has been duly published and posted in full compliance with the Open Public Meeting Act of the State of New Jersey. Advanced notice was given to the New Jersey Herald and by posting said notice in public places.

Ms. Knott led the public in the salute to the American Flag.

At this time, Pastor Florence of the First Presbyterian Church of Stillwater provided an invocation.

Jeffrey M. Parrott, Sussex County Clerk, announced that at the last general election, Mr. George Scott and Mrs. Anita Straway were duly elected to the Township Committee for a three-year term each. Mr. Parrott administered the Oath of Office to Mrs. Straway and Mr. Scott, congratulating both and wishing all well.

Roll Call indicated the following members present: Ms. Chamings, Mr. Fisher, Mr. Gross, Mrs. Straway, Mr. Scott.

Election of Mayor/Chairperson:

A **motion** was made by Mr. Fisher, seconded by Mrs. Straway to elect Mr. Gross as Mayor. There being no other nominations, nominations were closed and Mr. Gross accepted as Mayor of Stillwater Township for 2013 and was sworn in.

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

At this point, the meeting was turned over to Mayor Gross.

Election of Deputy Mayor:

A **motion** was made by Mr. Fisher, seconded by Mr. Gross to elect Mr. Scott as Deputy Mayor. There being no other nominations, nominations were closed and Mr. Scott accepted as Deputy Mayor for Stillwater Township for 2013.

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

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 SEPERATELY ON THE REGULAR AGENDA.

Resolutions

- 2013-001 Adopting Schedule of 2013 Meetings
- 2013-002 Designating the Official Newspapers
- 2013-003 Authorizing Awards of Non-Fair and Open Contracts for Professional Services
- 2013-004 Authorizing the Cancellation of Tax Overpayment or Delinquent Amounts
- 2013-005 Fixing the Rate of Interest
- 2013-006 Temporary Budget
- 2013-007 Establishing Mileage Reimbursement
- 2013-008 Adopting Cash Management Plan for 2013
- 2013-009 Authorizing the CFO to Invest Idle Funds
- 2013-010 Authorizing the CFO to Sell Bond Anticipation Notes and Bonds
- 2013-011 Establishing Interest Rates for Delinquent Property Taxes and Assessments
- 2013-012 Establishing 2013 Holiday Schedule
- 2013-013 Approving Mayor's Appointments of Township Officers with Committee Concurrence
- 2013-014 Approving Appointments of Boards and Commissions with Committee Concurrence
- 2013-014(a) Authorizing Signatures on Checks
- 2013-015 Establishing Committee Departments

- 2013-016 Appointing Tax Assessor & Attorney to Represent Township before County Tax Board**
- 2013-017 Striking the 2013 Tax Rate for Funding Open Space Trust Fund**
- 2013-018 Authorizing the CFO or Tax Collector to Impose Service Charge for Checks Returned**

Resolution 2013-13 and Resolution 2013-015 were pulled for further discussion, and tabled until the Regular Session meeting. Ms. Chamblings made a **motion** to approve the Consent Agenda, with the exception of 2013-13 and 2013-15, seconded by Mrs. Straway.

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

RESOLUTION 2013-001

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF STILLWATER ADOPTING SCHEDULE OF 2013 MEETINGS

WHEREAS, by the Township Committee of the Township of Stillwater, that regular public meeting dates of the Township Committee of the Township of Stillwater for the year 2013 shall be held on the first and third Tuesday of each and every month.

Workshop meetings will be held on the second and fourth Tuesday, as needed. Meetings will begin with Executive Session at 6:00 p.m. followed by Regular Session which will include the public portion(s) unless otherwise noted, and will commence at 7:00 p.m.

Workshop meetings will commence at 5:00 p.m., and include the provision that action may be taken.

BE IT FURTHER RESOLVED, that Regular meetings and Workshop meetings shall be held at the Municipal Building of the Township of Stillwater, 964 Stillwater Road, Stillwater, New Jersey; and

BE IT FURTHER RESOLVED that the following is a list of the dates of the Township Committee meetings in accordance with the terms of this Resolution:

REGULAR MEETINGS

WORKSHOP MEETINGS

- January 8 & 22
- February 5 & 19
- March 5 & 19
- April 2 & 16
- May 7 & 21
- June 11 & 18
- July 2 & 16
- August 6 & 20
- September 3 & 17
- October 1 & 15
- November 19
- December 3 & 17
- January 7 & 21, 2014

- January 15 & 29
- February 26
- March 12 & 26
- April 9 & 23
- May 14 & 28
- June 25
- July 9 & 23
- August 13 & 27
- September 10 & 24
- October 8 & 22
- November 26
- December 10
- January 14 & 28, 2014

RESOLUTION 2013-002

RESOLUTION DESIGNATING THE OFFICIAL NEWSPAPERS FOR THE TOWNSHIP OF STILLWATER

BE IT RESOLVED by the Township Committee of the Township of Stillwater, in the County of Sussex and State of New Jersey that the New Jersey Herald, the Sunday Herald, and/or the Star Ledger are hereby designated as the official newspapers for legal publications of the Township of Stillwater for the year 2013.

BE IT FURTHER RESOLVED that the bulletin board in the lobby of the Town Hall is hereby designated as the place where all official notices are to be posted.

RESOLUTION 2013-003

RESOLUTION AUTHORIZING THE AWARDS OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES FOR THE TOWNSHIP OF STILLWATER

WHEREAS, there exists a need for the services of certain professionals to wit: Township Attorney, Township Engineer, Insurance Agent, Labor Attorney, Bond Attorney, and Auditor as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisitions will exceed \$17,500; and

WHEREAS, the anticipated term of these contract is one year; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Stillwater that:

1. The Mayor and Committee are hereby authorized to engage the following professional persons:

Township Engineer:	Michael Vreeland/Guerin & Vreeland
Insurance Agent:	George W. Morville/The Morville Agency
Labor Attorney:	Howard Vex, Esq.
Conflict Attorney:	Howard Vex, Esq.
Bond Attorney:	John L. Kraft, Esq.

2. The above are engaged without competitive bidding as a professional service under the provisions of the Local Public Contract Law because said services are performed by a person authorized by law to practice a recognized profession.

3. A copy of this resolution shall be published in the New Jersey Herald within ten days of its passage.

RESOLUTION 2013-004
RESOLUTION AUTHORIZING THE CANCELLATION
OF TAX OVERPAYMENT OR DELINQUENT AMOUNTS
TOWNSHIP OF STILLWATER

WHEREAS, N.J.S.A. 40A:50-17.1 allows for the cancellation of property tax overpayments or delinquent amounts, in amounts less than \$10.00; and

WHEREAS, the governing body may authorize a municipal employee chosen by said body to process, without further action on their part, any cancellation of property tax overpayments or delinquencies (except those representing a full quarter or more of taxes) of less than \$10.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Stillwater, County of Sussex, State of New Jersey that we hereby authorize the Tax Collector to cancel said tax amounts as deemed necessary.

BE IT FURTHER RESOLVED that a certified copy of this Resolution is forwarded to the Tax Collector and the Township Auditor.

RESOLUTION 2013-005
RESOLUTION FIXING THE RATE OF INTEREST
TOWNSHIP OF STILLWATER

WHEREAS, N.J.S.A. 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of taxes or assessments subject to any abatement or discount for late payment of taxes provided by; and

WHEREAS, N.J.S.A. 54:4-67 permits the fixing of said rate of 8% per annum of the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00.

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

1. The Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1,500.00 and 18% in excess of \$1,500.00 of taxes or assessments becoming delinquent after due date.
2. There will be a ten (10) day grace period of quarterly tax payments made by cash, check or money order for 2013 pursuant to past municipal practice.
3. Pursuant to the authority contained in N.J.S.A. 54:4-99, interest and penalties on any past due and owing and presently delinquent from the residents of the Township of Stillwater who qualify for the Senior/Disability/Surviving Spouse Deductions under N.J.S.A. 54:4-8.41 and 54:4-8.41A be and the same are hereby waived (with the exception of those that go to lien at a tax sale).

BE IT FURTHER RESOLVED, that in addition to the interest provided above, on all delinquencies in excess of \$10,000.00 and which are not paid prior to the end of the calendar year, the Tax Collector shall also collect a penalty of six (6) percent of the amount of the total delinquency in excess of \$10,000.00.

RESOLUTION 2013-006
TEMPORARY BUDGET
TOWNSHIP OF STILLWATER

WHEREAS, 40A:4-19 Local Budget Act provides that where any contracts, commitments or payments are to be made prior to the final adoption of the 2013 Budget, temporary appropriations be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of 2013; and

WHEREAS, total appropriations in the 2012 Budget, less appropriation made for capital improvement fund, debt service and relief of the poor (public assistance) are as follows:

Current Fund	\$3,756,870.00
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WHEREAS, 26.25 percent of the total appropriations in the 2012 Budget less appropriations for capital improvement fund, debt service and relief of the poor (public assistance) in the said 2012 Budget is as follows:

Current Fund \$ 986,177.50

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Stillwater, County of Sussex that the 2012 Temporary Budget be adopted and that a certified copy be transmitted to the Chief Financial Officer for her records.

RESOLUTION 2013-007
RESOLUTION ESTABLISHING MILEAGE REIMBURSEMENT
FOR 2013 FOR TOWNSHIP OF STILLWATER

BE IT RESOLVED that it is hereby established that the mileage reimbursement rate for the commencement of calendar year 2013 shall be 55.5 cents per mile.

RESOLUTION 2013-008
RESOLUTION ADOPTING CASH MANAGEMENT PLAN FOR 2013
TOWNSHIP OF STILLWATER

BE IT RESOLVED by the Governing Body of the Township of Stillwater that they hereby adopt the Cash Management Plan for the year 2013 which is attached and made a part of this Resolution.

RESOLUTION 2013-009
RESOLUTION AUTHORIZATING THE CHIEF FINANCIAL
OFFICER TO INVEST IDLE FUNDS

BE IT RESOLVED by the Governing Body of the Township of Stillwater that the Chief Financial Officer and/or Treasurer be authorized to invest idle funds of the Township of Stillwater in investment instruments so specified in New Jersey State Law of any bank or trust company having its place of business in the State of New Jersey and organized under the laws of any State in the United States, or the State of New Jersey Cash Management Fund in 2013.

TOWNSHIP OF STILLWATER,
SUSSEX COUNTY, NEW JERSEY

RESOLUTION 2013-010
RESOLUTION AUTHORIZATING THE CHIEF FINANCIAL
OFFICER TO SELL BOND ANTICIPATION NOTES AND BONDS

WHEREAS, N.J.S.A. 40A:2-28 requires that a Resolution be adopted authorizing a Financial Officer of the Township to sell Bond Anticipation Notes and Bonds;

NOT THEREFORE BE IT RESOLVED by the Township Committee of the Township of Stillwater that the Chief Financial Officer is hereby authorized to sell Bond Anticipation Notes and Bonds; and

BE IT FURTHER RESOLVED that following each sale the Chief Financial Officer shall report to the Township Committee the principal amount of the sale, interest rate, date of maturity and name of the purchaser.

TOWNSHIP OF STILLWATER,
SUSSEX COUNTY, NEW JERSEY

RESOLUTION 2013-011
RESOLUTION ESTABLISHING INTEREST RATES FOR DELINQUENT PROPERTY TAXES
AND ASSESSMENTS

WHEREAS, N.J.S.A. 54:4-67 permits the Governing Body of each municipality to fix the rate of interest to be charged for nonpayment of taxes or assessments subject to any abatement or discount for the late payment of taxes as provided by law; and

NOT THEREFORE BE IT RESOLVED by the Township Committee of the Township of Stillwater as follows:

1. Property taxes shall be due and payable quarterly on February 1st, May 1st, August 1st and November 1st of each year, with a ten-day grace period. If the last day of the ten-day grace period falls on a Saturday or Sunday, the following Monday will be the final date to pay property tax without interest charges. After such dates, if property taxes become delinquent, interest will be charged as set forth below and will revert back to the due date on any quarterly installments of taxes.
2. The rate of interest for delinquent property taxes is fixed at 8% per annum on the first \$1,500.00 of delinquency and 18% per annum on any amount of taxes in excess of \$1,500.00.
3. A certified copy of the resolution shall be provided by the Township Clerk to the Tax Collector, Township Attorney and the Township Auditor for the Township of Stillwater.

**RESOLUTION 2013-012
2013 HOLIDAY SCHEDULE
FOR STILLWATER TOWNSHIP**

BE IT RESOLVED by the Township Committee of the Township of Stillwater that the 2013 Holiday Schedule be adopted as listed below:

New Year's Day	January 1, 2013
Martin Luther King Jr. Day	January 22, 2013
Lincoln's Birthday	February 12, 2013
President's Day	February 18, 2013
Good Friday	March 29, 2013
Memorial Day	May 27, 2013
Independence Day	July 4, 2013
Labor Day	September 2, 2013
Columbus Day	October 14, 2013
Election Day	November 5, 2013
Veteran's Day	November 11, 2013
Thanksgiving Day	November 28, 2013
Day after Thanksgiving	November 29, 2013
Christmas Day	December 25, 2013
New Year's Day (2014)	January 1, 2014

**RESOLUTION 2013-014
RESOLUTION OF THE TOWNSHIP OF STILLWATER APPROVING APPOINTMENTS OF TOWNSHIP
BOARD AND COMMISSIONS**

BE IT RESOLVED by the Township Committee that they do hereby concur with the Mayor's appointments and Committee appointments to Board and Commission Members for the year 2013 as follows:

PLANNING BOARD

Name	Term	Term Expires
George Scott – Class I	1 year	12/31/13
Arlene Fisher – Class II	1 year	12/31/13
Lisa Chammings – Class III	1 year	12/31/13
Jack Branagan	3years	12/31/14

ZONING BOARD

Name	Term	Term Expires
Bruce Dangerfield	4 years	12/31/16
Jim Stachura	4 years	12/31/16
Krista Galante	4 years	12/31/16

ENVIRONMENTAL COMMISSION

Name	Term	Term Expires
Jack Branagan	3 years	12/31/15
Mike Nystrom	2 years	12/31/14

RECREATION COMMISSION

Name	Term	Term Expires
Tina Sugar	5 years	12/31/17
Donna Fritsch	5 years	12/31/17

RESOLUTION 2013-014(a)
RESOLUTION AUTHORIZING SIGNATURES ON CHECK
TOWNSHIP OF STILLWATER

BE IT RESOLVED by the Township Committee of the Township of Stillwater, County of Sussex, New Jersey that the following Township Officials are hereby authorized to sign checks or withdrawal slips for the Stillwater Township General Account where a combination of three principal signatures are required:

Mayor or Deputy Mayor and
Chief Financial Officer and
Municipal Clerk or Deputy Clerk if one is appointed

BE IT FURTHER RESOLVED that the following Township Officials are hereby authorized to sign checks or withdrawals slips for the Stillwater Township Payroll Account where a combination of two principal signatures are required:

Mayor or Deputy Mayor and
Chief Financial Officer and
Municipal Clerk or Deputy Clerk if one is appointed

BE IT FURTHER RESOLVED that signature cards with the signatures of the persons authorized to sign be forwarded to the designated depositories.

RESOLUTION 2013-016
TOWNSHIP OF STILLWATER

**RESOLUTION APPOINTING TAX ASSESSOR AND MUNICIPAL ATTORNEY TO REPRESENT
THE TOWNSHIP OF STILLWATER BEFORE THE COUNTY BOARD OF TAXATION FOR
CALENDAR YEAR 2013**

BE T RESOLVED by the Governing Body of the Township of Stillwater that the Municipal Assessor Penny Holenstein and Municipal Attorney Michael S. Garofalo are hereby authorized to defend before the Sussex County Board of Taxation and the Tax Court of the State of New Jersey all contested appeals and to initiate municipal appeals to correct the Township of Stillwater tax list including but not limited to rollback complaints, added and omitted assessment complaints, and such other appeals as are necessary to correct the assessments for the Township of Stillwater; and

BE IT FURTHER RESOLVED that for calendar year 2013 the Municipal Assessor and Municipal Attorney are hereby designed as the agents of the of the Township of Stillwater for the purpose of signing settlements of the foregoing matters by stipulation.

RESOLUTION 2013-17
TOWNSHIP OF STILLWATER

**A RESOLUTION TO STRIKE THE 2013 TAX RATE FOR FUNDING
THE STILLWATER TOWNSHIP OPEN SPACE TRUST FUND**

WHEREAS, the Township of Stillwater places a non-binding referendum on the November 8, 2005 General Election ballot regarding the creation of an Open Space Trust Fund with a concurrent tax increase to assist in the creation of such trust fund; and

WHEREAS, the Stillwater Township Committee now wishes to strike the 2013 tax rate for funding the Open Space Trust Fund.

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

Section 1. The Township Tax Line Item for funding the Open Space Trust Funds shall be set at \$0.005 per \$100 of ratable for each and every taxable property located within the Township.

Section 2. A copy of this Resolution shall be forwarded to the Tax Collector and the Sussex County Tax Board.

RESOLUTION 2013-018

**RESOLUTION OF THE TOWNSHIP OF STILLWATER AUTHORIZING THE TAX
COLLECTOR OR CHIEF FINANCIAL OFFICER TO IMPOSE A SERVICE CHARGE TO AN
ACCOUNT FOR WHICH A CHECK OR OTHER WRITTEN INSTRUMENT WAS RETURNED
FOR INSUFFICIENT FUNDS**

WHEREAS, P.L. 1990, Chapter 105, supplementing Title 40 of the New Jersey State Revised Statutes has been enacted to allow a municipality the authority to impose a service charge to be added on an account which was by check or other written instrument returned for insufficient funds; and,

WHEREAS, whenever an account is owing a municipality for property tax, municipal utility charges or special assessment, the service charge authorized by this section shall be included on whatever list of delinquent accounts is

prepared for the enforcement of the lien.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Stillwater that the Tax Collector or Chief Financial Officer be authorized to charge the aforementioned fee at a rate of \$20.00 per check or other written instrument for all checks returned for insufficient funds during the year; and,

BE IT FURTHER RESOLVED, that the Tax Collector or Chief Financial Officer may require future payments to be tendered in cash or by certified or cashier's check; and,

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Chief Financial Officer, Tax Collector, and the Township Auditor.

Township Attorney 2013: Mr. Fisher made a **motion** to adopt Resolution 2013-024, appointing Michael Garofalo, Esq. of Laddey, Clark and Ryan LLP as the Township Attorney for 2013, seconded by Mrs. Straway.

RESOLUTION 2013-024
RESOLUTION AUTHORIZING THE AWARDS OF A
NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL
SERVICES FOR THE TOWNSHIP OF STILLWATER

WHEREAS, there exists a need for the services of certain professionals to wit: Township Attorney, Township Engineer, Insurance Agent, Labor Attorney, Bond Attorney, and Auditor as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisitions will exceed \$17,500; and

WHEREAS, the anticipated term of these contract is one year; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Stillwater that:

1. The Mayor and Committee are hereby authorized to engage the following professional persons:

Township Attorney: Michael S. Garofalo, Esq./Laddey, Clark & Ryan LLP

2. The above are engaged without competitive bidding as a professional service under the provisions of the Local Public Contract Law because said services are performed by a person authorized by law to practice a recognized profession.

3. A copy of this resolution shall be published in the New Jersey Herald within ten days of its passage.

At this time, Mr. Gross indicated he would not be voting in favor of the motion as he felt the former Township Attorney did an excellent job and he would have liked to retain him. Ms. Chamblings indicated she would abstain due to Mr. Garofalo's involvement with the Chamblings Horse Show.

Roll Call Vote: Ms. Chamblings, abstain, Mr. Fisher, yes, Mrs. Straway, yes, Mr. Scott, yes, Mayor Gross, no

Township Auditor 2013:

Mr. Fisher made a **motion** to appoint Valerie A. Dolan, RMA of Nisivoccia, LLP, as the Township Auditor for 2013, seconded by Mrs. Straway.

RESOLUTION 2013-025
RESOLUTION AUTHORIZING THE AWARDS OF A
NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL
SERVICES FOR THE TOWNSHIP OF STILLWATER

WHEREAS, there exists a need for the services of certain professionals to wit: Township Attorney, Township Engineer, Insurance Agent, Labor Attorney, Bond Attorney, and Auditor as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisitions will exceed \$17,500; and

WHEREAS, the anticipated term of these contract is one year; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Stillwater that:

1. The Mayor and Committee are hereby authorized to engage the following professional persons:

Auditor: Valerie A. Dolan, RMA./Nisivoccia LLP

2. The above are engaged without competitive bidding as a professional service under the provisions of the Local Public Contract Law because said services are performed by a person authorized by law to practice a recognized profession.

3. A copy of this resolution shall be published in the New Jersey Herald within ten days of its passage.

Mr. Scott indicated Nisivoccia, LLP has served as Township Auditor in the past and did a very good job.

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

AMENDMENTS TO THE AGENDA: None

At this time, this portion of the meeting was opened to the public.

There being no members of the public wishing to speak, this portion of the meeting was closed.

There being no further business, Mr. Mayor made a **motion** to adjourn the Reorganization Meeting, seconded by Mr. Fisher. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder