

**STILLWATER TOWNSHIP COMMITTEE MEETING  
MINUTES OF JANUARY 19, 2016  
REGULAR MEETING**

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Fisher at 7:10 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 Fisher, Committeewoman Chamblings, Committeeman Gross, Committeeman Morrison, Committeeman Scott, Municipal Clerk Lynda Knott, and Attorney Richard Stein

**Regular Session:**

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

Ms. Chamblings asked Mayor Fisher to read a statement into the records prior to the nomination of Deputy Mayor. Mayor Fisher asked if anyone had an objection. Seeing no one having an objection Ms. Chamblings read the following statement:

“Throughout the past three years it has been an honor to do my best to serve the people of Stillwater Township with integrity and honesty. Some agenda items have been simple with no complexities. Other agenda items have been difficult to work through with their many complexities and ever evolving discoveries from discussion and debate. I feel most confident in my decisions once I know I have done my best to do my homework and make an informed vote. Prior to the Reorganization meeting of 2016 I reached out to several of my fellow committee members in a sincere effort to avoid some of the same discord that the Reorganization of 2015 brought to the table. Each discussion ended with a clear direction that was positive and pointed to a committee willing to work together in the small things in order to tackle the bigger things on each agenda. However, within 5 minutes of the start of the meeting it was clear to me that the public debate and decision were very different from earlier one on one discussion, some of which occurred 15 – 20 minutes before the reorganization meeting. It also became clear to me that I had been, for lack of a better word, “used”. Most important from that statement, is this one... in desiring something that I wanted, to be Deputy Mayor, I ALLOWED myself to be used which has far greater significance than the actual ‘being used’. I therefore promise to guard myself from such allowed usage in the future.

With that said, the second official action of the Reorganization meeting voted me into the Office of Deputy Mayor, which I accepted. Although this action had its questions, the sitting attorney gave his opinion that a Present Vote meant a yes vote. Last week, in order to address the

concerns of Mr. Gross who voted “Present” I had a brief meeting with him. He shared his concern with me that I have never attended a Newly Elected Officials Seminar on Ethics. After hearing his concern, I did some research and found that the next open seminar that was not full was on January 23 in Mt Laurel, NJ. I have since asked the Clerk for guidance on how to sign up for the course and asked her to initiate the registration as it needs a PO and CFO approval. I thought it required Township Committee approval but was informed by the Clerk it did not. Therefore, given the vote on January 5<sup>th</sup> as well as the sitting attorney’s position on the “Present” vote meaning, I accepted that appointment and have proceeded specifically to work with Mr. Gross to address his concern. Combine this with the fact that I have not been officially removed from the position duly awarded me on January 5<sup>th</sup>, nor have I willingly resigned from said position, I would ask Mr. Stein to please render his legal advice on how to proceed in regards to the first motion on tonight’s agenda calling for nominations for Deputy Mayor.

Mr. Stein said the events conveyed to him by Mr. Bolcato were Mr. Gross had already voted to abstain on an earlier vote and the fact he had voted “present” for deputy mayor Mr. Bolcato assumed he was again abstaining but that was not what Mr. Gross intended so the best way to address the matter would be to put it back on the agenda for another vote. Mr. Stein further noted that State statute was silent as to a Township form of government having a deputy mayor but the Township’s ordinance provides for a person to be a deputy mayor. Should the Township Committee not agree on a deputy mayor and the mayor is absent for a meeting they would then select a person to chair the meeting for that evening.

Ms. Chamings asked Mr. Gross if she had sufficiently addressed his concerns with her being elected to the position of deputy mayor. Mr. Gross said she had.

Ms. Chamings then tendered her resignation as Deputy Mayor in the best interest of the Township Committee to ensure they all work together for the Township. Mr. Scott made a motion to accept Ms. Chamings’ resignation of the position of deputy mayor, seconded by Mr. Gross. Roll call vote: Mr. Gross – yes; Mr. Morrison – no; Mr. Scott – yes; Ms. Chamings abstained and Mayor Fisher- yes. The motion carried

Mayor Fisher asked for a nomination for the position of Deputy Mayor.

**NOMINATION OF DEPUTY MAYOR FOR THE YEAR 2016:** Committeeman Gross nominated George Scott for Deputy Mayor for the year of 2016, seconded by Mr. Scott. **Roll Call Vote:** Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott, yes, Ms. Chamings, no and Mayor Fisher, yes. Mr. Scott is the Deputy Mayor for the year 2016.

**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.

**RESOLUTIONS:** 2016-028 Establishing Committee Departments  
2016-029 Approving Appointments of Township Board

**MINUTES:** January 5, 2016 Re-organization, Regular and Executive Minutes

**REPORTS:** 2015 Employee Sick/Vacation Time carried to 2016  
Building Department December 2015  
Tax Collector December 2015

Mr. Morrison asked that the minutes on the Consent Agenda be tabled. Ms. Chammings would like the minutes tabled as well for further clarification. Mayor Fisher asked for a motion to accept the Consent Agenda with all the minutes tabled. Mr. Morrison made the motion to adopt the Consent Agenda minus the minutes, seconded by Mr. Scott. **Roll Call Vote:** Mr. Gross, no, Mr. Morrison, yes, Mr. Scott, yes, Ms. Chammings, no and Mayor Fisher, yes.

**BILLS LIST #1 \$ 1,176,215.16**

**RESOLUTION 2016-030 PAYMENT OF BILLS**

Mr. Scott made the motion to adopt the Bill's List, seconded by Mr. Morrison. **Roll Call Vote:** Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott, yes, Ms. Chammings, yes and Mayor Fisher, yes.

Mayor Fisher called for any amendments to the agenda. Ms. Chammings added Resolution 2016-032 appointing the OEM and Deputy OEM. The resolution will be added to new business.

Mayor Fisher invited members of the public to speak.

Mr. Lee Hammond, 904 Maple Lane, expressed his concerns regarding the amount of grit on the roads and inquired who will remove the grit from the sides of the roads. Mr. Hammond also stated he has forty (40) acres of land for sale adjacent to the Stillwater Fire Department. He presented the Township Committee with photos of the land. Mr. Hammond feels the Township could use the land for a recreation area for residents.

Mr. Steven Straub, 1051 Route 521, asked the Township Committee to tell the audience about the issues separating the Town from the Swartswood Volunteer Fire Department. Mr. Stein advised him the public session is not a question and answer period.

Mr. Gregory Warholak, 1054 County Route 521, spoke in favor of keeping Swartswood Fire Department active and expressed his fear of lack of fire coverage as he lives around the corner from the Swartswood Fire Department.

Mrs. Kathy Draghi, 1016 County Route 619, congratulated the clerk on passing the State Qualified Purchasing Agent exam and said she hoped the Township Committee would compensate her accordingly.

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

## **OLD BUSINESS**

**ORDINANCE #2016-001** – AN ORDINANCE OF THE TOWNSHIP OF STILLWATER AMENDING CHAPTER X “ADMINISTRATION” BY THE CREATION OF A NEW ARTICLE XXVII ENTITLED “DEPARTMENT OF PURCHASING” Public Hearing and Adoption

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

### **SECTION 1:**

Chapter X of the Code of the Township of Stillwater entitled “Administration” is hereby amended by the addition of a new Article XXVII entitled “Department of Purchasing” to read as follows:

#### **Section 10 - 127 - Qualified Purchasing Agent**

- A. The position of Qualified Purchasing Agent is hereby created, pursuant to the provisions of N.J.S.A. 40A:11-9. The Purchasing Agent shall be designated by resolution adopted by the Township Committee.
- B. The Qualified Purchasing Agent shall serve as the Township’s Purchasing Agent. The Qualified Purchasing Agent shall have the authority, responsibility and accountability for the purchasing activity for the Township, to prepare public advertising for bids and to receive bids for the provision or performance of goods or services on behalf of the Township and to award contracts as permitted pursuant to the provisions of N.J.S.A. 40A:11-3 in the name of the Township and conduct any activities as may be necessary or appropriate to the purchasing function of the Township as its contracting agent.
- C. The individual designated to serve as the Purchasing Agent of the Township pursuant to this article shall possess a Qualified Purchasing Agent Certificate issued by the Department of Community Affairs.

### **SECTION 2: WHEN EFFECTIVE**

This Ordinance shall take effect upon passage and publication as required by law.

A Motion was made by George Scott to open the matter up to the public for discussion, seconded by Mr. Morrison. Roll call vote: Ms. Chammings, yes, Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott, yes and Mayor Fisher, yes – Ordinance 2016-001 was opened to the public. Seeing no one wanting to speak this portion of the meeting was closed.

A motion for adoption was made by George Scott, seconded by Mr. Gross. Roll Call vote: Ms. Chammings, yes, Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott, yes and Mayor Fisher, yes Ordinance 2016-001 was finally adopted.

**RESOLUTION 2016-025 APPOINTING LYNDA KNOTT AS THE QUALIFIED PURCHASING AGENT FOR THE TOWNSHIP OF STILLWATER AND ESTABLISHING THE TOWNSHIP’S BID THRESHOLD PURSUANT TO N.J.S.A.**

**40A:11-9.** A motion for adoption was made by George Scott, seconded by Mr. Gross. Roll Call vote: Ms. Chammings, yes, Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott, yes and Mayor Fisher, yes

**RESOLUTION 2016-032 MAYOR’S APPOINTMENTS OF JOSEPH SUGAR AS OFFICE OF EMERGENCY MANAGEMENT COORDINATOR AND WALTER CHADWICK AS DEPUTY OEM COORDINATOR WITH COMMITTEE CONCURRENCE.**

Upon Motion by Mr. Scott, seconded by Ms. Chammings and Roll Call Vote: Ms. Chammings, yes, Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott and Mayor Fisher, yes – Resolution 2016-032 is adopted.

**NEW BUSINESS**

**ORDINANCE 2016-002: AN ORDINANCE OF THE TOWNSHIP OF STILLWATER, SUSSEX COUNTY, NEW JERSEY AMENDING ARTICLE XXIV OF CHAPTER 10 OF THE CODE OF THE TOWNSHIP OF STILLWATER ENTITLED “FIRE DEPARTMENT [Public Hearing and Adoption February 2, 2016]**

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

**SECTION 1 - DEFINITIONS**

Article XXIV “Fire Department” of Chapter 10 of the Code of the Township of Stillwater is hereby amended to read as follows:

**§ 10-110. Establishment.** (no change)

**§ 10-111 Recognition.** The Stillwater Township Volunteer Fire Department shall consist of one fire company to be known as “Stillwater Area Volunteer Fire Company” and such additional companies as the Stillwater Township Committee may hereinafter authorize and approve. Members of the company shall also be members of the department.

**§ 10-112 Members.** (no change)

**§ 10-113 Attendance.** Every member of the Fire Department shall, in each and every year, perform at least 60% of duty, to be composed of actual attendance and duty at fires and drills; and a

record shall be kept of such attendance and duty by the Chief of the Company and reported to the Fire Commissioner annually.

**§ 10-114 Exempt Certificates.** (no change)

**§ 10-115 Application for Membership.** Every person seeking to join the Fire Department shall make application to the fire company and upon his election to membership in accordance with the bylaws of the company, he shall become a member in good standing of the Fire Department. The election of members of a fire company shall be immediately reported to the Township Clerk, who shall keep an accurate and up-to-date record of all members of the Department.

**§ 10-116 Supervision.** (no change)

**§ 10-117 Operation of Fire Companies.** This section is repealed in its entirety.

**§ 10-118 Fire Commissioner.** The Township Committee shall annually designate one of its members as Fire Commissioner. The Fire Commissioner shall, together with the Mayor and Municipal Clerk, execute all exempt firemen certificates as authorized by law. He shall annually file a verified list of all nonexempt members of the Fire Department with the Township Clerk in accordance with the provisions of N.J.S.A. 40A:14-57. He shall have no jurisdiction over firematic functions or over the operations of the fire company. The Township Committee shall not have any jurisdictional powers over firematic functions or over the operations of the fire company.

**§ 10-119 Powers during Emergencies.** (no change)

**§ 10-120 Interference with Operations.** (no change)

**§ 10-121 Violations and Penalties.** (no change)

## **SECTION 2 - WHEN EFFECTIVE**

This law shall take effect after passage and publication as required by law.

Upon Motion by Mr. Morrison, seconded by Mr. Gross and Roll Call Vote: Ms. Chammings, yes, Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott and Mayor Fisher, yes – Ordinance 2016-002 is Introduced and adopted.

## **DISCUSSION ITEMS**

Land Use Board – The Township Committee will hold a special meeting with the joint boards of the Planning Board and Zoning Board of Adjustment to discuss the possibility of forming a Land Use Board on February 2, 2016 at 6:00 p.m.

The Middleville Inn has a drainage pipe from a town catch basin that drains near their new leech field. The restaurant's engineer has stopped work on the project until the pipe is moved. The DPW Superintendent will get written quotes from excavators to move the pipe.

Inspections from State Inspector Howard Panton revealed that Gypsy Moths are back in the area and portions of the Township must be sprayed. A portion of the cost will be paid by the Township and a portion (up to 50%) will be reimbursed by the State. In order for the Township to be part of the statewide program a resolution must be passed authorizing the spraying.

## **RESOLUTION 2016-031 AUTHORIZING GYPSY MOTH SPRAYING**

Upon Motion by Mr. Scott, seconded by Mr. Morrison and Roll Call Vote: Ms. Chamblings, yes, Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott and Mayor Fisher, yes – Resolution 2016-032 is adopted.

The Environmental Commission has requested a new line item to be added to the budget for the Green Team for \$1500.00 After discussion and upon Motion by Mr. Scott, seconded by Mr. Gross and Roll Call Vote: Ms. Chamblings, yes, Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott and Mayor Fisher, yes – the line item will be added to the budget for the Green Team. Ms. Chamblings asked the Clerk to have the Environmental Commission and/or Green Team to provide specific information on how the funds will be used and how the \$1500 amount was determined.

## **OPEN PUBLIC SECTION**

Mayor Fisher opened the meeting to the public to speak on any matter.

Ms. Rebecca Dey, 907 Marigold Way, spoke about Swartwood Fire Department's personnel who are continuing to harass her even though the Township Committee had written her a letter promising she would not have to endure further issues because she brought allegations against personnel in the department. Ms. Dey has since resigned her position with Swartwood Fire Department.

Mr. Vincent Kornmeyer, 2 Pasagi Road, Hampton, President of Swartwood Fire Department, spoke about his membership in the Swartwood Fire Department since 1988. He voiced his unhappiness in receiving a suspension letter from the Township Committee in October and the fact he could no longer hold an officer position in Stillwater Township's volunteer fire department. He stated he was supposed to be President of the County Fire Association in 2016 and he is very disappointed now that he will be passed over.

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

## **BUDGET DISCUSSION**

CFO Dana Mooney joined the meeting for a brief discussion of the 2016 budget. The CFO noted she was giving the Township Committee some budget updates but has not yet completed the revenue compilation. Ms. Mooney stated interest is down on taxes because more people are paying their taxes on time. She also noted the grant for up to 50% of the gypsy moth spraying is not yet reflected in revenues.

The CFO said because there is no new DPW Contract yet she put 2% across the board for all employee increases for 2016.

The budget meetings have been scheduled for January 27 (Township Departments and Boards and Commissions), February 10 (DPW), February 17 (Fire Departments, EMS & OEM) and February 24, 2016 for any other discussions.

Ms. Mooney discussed the immediate need for a new server for town hall. All data from every department is stored on the server and the current server is too old and too small to back up the day to day transactions. Ms. Mooney has a quote from MSI for a new server in the amount of \$5700 and would like to fully fund the new server if the Township Committee agrees. Ms. Mooney said the money set aside for the new generator is in excess of what is needed and the generator funds could be taken from that line item.

Upon Motion by Ms. Chamings, seconded by Mr. Scott and Roll Call Vote: Ms. Chamings, yes, Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott and Mayor Fisher, yes – the purchase of the new server was approved.

Ms. Mooney said the Township Committee could look into using surplus to put more money into capital improvement plan to fully fund items or for down payments. Ms. Mooney noted she would like to include the Auditor in discussions with the Township Committee about the capital improvement plan.

Mr. Stein asked the Township Committee to have a brief Executive Session prior to adjourning.

## **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 in 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, County of Sussex, New Jersey as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter(s).
2. The general nature of the subject matter(s) to be discussed is as follows:  
 Personnel  Contract  Real Property  Litigation/Potential Litigation  
 Attorney Client  Public Safety
3. It is anticipated at this time that the above stated subject matter(s) will be made public at the conclusion of each individual specified subject matter.

4. This resolution shall take effect immediately.

Upon Motion by Ms. Chammings, seconded by Mr. Scott and Roll Call Vote: Ms. Chammings, yes, Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott and Mayor Fisher, yes – the Township Committee went into Executive Session.

The Township Committee resumed public session at 9:05 p.m.

Mayor Fisher reported that Attorney Daggett communicated with Mr. Stein this afternoon asking to have a sub-committee meeting between the Township and Swartswood Fire Department. The Township Committee agreed and Mr. Stein will set up the date and time with Mr. Daggett. The sub-committee will comprise of Mr. Scott and Ms. Chammings.

There being no further business a Motion was made by Mr. Scott, seconded by Mr. Morrison to adjourn the meeting. In a voice vote at 9:08 p.m., all were in favor.

Respectfully submitted,

Lynda Knott, Municipal Clerk