

**STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES OF JULY 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, Committeewoman Chammings, Committeeman Gross, Committeeman Fisher, Committeewoman Straway, Municipal Clerk Lynda Knott, and Attorney Richard Stein ABSENT: None

Executive Session:

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by **Mr. Gross**, seconded by **Mrs. Straway** and carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 6:05 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, Potential Litigation and Attorney-Client.
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 **Ms. Straway**, seconded by **Mr. Gross** to conclude the Executive Session at 7:02p.m., unanimously carried by roll call vote.

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 Minutes of June 16, 2014

RESOLUTIONS: 2014-077 Appointment of Dawn Tighe as PT Receptionist and Office Clerk
2014-078 Appointment of Tina Simon as PT File Clerk

REPORTS: Stillwater Rescue Squad Monthly and Monthly Day Calls Report of June 2014
Construction Department Report of June 2014
Tax Collector Report of June 2014

Mr. Gross 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.

2014 Bill List Cycle # 11: \$843,180.00

RESOLUTION 2014-079 Authorizing Payment of Bills

Motion by **Mrs. Straway**, seconded by **Mr. Fisher** to approve the 2014 Bills List and Resolution 2014-076 Payment of Bills for Cycle #10.

Roll Call Vote: Ms. Chammings, yes, Mr. Gross, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Resolution 2014-079 was adopted.

Amendments to the Agenda:

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

Frank Russo, 912 Poplar Terrace, Stillwater had discussed his interest in purchasing property from Stillwater Township. Mr. Russo [**to be finished**]

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

COMMITTEE REPORTS:

Mr. Gross: Stated the July meeting has been cancelled and the applications are starting to get backed up.

Mr. Fisher: Reminded all Stillwater Garage Sale Day was Saturday, June 21, 2014.

Ms. Chammings: Reported the Environmental Commission discussed that 41 volunteers participated in River Clean Up – most of the clean-up was recyclables. Separately some Environmental Commission members cleaned up ten bags of garbage from Saddleback Road. The Environmental Commission members also thanked the members of the DPW for the great job cleaning up Veterans Field after Stillwater Day.

Mrs. Straway: Reported Green Team will meet to discuss Stillwater Day, the River Clean up and certifications for Sustainable Jersey.

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:

**RESOLUTION 2014-080 RESOLUTION APPOINTING ROBERT HUBER AS
CONSTRUCTION CODE OFFICIAL**

WHEREAS, the office of the Construction Official of the Township of Stillwater recently became vacant; and

WHEREAS, the Township Committee wishes to fill the vacant position; and

WHEREAS, Robert Huber is qualified for the position of Construction Code Official and has offered to perform said service for the Township of Stillwater;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Stillwater that the said Robert Huber is hereby appointed Construction Code Official for the Township of Stillwater, effective immediately; and

BE IT FURTHER RESOLVED that Mr. Huber shall be paid an annual salary of \$5,000.00, prorated; and

BE IT FURTHER RESOLVED that this appointment is provisional, pending civil service approval.

Mrs. Straway made a **motion** to approve the Resolution 2014-080, seconded by Mr. **Gross**.

Roll Call Vote: Ms. Chamings, yes, Mr. Fisher, no, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, abstained – Resolution 2014-080 was adopted.

**RESOLUTION 2014-081 RESOLUTION APPOINTING GREG CHONTOW AS
BUILDING INSPECTOR AND SUB-CODE OFFICIAL**

WHEREAS, the office of the Building Sub Code Official of the Township of Stillwater recently became vacant; and

WHEREAS, the Township Committee wishes to fill the vacant position; and

WHEREAS, Greg Chontow is qualified for the position of Building Sub Code Official and has offered to perform said service for the Township of Stillwater;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Stillwater that the said Greg Chontow is hereby appointed Building Sub Code Official for the Township of Stillwater, effective immediately; and

BE IT FURTHER RESOLVED that Mr. Chontow shall be paid an annual salary of \$5,000.00, prorated; and

BE IT FURTHER RESOLVED that this appointment is provisional, pending civil service approval.

Mr. Gross made a **motion** to approve the Resolution 2014-081, seconded by Mrs. **Straway**.

Roll Call Vote: Ms. Chammings, yes, Mr. Fisher, no, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, abstained – Resolution 2014-081 was adopted.

Mr. Fisher asked to read a statement into the record:

Due to my strong disagreement with the actions of this Committee regarding the hiring of the new Construction Official and Building Sub Code/Inspector, who does not possess the required licenses to complete the entire job, I want this statement read into the minutes.

It is most unfortunate that members of this Committee do not recognize that this is a life safety issue and have confused it with “good old boy” politics or a personal issue. At the last meeting when the Committee voted to select the least qualified applicant for the position, some Committee members assumed that a retired Building Sub Code and a Fire Inspector, who was volunteering his time to do fire inspections would be willing to do building plan reviews and sign off on the work for Stillwater Township under his license. The Inspector handed in his resignation two days after the last meeting, so much for free service and not doing your homework.

It is irresponsible for this Committee to not put the most experienced people in life safety positions. **Taking** a class, as almost any inspector will tell you is not the same as years of experience doing the work, you know what to look for on plans and **during** the construction phase, when you are experienced in the trade.

I have been working in this business as a building inspector, building sub code, fire inspector and fire sub code for over 12 years and prior to that for 20 years, I was a contractor in my own business and I am a life member of the Stillwater Area Fire Company. **Your** disregard of my input, with my experience was ignorant at best.

I believe that the taxpayers of this Town, who elected us, expect us to protect them. They deserve the most qualified people in life safety positions, and to hire someone who is inexperienced is completely irresponsible especially when qualified people are available and the salary is similar. With the hiring of this individual, Stillwater Township is still in need of a Fire Inspector and Building Sub Code. Unfortunately you rejected experienced and **qualified** applicants who could do both jobs.

The other side of this is the idea that when an inspector goes out on an inspection, a resident is under the impression that any safety issues will be addressed and their confidence and total trust is put onto the inspector. I would not want to be in that position if something went wrong and a project was passed or approved because the inspector was inexperienced and under qualified. Thank you for your time.

Mrs. Straway, Mr. Gross and Ms. Chammings rebutted portions of Mr. Fisher's statement. They were especially unhappy with Mr. Fisher's statement that his fellow Committee Members were practicing "good old boy" politics or following a personal issue. All shared that they have the ultimate respect of Mr. Fisher's experience and opinion, but feel Mr. Fisher was not correct in his thinking these men were not qualified. The majority feel Stillwater Township is not harmed by becoming a Class III town and sending the rare large project to the State for plan review. Mr. Huber and Mr. Chontow have both worked for the Township for many years and have proven to be qualified, dedicated and hardworking employees.

NEW BUSINESS

ORDINANCE 2014-016 ORDINANCE ENFORCING THE NEW JERSEY MOTOR VEHICLE IDLING REGULATIONS [Public Hearing and Adoption August 19, 2014]

WHEREAS, the Township Committee of the Township of Stillwater believes it to be in the best interest of the Township to regulate the emission of smoke and other contaminants from idling motor vehicles; and

WHEREAS, the State of New Jersey, Department of Environmental Protection, has adopted standards for preventing extended idling of motor vehicles; and

WHEREAS, Stillwater Township may adopt an ordinance not inconsistent with the State standards in enforcing motor vehicle idling regulations with the Township.

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

Section 1. A new Section 470:1 shall be added to Part III of the Code of the Township of Stillwater entitled "Board of Health Legislation" and shall read as follows:

General Prohibitions - Diesel Powered Motor Vehicles Idling

(a) No person shall cause, suffer, allow, or permit the engine of a diesel-powered motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion, except:

1. A motor vehicle that has been stopped for three or more hours may idle for up to 15 consecutive minutes when the ambient temperature is below 25 degrees Fahrenheit; and

2. A diesel bus while it is actively discharging or picking up passengers may idle for up to 15 consecutive minutes in a 60-minute period.

(b) The provisions of (a) shall not apply to:

1. Any motor vehicle idling in traffic, or a motor vehicle other than a school bus idling in a queue of motor vehicle, that are intermittently motionless and moving because the progress of the motor vehicles in the traffic or the queue has stopped or slowed by the congestion of traffic on the roadway or by other conditions over which the driver of the idling motor vehicle has no control.

2. A motor vehicle whose primary power source is utilized in whole or in part for necessary and definitely prescribed mechanical operation other than propulsion. This includes, but is not limited to, operating lift gate pumps and controlling cargo temperature. This exemption does not apply to passenger compartment heating or passenger compartment air conditioning;

3. A motor vehicle being or waiting to be examined by a State or Federal motor vehicle inspector;

4. Vehicles that are actively performing emergency services. Examples include fire vehicles, first aid vehicles, police vehicles, public utility vehicles, military tactical vehicles and snow removal vehicles during the time that such vehicles are actively performing emergency services;

5. A motor vehicle while it is being repaired or serviced, provided that operation of the engine is essential to the proper repair or service.

General Public Highway Standards - Diesel Powered Motor Vehicles

(a) No person shall cause, suffer, allow or permit the operation of any diesel-powered motor vehicle upon the public roads, streets or highways of the Township or upon any public property or upon any quasi-public roadway in the Township, if the vehicle:

1. Emits smoke in the exhaust emissions, the opacity of which exceeds any applicable smoke opacity standards set forth in N.J.A.C. 7:27-14.6;

2. Emits visible smoke of any color in the exhaust emissions for more than three consecutive second when the engine is a normal operating temperature;
3. Does not have a properly functioning and properly maintained emission control apparatus, as determined according to the emissions control apparatus examination procedures established at N.J.A.C. 7:27B-4.4;
4. Has an emission control apparatus or an element of design installed on the vehicle or diesel engine or exhaust system, which has been disconnected, detached, deactivated or in any other way rendered inoperable or less effective than designed by the original equipment or vehicle or engine manufacturer; or
5. Has a retrofit device or any part thereof, or a closed crankcase ventilation system or any part thereof, that was installed pursuant to N.J.S.A. 26:2C-8.26 et seq. and N.J.A.C. 7:27-32 and that has been disconnected, detached, deactivated, or in any other way rendered inoperable or less effective, with respect to limiting or controlling emissions, than it was designed to be by the original retrofit device or closed crankcase ventilation system manufacturer.

Idle Standard - Gasoline Fueled Motor Vehicles

- (a) No person shall cause, suffer, allow, or permit the engine of a gasoline-fueled motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion.
- (b) The provisions of (a) above shall not apply to:
 1. Buses while actively discharging or picking up passengers. This exemption is limited to 15 consecutive minutes in a 60-minute period;
 2. Any motor vehicle idling in traffic, or a motor vehicle other than a school bus idling in a queue of motor vehicles, that are intermittently motionless and moving because the progress of the motor vehicles in traffic or the queue has been stopped or slowed by the congestion of traffic on the roadway or by other conditions over which the driver of the idling motor vehicle has no control;
 3. Motor vehicles whose primary and/or secondary power source is utilized in whole or in part for necessary and definitely prescribed mechanical operation other than propulsion. This use includes, but is not limited to, operating lift gate pumps and controlling

cargo temperature. This exemption does not apply to passenger compartment heating or passenger compartment air conditioning;

4. Motor vehicles being or waiting to be examined by the State or Federal motor vehicle inspectors.

5. Motor vehicles that are actively performing emergency services. Examples include fire vehicles, first aid vehicles, police vehicles, public utility vehicles, military tactical vehicles and snow removal vehicles, during the time that such vehicles are actively performing emergency services;

6. Motor vehicles while being repaired or serviced, provided that operation of the engine is essential to the proper repair or service; or

7. Motor vehicles manufactured with a sleeping berth while being used, in a non-residentially zoned area, by the vehicle's operator for sleeping or resting, unless the vehicle is equipped with a functional auxiliary power system designed in whole or in part to maintain cabin or sleeper berth comfort or to mitigate cold weather start-up difficulties.

Section 2. Penalty. Any person violating any provision of this chapter shall, upon conviction, be punishable by a fine of not less than \$250.00 nor more than \$1,000.00. Each violation of any of the provisions of this chapter and each day that such offense shall continue shall be deemed to be a separate and distinct offense.

Section 3. 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.

Section 4. 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.

Section 5. Effective Date. This ordinance shall take effect after publication and passage according to law.

Upon Motion by Mrs. Straway, seconded by Mr. Scott and **Roll Call Vote:** Ms. Chammings, yes, Mr. Fisher, yes, Mr. Gross, no, Mrs. Straway, yes and Mayor Scott, yes – Ordinance 2014-016 was Introduced and adopted.

DISCUSSION ITEMS

Mrs. Straway discussed the fact the 2014 Green Fest is being planned by the Green Team. In 2013 money was used from the clean communities and recycling trust to purchase giveaway's and pay for various entertainment and expenses. Mrs. Straway asked that the Township Committee grant the Green Team funds for this years' event with a maximum budget of \$2,000.00

Upon Motion by Mr. Fisher, seconded by Ms. Chammings and **Roll Call Vote:** Ms. Chammings, yes, Mr. Fisher, yes, Mr. Gross, no, Mrs. Straway, yes and Mayor Scott, yes – the Green Team was awarded a not to exceed \$2,000.00 budget for the 2014 Green Fest to be paid from Clean Communities and/or Recycling Trust funds.

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

Mr. Ed Szabo, 978 Route 521, reported the Stillwater Taxpayer Association's meeting for July has Dr. Mattas for their speaker and in September the Taxpayer Association will celebrate their fifty-fifth (55th) anniversary with Congressman Scott Garrett as speaker. Mr. Szabo noted the anniversary meeting will be held at the Boat House on Swartwood Lake.

Tami Richardson, Swartwood Fire Department, stated on August 30, 2014 they are holding their annual chicken dinner and their Free Stillwater Township resident Thanksgiving Dinner will be held on November 22nd.

Mrs. Kathy Draghi, 1016 Route 619, asked Mayor Scott why he abstained from voting for construction official and building sub-code official. Mayor Scott replied he is a tie breaking vote.

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 adjourn the meeting, seconded by **Mrs. Straway**, seconded by Mrs. Straway. In a voice vote at 8:20 p.m., all were in favor.

Respectfully submitted,

Lynda Knott, RMC
Municipal Clerk