

**STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
September 6, 2011
Regular Meeting**

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Scott at 6 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 was taken and the flag was saluted.

PRESENT: Mayor Scott, Deputy Mayor Fisher, Committeeman Gross, Committeeman Morrison, Committeewoman Straway, Acting Municipal Clerk Lynda Knott and Attorney Larry Cohen.

Executive Session:

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by Mrs. Straway, seconded by Mr. Fisher and unanimously carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 6:07 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: **1) Personnel – CFO, Construction Official – DCA Fees, Tax Collector, OEM Coordinator, Recreation Secretary; 2) Possible litigation – Camp Nejedja; Former Tax Collector 3) Contract Negotiations – Five Points Lane, Neldon Brook**
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 6:50 p.m., unanimously carried by roll call vote.

Regular Session:

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.

Reports: Building Department: July/August 2011
Tax Collector: August 2011

Minutes: Regular: August 16, 2011 Executive: August 16, 2011
Board of Health: August 16, 2011

Resolutions:

2011-48 Recognizing Teamsters Union Local 125 as Exclusive Negotiations Representatives for the Township's Public Works Department Negotiations Unit

2011-49 Joining the National Monument of Remembrance of the 10th Anniversary of September 11th

2011-50 Appointment of Lynda Knott as Local Registrar

2011-51 Appointment of Cathy Feenstra as Alternate #2 for the Zoning Board of Adjustment

2011-52 Voiding 2007 check #15811

2011-53 Approving Affordable Housing Fund Loan block 2301, Lot 45.04

2011-54 Mayor's Acceptance of Tammy Leonard's resignation as Recreation Commission Secretary

2011-55 Acceptance of Office of Emergency Management Coordinator Resignation

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

Roll Call Vote: Deputy Mayor Fisher, yes, Mr. Gross, yes, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes

Bill List Cycle #15: \$729,698.55

Mr. Fisher made a **motion** to approve Bill Cycle #15 in the amount of \$729,698.55, seconded by Mr. Morrison.

Roll Call Vote: Deputy Mayor Fisher, yes, Mr. Gross, yes, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes,

Amendments to the Agenda: Added: Acceptance of Neldon Brook proposal

Committeeperson Reports:

Mr. Fisher reported the following calls for the Stillwater Fire Department during August 2011: Total – 140; including 65 pump outs; 58 trees and wires down; 5 fires; 3 MVAs, 9 specials; and 21 First Responder calls.

Mrs. Straway reported the 2011 Best Practices Checklist was submitted and scored 98 percent.

Mr. Morrison reported the Municipal Auditor is currently working on a 5-year budget projection. This will be done on an annual basis and when completed will be forwarded to the Clerk and Committee.

Mr. Gross reported the Zoning Board meeting was held on 8/22/11 at Stillwater School with 150 people in attendance. Microphone issues were resolved, the gym was setup more sufficiently, and two State Troopers were in attendance. The applicant will be heard again on September 26, 2011 at the school.

Mayor Scott reported the DPW is working around the clock due to the storm. He thanked the following for their help during the hurricane and asked for thank you letters to be forwarded: Stillwater and Swartswood Fire Companies, Sheriff Strada and SLAP Officers, and the Fredon and Hampton Fire Departments. He noted that Stillwater Fire Department is open for those who need shower facilities and water is available for those without. Sand bags are available at the DPW property for those who need them and volunteers are welcome to help fill the bags. The Rescue Squad and First Responders did an excellent job as well.

Ordinance 2011-12 Introduction/1st Reading

2011-12 An Ordinance amending Chapter 240-114P and Supplementing the Township of Stillwater's Building and Housing Ordinance, Specifically Adding Section 114P Regulating Outdoor Wood Furnaces.

Mrs. Straway made a **motion** to introduce Ordinance 2011-12, seconded by Mr. Gross.

A brief discussion was held with Mr. Gross expressing concern with the restrictiveness of the ordinance and the setback requirements. He felt further review was necessary prior to introduction. Mr. Morrison stated the setbacks were established to prevent the furnaces from being installed on small lots in densely populated areas.

Roll Call Vote: Deputy Mayor Fisher, yes, Mr. Gross, no, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes, The public hearing will be held on October 4, 2011.

Ordinance 2011-13 Introduction/1st Reading

2011-13 An Ordinance Amending Section 10, Entitled "Administration" of the Stillwater Township Municipal Code and Establishing Article 27, Entitled "Restriction on Contractors Dealing with Township of Stillwater (Pay-To-Play Regulations).

Mrs. Straway made a **motion** to introduce Ordinance 2011-13, seconded by Mr. Gross.

Mrs. Straway stated this was a part of the 2011 Best Practices checklist requirements.

Roll Call Vote: Deputy Mayor Fisher, yes, Mr. Gross, yes, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes, The public hearing will be held on October 4, 2011.

Open Public Session (agenda items only):

This portion of the meeting was opened for public comment on agenda items only.

Bill Steckowich, 907 Hardwick Road spoke about his experiences with the utility company when reporting power outages and live wires down. He noted that Mr. Gross and Mr. Klein were helpful during the situation as the out of town utility workers had problems finding locations due to Stillwater having five zip codes. He expressed concern for the public lack of compliance with safety issues and caution tape and cones being knocked over.

Dave VanGorden, Stillwater Fire Chief agreed the public did have a disregard for safety. He can only inform the public he cannot make them comply. The Chief noted that he started with 85 cones and only 35 are left.

Anita Klein, 902 Maple Lane stated placing of cones is helpful but cannot be legally enforced unless there is a road closed sign. She asked if her husband's (OEM Coordinator) letter would be read into the record as requested. The item was added to New Business.

Mark Bastick, 929 Swartswood Road thanked the Swartswood and Stillwater Fire Departments for their services following the storm. He thanked all the County employees, Mayor Scott and Committeewoman Straway for their time and efforts.

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

New Business:

Neldon Brook, Swartswood: Mayor Scott presented two quotes for the necessary repairs to address the flooding conditions in Swartswood. Mrs. Straway provided a background history on the matter. Mr. Gross expressed concern with the County not removing debris from under the bridge and felt if it was not done in conjunction with the repairs initiated by Stillwater the process would not be successful.

William H. Wilson, Sparta	Per day rate provided
Jackman Excavating, Stillwater	\$7,320.00

Following review of the quotes, Mayor Scott made a **motion** to hire Jackman Excavating at a fee of \$7,320.00, seconded by Mr. Fisher.

Mr. Morrison would like the Township Engineer to visit the site and monitor the project. The Committee agreed.

Roll Call Vote: Deputy Mayor Fisher, yes, Mr. Gross, yes, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes, Mr. Fisher made a **motion** to forward a letter to the County including the concerns regarding the brook and bridge and asking them to address the matter from their office and remove the debris located under the bridge, seconded by Mr. Gross.

Roll Call Vote: Deputy Mayor Fisher, yes, Mr. Gross, yes, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes,

FEMA: Mrs. Straway stated she received an email from Congressman Garrett indicating Stillwater has qualified for individual and municipal aid and a phone number and website are available to register. She asked that anyone with a claim contact the Town Hall and the Clerk will provide the information on the registration process.

2010 DOT Grant: Mrs. Straway reported that Mr. Vreeland, Township Engineer, had spoken to Mr. Hendershot, DPW Supervisor, regarding the next grant application. Mr. Vreeland recommended completing the remaining portion of Middleville Road and Mr. Hendershot would like the Committee to also consider Sprout Hill Road.

Office of Emergency Management Coordinator Resignation: Mayor Scott read Mr. Klein's resignation into the record as follows:

To the Township Committee:

This letter is to let you know as of 12 midnight tonight I am resigning my position do to my health.

I have given my best to the people of our town. When I was not at my regular paid job I was working as the OEM Coordinator, I started on Saturday morning and have been at it every day since. I had spoken with the town engineer on Monday to have the Swartswood problem addressed. I let the mayor know this and all he had to do was call the engineer and he could advance with the project. Both Sunday and Monday I spent both days working with Brian Hendershot for the town. As for the rest of the town areas I have been in contact with JCP&L every day and personally going through the town trying to get everyone back on line.

As for the repeat of the rain starting again today I was back on the road and at Swartswood once again and trying to help Brian get a possible solution for the problem.

I recommend that Brian or Joel take my place as they are both qualified to do the job as coordinator. I will turn over the paperwork, computer & cell phone to Brian or Joel by Friday, September 9. As they are the deputy coordinators.

Sorry for the shortness in giving my resignation, but blood pressure can't handle it any longer.

Please have this read at the township meeting and entered into minutes tonight.

Sincerely yours, Robert Klein

Open Public Session:

Scott Goriscak, 919 Swartswood Road thanked all for their help over the last week. He referenced the repair to the stream and asked about the area beyond the bridge. Mrs. Straway stated this would be discussed with the County. Mr. Goriscak was concerned that one area would be addressed and the other would then back up. He asked if there was a future plan for a wall to prevent the water from flowing toward the properties. Mrs. Straway stated interlocking stones are being researched at this time. She stated a moratorium has been provided and begins as soon as it is safe to enter the stream.

Mr. Scott indicated the moratorium is for a 30 day period and it must be completed within that time. Mr. Goriscak asked if the Committee could have called an emergency meeting to hire someone to begin the process earlier. In response to further questioning by Mr. Goriscak, Mrs. Straway stated the township was waiting on a decision of the State and if it was going to be a few more weeks the Committee would have had the option of holding an emergency meeting. She noted a contractor was hired within seven days. Mrs. Straway stated the project would be funded by the Township and reimbursement would be pursued if possible.

Dave VanGorden, Stillwater Fire Chief thanked Bobby Klein, former OEM Coordinator, for his time and service.

Lisa Chamings, 928 Mt. Holly Road referred to the 30-day period provided by the NJDEP to work on the streams, and she asked if the tree stump causing the problem at the bridge at Veteran's Memorial Park could be removed. She has a contractor who is willing to donate his services to do so and he will not have to enter the waterway or cross wetlands. She was concerned with the 30 day period lapsing before this is addressed. Mrs. Straway offered to visit the site with the excavator to review the issue. Ms. Chamings asked if Mr. Fisher, liaison to the Recreation Commission, could possibly help. Ms. Chamings stated she was contacted by SLAP and they are willing to clean up Stillwater Park. Mrs. Straway stated there is a process in place to document all information and she asked to speak to the contractor for VMP; and she also asked that SLAP or any other organization that needs to be called in be contacted by the Town Hall only. Ms. Chamings stated she spoke with the Mayor and provided a copy of the letter to the Mayor prior to sending it to SLAP and thought she followed the process. She stated SLAP is available on September 12 and 13 to start clean up if the Committee agrees. She checked with the DPW Supervisor and he approved. The Mayor noted the park will be closed until further notice and he stated there was no problem with SLAP working at the park. Ms. Chamings stated she has photographs of the concession stand at Stillwater Park and also an inventory of what was lost; and she will provide all the information to Mr. Fisher at the Recreation Commission meeting.

Marion Gross, 912 Stillwater Road stated she has received email information regarding FEMA from Congressman Garrett indicating that housing is being offered to people who need it.

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

Attorney Report: None

Mayor Scott asked for a letter to be forwarded to Mr. Klein thanking him for his service to the community, and a letter to Congressman Garrett, elected officials, and County Administrator Eskilson who took their time to come out and listen to the concerns of the residents.

Correspondence:

- Mayor's Advisory Correspondence is available for review in the Correspondence Binder.

There being no further business, Mr. Fisher made a **motion** to adjourn the meeting at 8:12 p.m., seconded by Mr. Gross. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder