

**STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES OF JANUARY 5, 2016
REGULAR MEETING**

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Fisher at 7:00 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 Fisher, Committeewoman Chammings, Committeeman Gross, Committeeman Morrison, Committeeman Scott, Municipal Clerk Lynda Knott, and Attorney Angelo Bocato

Regular Session:

Mayor Fisher 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.

RESOLUTIONS: 2016-023 Authorizing the refund of overpaid taxes – Block 3807 Lot 2.21
2016-024 Mayor’s Acceptance of the Resignation of Kathryn Wunder as
Zoning Board of Adjustment Secretary

MINUTES: December 15, 2015 Regular and Executive Meeting

REPORTS: Environmental Commission Annual Report of 2015

Ms. Chammings made a **motion** to approve the Consent Agenda, seconded by **Mr. Gross**.

Roll Call Vote: Ms. Chammings, yes, Mr. Gross, yes, Mr. Morrison, yes Mr. Scott, yes, Mayor Fisher, yes – the Consent Agenda was approved.

Committeeman Scott directed the clerk to send Mrs. Wonder a letter of thanks for her years of service as Zoning Board of Adjustment secretary.

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

Mrs. Jean Marie Harris, 900 Primrose Path, voiced her disappointment that the Township has not fixed her front porch. Mrs. Harris was instructed to contact Arlene Fisher at Town Hall to discuss potential repairs to her property.

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

NEW BUSINESS

ORDINANCE #2016-001 – Introduction [Public Hearing and Adoption January 19, 2016]
AN ORDINANCE OF THE TOWNSHIP OF STILLWATER AMENDING CHAPTER X
“ADMINISTRATION” BY THE CREATION OF A NEW ARTICLE XXVII ENTITLED
“DEPARTMENT OF PURCHASING”

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.

Upon Motion by Mr. Scott, seconded by Mr. Gross and Roll Call Vote: Ms. Chamblings, yes, Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott, yes and Mayor Fisher, yes – Ordinance 2015-001 was Introduced and 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. This resolution is tabled until the ordinance to create the position is adopted.

RESOLUTION 2016-026 AWARDING CONTRACT FOR EMERGENCY GENERATOR FOR MUNICIPAL BUILDING

WHEREAS, the Township of Stillwater heretofore advertised for the receipt of sealed competitive bids for a new emergency generator for the Municipal Building; and

WHEREAS, the Township accepted sealed competitive bids on December 29, 2015; and

WHEREAS, the Township received four (4) sealed competitive bids with the three (3) lowest of which are in the following amounts: Innovative Electrical Contracting, Inc., \$33,476.02; Wires Electrical Shop, \$37,100.00; and Aero Plumbing & Heating Co., Inc. \$39,900.00; and

WHEREAS, the Township Attorney has reviewed the bids for compliance with the Local Public Contracts Law and the Township's bidding requirements; and

WHEREAS, Innovative Electrical Contracting, Inc. is the lowest responsive, responsible bidder for the Township's bid request for bid on December 29, 2015;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Stillwater that the Township does hereby award a bid to Innovative Electrical Contracting, Inc. in an amount not to exceed \$33,476.02 for a new emergency generator for the Municipal Building; and

BE IT FURTHER RESOLVED, that the award of this bid is subject to certification of the availability of funds by the Chief Financial Officer; and

BE IT FURTHER RESOLVED, that the Municipal Clerk shall notify all bidders on December 29, 2015 of the award of the bid to Innovative Electrical Contracting, Inc.; and

BE IT FURTHER RESOLVED, that the bid bond of all of the bidders be returned to said bidder.

Upon Motion by Ms. Chammings, seconded by Mr. Gross and Roll Call Vote: Ms. Chammings, yes, Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott and Mayor Fisher, yes – Resolution 2016-026 is adopted.

RESOLUTION 2016-027

WHEREAS, the Township of Stillwater has filed a Declaratory Judgment Action in the Superior Court of New Jersey, Sussex County, Docket No. SSX-L-429-15, in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center (“FSHC”), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the “FSHC Numbers”) for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality’s affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Township of Stillwater desires to participate in the preparation of a statewide fair share analysis to be undertaken for determination of a municipality’s obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region’s affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”) and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare a Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter MSSDA”), was prepared (a) so that monies could be collected to enter into an agreement with Rutgers (hereinafter “the Rutgers Agreement”) and so that experts from Rutgers, including Dr. Robert Burchell, could perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC (“Surenian”) will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to sign the MSSDA and pay the \$2,000 fee so that the necessary analysis can be conducted; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) was prepared to effectuate a modification to the MSSDA to allow members to retain one or more alternative experts, consultants, and/or other professionals for the Litigation, including Econsult Solutions, Inc.; and

WHEREAS, the Stillwater Township Committee has determined that it is in the best interests of the citizens of the Township of Stillwater to approve the MSSDA and the Amendment, and/or to affirm and ratify the MSSDA and the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA; and

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

1. The terms and conditions of the MSSDA and the Amendment to the MSSDA, both attached hereto, are hereby retroactively approved, ratified and confirmed.
2. The amount of \$2,000 is hereby retroactively authorized to be expended by the Township of Stillwater for preparation of the Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Township of Stillwater and is appended hereto.
4. The Mayor and Municipal Clerk of the Township of Stillwater were and are hereby authorized to execute the aforesaid MSSDA and the Amendment to the MSSDA to memorialize the participation of the Township of Stillwater in the preparation of the Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Stillwater Township Committee hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of Stillwater Township with Econsult Solutions, Inc.

The Stillwater Township Committee hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of Stillwater Township with the approval of Stillwater Township's designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

6. The Stillwater Township Committee further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, Stillwater Township shall only be responsible for such funding if it authorizes same.

7. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from Stillwater Township.
8. This Resolution shall take effect immediately.

Upon Motion by Mr. Gross, seconded by Mr. Morrison and Roll Call Vote: Ms. Chamings, yes, Mr. Gross, yes, Mr. Morrison, yes, Mr. Scott and Mayor Fisher, yes – Resolution 2016-027 is adopted.

DISCUSSION ITEMS Mr. Morrison noted the Township's drainage pipe drains onto the area that will become the new septic system for the Middleville Inn next store to the Town Hall. Mr.

Ron Ur, owner of the Middleville Inn, had contacted the clerk and DPW supervisor advising his project had a stop work order until the water could be re-directed. Mr. Morrison suggested meeting with the municipal engineer to discuss. Ms. Chamblings agreed and the clerk was directed to contact Mr. Vreeland and set up a meeting.

OPEN PUBLIC SECTION

Mayor Fisher opened the meeting to the public to speak on any matter. Seeing no one wishing to speak Mayor Fisher closed this portion of the meeting.

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 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 Township Committee went into Executive Session.

The Township Committee resumed public session at 7:45 p.m.

Mr. Morrison addressed the audience saying the Township Committee was going to introduce an ordinance at the January 19, 2016 meeting amending the recognized fire departments and naming only one department the Township would recognize and that will be the Stillwater Area Volunteer Fire Company. Mr. Morrison stated the reason for the change is Swartswood Volunteer Fire Companies' refusal to meet with the Township Committee's sub-committee to address issues affecting the relationship between the Township and the Fire Company. Mr. Morrison noted the Township Committee had hoped the Swartswood Fire Department members would have taken the opportunity instead of hiring George Daggett and allowing Mr. Daggett to stop them from meeting with the sub-committee.

There being no further business a Motion was made by Mr. Gross, seconded by Mr. Morrison to adjourn the meeting. In a voice vote at 8:20 p.m., all were in favor.

Respectfully submitted,

Lynda Knott, Municipal Clerk