

STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
February 7, 2012
Regular Meeting

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Scott at 6:10 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 was taken and the flag was saluted.

PRESENT: Mayor Scott, Deputy Mayor Fisher, Committeewoman Chammings, Committeeman Gross, 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 6:12 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 – Tax Collector, Finance Clerk, Electrical Subcode Interview, Beth Barile; Contract – Sparta Dispatch 9-1-1; Possible Litigation – West End Drive drainage; Cell tower
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 Mr. Fisher, seconded by Mr. Gross to conclude the Executive Session at 7:00 p.m., unanimously carried by roll call vote. Mayor Scott welcomed Mr. Macaluso, a former Township Mayor, to the meeting.

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.

Minutes:

Regular/Executive Session – January 17, 2012

Budget Workshop – January 28, 2012

Department Reports:

Zoning Board of Adjustment 2011 Annual Report

Stillwater Emergency Rescue Squad Monthly Day Calls 2012

Stillwater Emergency Rescue Squad Monthly Calls 2012

Resolutions:

2012-024 Authorizing the Refund of Property Taxes on Block 4402, Lot 6

2012-026 Requesting approval of COAH Spending Plan

2012-027 Supporting NJ Employer Supporting Guard and Reserve Employment Initiative

2012-028 Authorizing the Issuance of Raffle Licenses RA-003 and RA-004 for Stillwater PTA

2012-029 Appointing George Lippencott Regular Member and Catherine Feenstra Alternate #1 of the Zoning Board of Adjustment

Mr. Fisher made a **motion** to approve the Consent Agenda, seconded by Ms. Chamblings.

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

Bill List Cycle #3: \$1,487,022.25

Mrs. Straway made a **motion** to approve Bill List Cycle #3, seconded by Mrs.

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

Amendments to the Agenda: Ordinance #2012-002 was added Under New Business

Open Public Session (Agenda Items Only):

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

Committee Reports:

Mr. Fisher: The Recreation Commission reviewed their budget at their last meeting. The RC requested “curb your dog” signs to be installed at Veteran’s Memorial Park.

Ms. Chamblings: The Planning Board will be revisiting the Master Plan. Mr. Morrison was elected as Chairman and Dave Emmons as Vice-Chair, with Alfia Schemm reappointed as Secretary. She invited anyone who is interested in the Master Plan to attend future Planning Board meetings.

Mr. Gross: Mr. Gross is working with the Recycling Coordinator to offer electronics disposal at the center. He will report further on the matter once related costs are obtained.

Mrs. Straway: Ms. Priscilla Stafford, Coordinator of Performing Arts at the Fair, has passed away.

Old Business:

ORDINANCE 2012-001 FOR Public Hearing and Adoption

At this point, Mayor Scott opened the meeting for public comment on Ordinance 2012-001. There being no public comment, this portion of the meeting was closed.

ORDINANCE 2012-001

CALENDAR YEAR 2012 ORDINANCE OF THE TOWNSHIP OF STILLWATER, COUNTY OF SUSSEX, NJ TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Stillwater in the County of Sussex finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 1% increase in the budget for said year, amounting to \$ 22,673.58 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Stillwater, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the Township of Stillwater shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 79,357.53, and that the CY 2012 municipal budget for the Township of Stillwater be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mr. Gross made a **motion** to adopt Ordinance 2012-001 seconded by Ms. Chamblings.

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

Discussion:

Land Conservancy 2012 Contract:

Mrs. Straway discussed the renewal of the contract at a fee of \$11,500. She researched the matter and found that properties that have been proposed for preservation are not developable due to water constraints, limited access, wetlands and power lines. She reviewed the open space resolution passed in 2005 which allows the township the opportunity to collect funds for development and maintenance for recreation purposes, as well as acquisitions. Mrs. Straway also contacted the County Agricultural Board and individuals who are interested in preserving their land may do so through the County Open Space Program, working with Donna Traylor. The County works with the same funding as the Land Conservancy, including State, Federal and County money, and the entire process can be handled through the County without any cost to the Township. Approximately 900 acres have been preserved through the Land Conservancy and 100 acres through the County, not including State and non-profit properties. The Environmental Commission has recommended renewing the Land Conservancy contract. Mrs. Straway noted the Open Space Tax Resolution ends in 2015 and she suggested using the funding to improve the existing open space, parks and trails rather than have the Land Conservancy preserve land that is not developable. She noted that Sandy Urgo indicated a dollar figure could be provided for the open space map and brochure. Mr. Fisher agreed with Mrs. Straway, noting that in past years \$11,500 was spent and no acquisitions or closings were completed, and he also noted zoning ordinances have become more restrictive to protect open space. He added that the process is duplicating the County process. Ms. Chamblings questioned Mrs. Straway on the limited access to one of the properties, noting it has at least a ½ mile of road frontage. Mrs. Straway indicated the access would be limited due to power lines and water. Ms. Chamblings stated there is an extensive amount of work that is put into the presentations made to the County Agricultural Board or Open Space Board by the Land Conservancy to get the properties to even be considered. Ms. Chamblings expressed concern with the belief that the funding in the Open Space Tax Fund can be used for improvements to parks and she questioned the type of improvements. Attorney Cohen stated it would depend on the way the fund was set up, stating the statute permits the funds to be used for certain improvements, although you could not construct buildings such as bathrooms on Green Acres property. Attorney Cohen would have to research the issue further and how the funding can be used with respect to improvements. Attorney Cohen stated with the economic climate no property is being developed, and based on law changes it is becoming more difficult to develop land. Following the discussion, Mr. Fisher made a **motion** to not accept the 2012 contract with the Land Conservancy, seconded by Mrs. Straway.

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

Carol Drace – Permit Fees:

Following a brief discussion, Mayor Scott made a **motion** to waive the fees for Ms. Drace in the wake of Hurricane Irene pursuant N.J.A.C. 5:23-4.19(b)5, seconded by Mr. Fisher.

Mayor Scott read a letter dated August 29, 2011 from the State of New Jersey, Department of Community Affairs, into the record as follows:

Dear Construction Official:

As you deal with inspections in the wake of Hurricane Irene, please be reminded that the municipality may waive fees for permits for work done as a result of this event. Pursuant to N.J.A.C. 5:23-4.19(b)5, if the municipality is waiving its fees, then the State permit surcharge fee also is waived.

Sincerely,

Edward M. Smith

Director, Division of Codes and Standards

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

New Business:

ORDINANCE 2012-002 FOR INTRODUCTION (PUBLIC HEARING MARCH 6, 2012)
CAPITAL ORDINANCE APPROPRIATING \$38,975.00 FROM THE GENERAL CAPITAL FUND
“RESERVE FOR MUNICIPAL BUILDING IMPROVEMENTS” FOR PURPOSES AUTHORIZED
TO BE UNDERTAKEN BY THE TOWNSHIP OF STILLWATER IN THE COUNTY OF SUSSEX,
NEW JERSEY.

Mr. Fisher made a **motion** to introduce Ordinance 2012-002, seconded by Mr. Gross.

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

Discussion Items:

School Elections - November:

Mrs. Straway reported the Governor has placed it in the hands of the Board of Education or the governing body to determine whether or not the school elections will be moved to November. There are approximately 26 schools in the County and as of this afternoon, twelve have moved their election to November. Mrs. Straway polled municipalities and schools, with mixed results on whether the school board or the governing body would make the determination. She explained that whoever remains in April would be responsible for the cost of the election. She stated the Committee can either make the decision or defer it to the school. The school will discuss the issue at their meeting next Monday.

Dennis DeGroat, School Board President, clarified that there are three ways of moving the election to November - by school board resolution, by governing body resolution, or by petition of 15% of the eligible voters who voted in the last election. He indicated the sending districts are in favor of keeping it in April, however those that choose to do so will be responsible for all the costs of the election, which for Stillwater would increase costs from \$6,000 to up to \$16,000.

Mr. Fisher made a **motion** to move the School Board election to November, Resolution 2012-25, seconded by Mr. Gross.

Mr. Gross stated he would rather see the costs used for the children and not to pay for elections. He noted the turnout is also better in November.

Resolution of the Township of Stillwater
2012-025

Resolution Establishing the Election of Members of the Stillwater Board of Education as the First Tuesday after the First Monday in November

WHEREAS, P.L. 2011, c. 202 authorizes changing the election date of school board members from the third Tuesday in April to the first Tuesday after the first Monday in November (the General Election); and

WHEREAS, Such action requires the adoption of a resolution by a school district or the municipality or municipalities constituting such district, as set forth in P.L. 2011, c. 202; and

WHEREAS, P.L. 2011, c. 202 requires that the change to a November election remain in effect for four years; and

WHEREAS, P.L. 2011, c. 202 eliminates the annual voter referendum on the proposed general fund tax levy (i.e., the base budget which is at or below the statutory tax levy cap) in school districts where board of education members are elected at the General Election; and

WHEREAS, P.L. 2011, c. 202 requires that an additional general fund tax levy proposal (i.e., for an expenditure in excess of the tax levy cap) be presented to voters as a separate question at the General Election; and

WHEREAS, The Stillwater Township Committee believes that the financial interest of its constituents is safeguarded by the state's tax levy cap and the thorough review of the proposed school budget by the Executive County Superintendent and the Executive County School Business Administrator; and

WHEREAS, The Stillwater Township Committee believes that more citizens will participate in the selection of school board members at the General Election than on the third Tuesday in April and that the higher level of participation will foster positive interest in our public schools; and

WHEREAS, The Stillwater Township Committee is committed to the non-partisan status of school board membership and the non-partisan conduct of school elections, and believes this principle will not be compromised by conducting board member elections in November.

NOW, THEREFORE, BE IT RESOLVED, That, pursuant to P.L. 2011, c. 202, the Stillwater Township Committee changes the annual election date for school board members from the third Tuesday in April to the November General Election, beginning in 2012; and be it further

RESOLVED, That, pursuant to P.L. 2011, c. 202, the annual organization meeting of the Stillwater Township Board of Education will take place in the first week of January following the November General Election and that the board of education's next organization meeting will take place in the first week of January 2013; and be it further

RESOLVED, That, pursuant to P.L. 2011, c. 202, members of the Stillwater Township Board of Education whose terms would have expired by May 2012 will continue to serve in office until the January 2013 organization meeting; and be it further

RESOLVED, That this resolution be transmitted to the Sussex County Clerk; the Sussex County Board of Elections and/or Superintendent of Elections; the Sussex County municipal clerk(s) and school board secretary or secretaries; the Department of State, Division of Elections; the Department of Education's Executive County Superintendent; and the Department of Community Affairs, Division of Local Government Services; and be it further

RESOLVED, That a copy of this resolution also be provided to the New Jersey School Boards Association and New Jersey State League of Municipalities

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

Mayor Scott indicated Ms. Chamblings abstained from the vote as she is an educator at Kittatinny Regional High School.

COAH Spending Plan:

Zoning Officer Arlene Fisher provided a brief overview of the COAH Spending Plan. Ms. Chamblings commended Mrs. Fisher on the plan.

2012 Budget Workshop Meeting: Saturday, February 11, 2012 beginning at 9 a.m. at the Municipal Building.

At this point, this portion of the meeting was opened to the public:

Ed Szabo, 978 Route 521 supported the Committee's decision to move the school election to November. He was concerned that public input was not included prior to the decision. Mayor Scott stated there are two public sessions held during each meeting.

Roy Knutsen, 921 Main Street asked for an update on the Stillwater Inn property, noting it is not only an eyesore but dangerous for children. Mayor Scott explained nothing could be done as the issue was under investigation. Zoning Officer Arlene Fisher reported the matter was just released by the County Prosecutor's Office within the last two weeks and the Building Department sent a letter to the property owner, which was returned undeliverable. Ms. Chamblings has since hand-delivered the letter to the owner, and the husband has contacted Mrs. Fisher and will be in this Friday to address the matter.

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

Ms. Chamblings announced there will be a Board of Health meeting held following the Committee Meeting and the Stillwater Inn matter can be addressed at that time. Mrs. Straway explained that comments could be heard however the Committee could not respond as the matter is being handled by the Building and Zoning departments.

There being no further business, Mr. Fisher made a **motion** to adjourn the meeting at 7:50 p.m., seconded Mr. Gross. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder