

**STILLWATER TOWNSHIP COMMITTEE MEETING**  
**MINUTES**  
**March 20, 2012**  
**Regular Meeting**

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Scott at 6:08 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 Chamblings, Committeeman Gross, Committeewoman Straway, and Acting Municipal Clerk Lynda Knott.

**Executive Session:**

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by Mr. Gross, seconded by Mr. Fisher and unanimously carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 6:11 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 Assessor, CFO, Tax Collector; Contracts: Water District #1; On-going litigation: Former CFO
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 6:56 p.m., unanimously carried by roll call vote.

**Proclamation: Girl Scouts of America 100<sup>th</sup> Birthday**

The proclamation was read by Mayor Scott and presented to the members of the Kittatinny Service Unit, congratulating the Girl Scouts of America on their 100<sup>th</sup> birthday.

Amy Schwartz, Kittatinny Service Unit Manager, stated that during 1987, the Girls Scouts 75<sup>th</sup> Anniversary, a Stillwater brownie troop buried a time capsule at Stillwater Park. The capsule will be uncovered as part of the 100<sup>th</sup> anniversary festivities, and she asked for Township Committee members to participate, as well as other community and former brownies and girl scout members. Another time capsule will be buried at that time and she will inform the Committee of the arrangements once they are finalized.

**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 Sessions: February 21, 2012 and March 6, 2012

**Department Reports:**

Building Department – February 2012

Tax Collector – February 2012

SC Board of Health – January/February 2012

2011 4<sup>th</sup> Quarter Animal Control Report

**Resolutions:**

**2012-037** In Support of Not Selling the Homestead

**2012-038** Lien Redemption Block 203, Lot 22

**2012-039** Shared Service with SCMUA for Certifying Tonnage Report

**2012-040** Authorizing an Appropriation Reserve Transfer for the Year 2011

**2012-041** Allowing Delayed Introduction of 2012 Municipal Budget

Mr. Fisher made a **motion** to approve the Consent Agenda, pulling Resolution 2012-037 for separate consideration, seconded by Mrs. Straway.

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

**Bill List Cycle #6:** \$111,370.51

Mrs. Straway made a **motion** to approve Bill List Cycle #6, seconded by Mr. Fisher.

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

### **Amendments to the Agenda:**

Add to New Business: Tax Collector attendance at 4/25/12 seminar

Add to Discussion Items: Phone line report

Ms. Chamblings asked for the Syberg Resolution to be added under Old Business. Other members of the Committee felt the matter should be tabled as they have not received a response from the Land Conservancy regarding the process in which the property was chosen. Under advisement from Attorney Cohen, the item was added to the agenda under Discussion Items.

### **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:** Township Engineer Vreeland indicated the Middleville Road project will be completed within the next two weeks. The survey for Duck Pond Road/West End Drive has been completed. Mayor Scott indicated that landscaping, the installation of an additional pipe, and lowering of the manhole cover will be included in the final phase of the Middleville Road project.

**Mr. Gross:** The Recycling Center will have E-Waste disposal, free of charge, beginning April 1, 2012. One of the recycling workers has resigned and the position has been advertised in the New Jersey Herald. Interviews will be conducted as soon as possible. Mayor Scott noted the receipt machine is working very well at the Recycling Center.

**Mrs. Straway:** The Rescue Squad has obtained two quotes for the paving of two sections in the area in front of the squad bays and they have asked the Township to contribute to the cost. Mr. Gross stated the Stillwater Fire Department also had to pave in front of their building and they paid for the project on their own. He noted that when the Rescue Squad was constructed, the Township contributed approximately \$130,000. He felt the squad should be solely responsible for the paving costs.

Four students will be exhibiting youth art this week at the Sussex County Arts & Heritage Building, 133 Spring Street. Public hearings on school budgets are as follows: Kittatinny - March 22<sup>nd</sup>; Stillwater - March 26<sup>th</sup>, 7 p.m. at each library. Mrs. Straway attended the SC League dinner where Hal Wirths was the guest speaker, providing statistics on job creation in New Jersey and unemployment fraud. She stated that Jobs4Jersey.com, a free service, has been added to the Stillwater website, linking prospective employers with those unemployed.

**Ms. Chamblings:** The Environmental Commission met on March 12, 2012 discussing the following items: An amphibian crossing was held during early March, no rain, very few amphibians observed. The Goldschmidt property has closed with Green Acres, 114 acres added to the Trout Brook Wildlife Management Area totaling 785 acres. The EC is in the process of updating their newsletter.

Following a report on the status of several phone lines, Ms. Chamblings made a **motion** to discontinue service to the following Township phone lines, resulting in an annual savings of \$3100, seconded by Mr. Gross:

383-8560, 383-9393, 383-9687 - \$1706.00/yr.; 383-3773, \$800/yr.; 383-1214, \$600.00/yr.

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

Ms. Chamblings will obtain quotes for internet access as there have been issues with current provider Net Access.

Mayor Scott reported that on April 9, 2012, the SLAP program will be painting the renovated portion of the garage bays. SLAP has cleaned and removed brush at Veteran's Memorial Park and a thank you letter will be sent. Ms. Chamblings noted that Mr. Branagan, Chair of the Environmental Commission, inspected the park and reported there were no issues with the brush removal.

### **Discussion:**

**Court House:** Police records will be moved to the newly renovated storage area at the Municipal Building. The court records will be forwarded to Wantage. The locks at the Court House building will be changed and signs will be posted, and the Water District will now hold their meetings at the Municipal Building.

Ms. Chamblings requested a copy of the public deed for the property and noted she is not a member of the Harmony Hill Methodist Church.

### **New Business:**

#### **Budget Resolution 2012-042 : Introduction (Public Hearing April 17, 2012)**

Mr. Fisher made a **motion** to introduce the 2012 Budget, Resolution 2012-042, seconded by Mr. Gross.

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

#### **Resolution 2012-043 Special Revenue Items from State Grants**

Clean Communities Program and Municipal Alliance Alcohol and Drug Abuse Program - \$25, 068

Mr. Fisher made a **motion** to adopt Resolution 2012-043, seconded by Mrs. Straway.

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

#### **Resolution 2012-044 Special Revenue items from Uniform Safety Act**

Mr. Gross made a **motion** to adopt Resolution 2012-044, seconded by Mrs. Straway.

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

#### **Tax Collector:** Attendance at Seminar 4/25/12

Mr. Gross made a **motion** to approve the attendance of the Tax Collector at a seminar to be held on 4/25/12, at a cost of \$90, seconded by Mr. Fisher.

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

### **Discussion Items:**

#### **Sussex County Division of Planning and Farmland Preservation – Syberg application – Resolution 2012-032:**

Ms. Chamblings attended the Sussex County Agricultural Development Board meeting and it was explained to her that the resolution received is for preliminary approval for the County to explore the preservation of the Syberg property further with the support of the Township, noting there is no commitment of monies and it is not a contract. She stated the County has walked the property which was recommended by the Land Conservancy and the preliminary approval from the Township is needed. Mrs. Straway disagreed, stating she had spoken with Donna Traylor at the County who indicated the County has not walked the property, the Land Conservancy chose the property and it will not move forward unless the Township is in favor of the property being preserved. Ms. Chamblings stated the Land Conservancy presented the property to the

Agricultural Board and they walked the property determining it is a viable property for preservation. Ms. Chamblings noted the property is 114 acres, most of which is farmland. Mr. Gross recommended having the County clarify the matter in writing. Mr. Fisher stated additional information was requested from the Land Conservancy and no response was received. Mrs. Straway explained there was concern with preserving property with limited development potential. Ms. Chamblings will contact Donna Traylor to ask for clarification in writing of what "preliminary approval" implies. Mrs. Straway felt the information should be obtained by the Municipal Clerk. Ms. Chamblings asked for a copy of the original letter that was sent to the Land Conservancy requesting more information on the Syberg preservation process.

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

**Susan Ramberg, 915 Plymouth Lake Drive, Environmental Commission** asked for clarification as to why the Township specifically directed people to go through the County for farmland preservation and are now blocking the preservation of such a property. Mrs. Straway provided a brief history on the Committee discussions pertaining to the non-renewal of the Land Conservancy contract. There was concern with the preservation of properties that had limited development potential due to water, power lines or environmental issues. She also referred to a round table discussion she attended indicating future population increases in the Township and County would be minimal. Mrs. Straway referred to Resolution 2012-032, stating she was not willing to provide preliminary approval until the Land Conservancy provides the criteria used to determine that this property is in danger of becoming a subdivision and should be preserved. Ms. Ramberg felt a delay by the Committee could jeopardize the preservation of the property and she expressed concern with the preservation being lost as the Township has changed from endorsing the Land Conservancy farmland preservation to not endorsing them.

Ms. Chamblings referred to an email from Sandy Urgo indicating a considerable amount of time has been invested in the preservation of this property and in her opinion, only Mr. Syberg himself is preventing the development of the land, noting he originally purchased the property to keep it from being developed into 19 homes. Mr. Gross noted the zoning, environmental and wetland regulations in that area have increased greatly over the years since that subdivision was proposed.

**Bob Fritsch, 1009 Stillwater Road** inquired as to how much land is preserved in Sussex County. Mrs. Straway stated there are over 300,000 acres preserved including all of the programs.

**Tammy Richardson, Swartwood Fire Department** stated a tax list was provided by the Township for the fire department fundraiser mailing and several of the letters have been returned or were undeliverable. She asked when the tax list was last updated and how the Township is collecting the taxes for those being returned. Attorney Cohen stated many taxes are paid through a mortgage company and addresses are only changed upon request.

**Ray Witte, Save the Homestead Committee, Hampton** asked for clarification on whether or not there would be two resolutions for the Homestead matter, one against selling the Homestead and one in favor of placing the matter on a referendum.

Ms. Chamblings read Resolution 2012-037 into the record as follows:

**RESOLUTION 2012-037  
RESOLUTION SUPPORTING A REFERENDUM FOR THE SALE OF THE  
HOMESTEAD NURSING HOME**

WHEREAS, the Homestead Nursing Home is owned by the County of Sussex, and has served the residents of Sussex County for many years; and

WHEREAS, the facility serves Sussex County residents, and has a relatively high number of Medicaid patients; and

WHEREAS, the County has contemplated the sale and privatization of said facility; and

WHEREAS, interested residents of Sussex County have opposed this sale for a number of reasons, including the fact that if this facility is sold, the number of Medicaid patients and low income patients who need the facility may not be served by this facility, and may have to be sent to other facilities outside of Sussex County; and

WHEREAS, the Committee of the Township of Stillwater wants to go on record of requesting that the Freeholders of Sussex County not make this decision without a public referendum to determine the position of the voters as to this issue.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Stillwater, Sussex County, New Jersey, that the Township Committee does hereby request that the Freeholders of Sussex County not offer for sale the Homestead Nursing Home, but, rather, place the question as to whether or not the facility should be sold as a public referendum at the next general election, which referendum should be non-binding upon the Freeholders. BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Freeholders of Sussex County, and to all the other municipalities in Sussex County.

Mr. Witte stated the County Clerk has indicated that the referendum could only be non-binding. Attorney Cohen clarified non-binding as opposed to a binding referendum.

Mrs. Straway indicated she would like more time to review the issue and the financial information before making a decision on the resolution.

Mayor Scott made a **motion** to adopt Resolution 2012-037, amending “binding” to “non-binding,” seconded by Ms. Chammings.

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

**Sheila Gieniewski, 902 Duck Pond Road** asked why surveyors were on her property yesterday. Mr. Fisher explained there is a drainage easement on the property and they are trying to locate a drain pipe that is either blocked or collapsed that has to be replaced. She was concerned with the location of one of the stakes in close proximity to her septic system. Mr. Fisher would make note of it.

**Peter Mahler, 905 Old Tannery Road** commented that he was involved in an open space acquisition in another town and it took almost three years to complete. He hoped that pending acquisitions that are caught between the last Land Conservancy contract and the non-renewal of such do not get lost. Mr. Mahler stated he contacted the County regarding the Old Tannery Road bridge and was told there is no funding and no plans for funding. He asked what the safety plan was for kids walking across the bridge area to the school buses. Mayor Scott indicated the matter is being looked into again, the Freeholders have been contacted and the County is considering a footbridge. Mrs. Straway noted that within the next 10 days a report should be back from the engineering firm hired to assess the bridges and pending the results it will be determined if it can be opened and the approaches repaired.

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

There being no further business, Mr. Fisher made a **motion** to adjourn the meeting at 8:34 p.m., seconded Mr. Gross. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder