

STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
May 15, 2012
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, 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 Mrs. Straway, seconded by Mr. Gross and unanimously carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 6:08 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: Personnel: Tax Assessor, CFO, CPWM, PPWM, Donna Clouse, Robert Klein

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:
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. Chamblings, seconded by Mr. Gross to conclude the Executive Session at 7:00 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.

Regular Minutes: May 1, 2012

Executive Minutes: April 17, 2012

Reports: Tax Collector – April 2012
Board of Health – March 2012
Stillwater Emergency Rescue Squad Monthly Day Calls for April 2012
Stillwater Emergency Rescue Squad Monthly Calls for April 2012
Building Department for April 2012

Resolutions:

2012-064 Approving Change Order for Mark Paving
2012-065 Renewing Campground License for Mountain Shadows Lake Association
2012-066 Authorizing Lien Redemption – Block 406, Lot 17
2012-067 Authorizing Lien Redemption – Block 403, Lot 10
2012-068 In Support of Phased-In Funding Restoration

Mayor Scott read Resolution 2012-068 into the record as follows as it was not originally included on the agenda:

**STILLWATER TOWNSHIP
SUSSEX COUNTY, NEW JERSEY
RESOLUTION 2012-068**

RESOLUTION IN SUPPORT OF PHASED-IN FUNDING RESTORATION

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities, and when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; and WHEREAS, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, municipalities lost \$331 million in combined Energy Tax and Consolidated Municipal Property Tax Relief Aid (CMPTRA) funding in Fiscal Years 2009, 2010, and 2011, while also being denied scheduled incremental funding; and

WHEREAS, as a result of these cuts, in a number of municipalities property taxes are higher now, despite the fact that they are spending less, proving that the State's diversion of tax relief funding has overwhelmed local efforts to reduce property taxes; and

WHEREAS, S-1900, sponsored by Senators Paul Sarlo and Linda Greenstein, and A-2921, sponsored by Assemblyman Troy Singleton, would phase-in, over five years, the restoration of \$331 million in municipal property tax relief funding, and ensure that each municipality will be restored to the 2007 (SFY 2008) ETR/CMPTRA level.; and

WHEREAS, the sponsors recognize that the loss of those revenues has led to increased property taxes and has hampered local efforts to meet local needs; and

WHEREAS, the sponsors agree that the time has come to begin to restore to local budgets the millions that were cut to meet State needs in FY 2009, 2010 and 2011; and

WHEREAS, the restoration of \$66.2 million this year is a great first step, which should be easily manageable in a budget that is slated to grow to \$32.15 Billion in the coming year; and the restoration of \$331 million, in 20% increments, over five years will make a big difference in municipalities all around New Jersey; and

WHEREAS, the bill would apply the protection of the 'poison pill' to the SFY 2012 distribution of CMPTRA funding, which will prevent further shifts of CMPTRA funding; and which will help to further restrain the appetites of future State policy makers for these municipal property tax relief resources; now therefore be it

RESOLVED, that the Township Committee of Stillwater Township salutes the sponsors for listening to the Mayors in their districts and all around New Jersey and for advancing this legislation; and be it further

RESOLVED, that we enthusiastically support S-1900/A-2921, together with any refinements that may be needed to account for any recent changes in the statutes governing local budgets in order to provide municipalities with appropriate budgetary flexibility; and be it finally

RESOLVED, that certified copies of this Resolution be forwarded to Governor Chris Christie, Lieutenant Governor Kim Guadagno, Department of Community Affairs Acting Commissioner Richard Constable, our State Senator Steven V Oroho, our Assembly(wo)men Gary R. Chiusano and Alison Littell McHose and to the New Jersey League of Municipalities.

Mrs. Straway made a **motion** to approve the Consent Agenda, removing Resolution 2012-064 for further discussion, seconded by Ms. Chamings.

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

Resolution 2012-64 Approving Change Order for Mark Paving

Ms. Chamings was not serving on the Committee during the time the bid was awarded and she was not comfortable voting on a change order requiring additional funding. She was also not satisfied with the quality of work on the project. Mrs. Straway indicated the change order was necessary for additional drainage; and the total project costs including the change order were less than the original amount appropriated.

Mayor Scott read Resolution 2012-04 into the record as follows:

TOWNSHIP OF STILLWATER
COUNTY OF SUSSEX
RESOLUTION 2012-064

Authorizing Change order #1 for Mark Paving Co., Inc.

WHEREAS, four bids were received on April 28, 2011 for Phase I of the Stillwater & Middleville Road Construction Projects; and

WHEREAS, the lowest responsible bidder was Mark Paving Co, Inc., who submitted a bid not to exceed \$220,674.82 and

WHEREAS, funding for this project has been provided through Ordinance #2011-04, and the bid documents of the lowest responsible bidder have been reviewed and approved by the Township Engineer, and

WHEREAS, the Governing Body approved Resolution 2011-29 awarding a contract to Mark Paving Co., Inc. for \$220,674.82, and

WHEREAS, Mark Paving Co., Inc. has submitted Change Order #1 for \$2,320.61 and

WHEREAS, the Township Clerk and Township Engineer have approved the Change Order recommended,

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Stillwater that the contract to Mark Paving Co., Inc. for Phase I of the Stillwater & Middleville Road Construction Projects be increased to \$222,995.43, based on Change Order #1 submitted in the amount of \$2,320.61.

Mr. Fisher made a **motion** to adopt Resolution 2012-64, seconded by Mrs. Straway.

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

Bill List Cycle #10: \$1,482,219.63

Mr. Fisher made a **motion** to approve Bill List Cycle #10, seconded by Mayor Scott

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

Amendments to the Agenda: Add under New Business – CFO Conference cost; Add under Old Business – Municipal Renovation Plan/Phase II

Open Public Session (Agenda Items Only):

Ed Szabo, 978 Route 521 spoke on the Middleville Road repairs, noting one of the main concerns were the drainage grates extending above the road, and he asked if this had been remedied. Mayor Scott indicated the grates that were too high have been corrected.

Ken Bradley, 10 East Side Drive, Hampton asked if there had been any discussion regarding how the Nextel suit would be defended. He referred to the zoning ordinance and Telecommunications Act of 1996 for placement of a cell tower and non-discrimination in the process. He expressed the importance of the outcome of the Nextel suit and expressed concern with the possibility of Verizon re-filing their application to place a tower in any location they would like with the town helpless to stop them because they cannot discriminate against carriers. Mayor Scott thanked Mr. Bradley and indicated the Committee could not comment on the matter.

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

Committee Reports:

Mr. Gross: The horse show was held over the weekend with Ms. Chamblings overseeing the event; and the property was well maintained following the event. Mayor Scott commended Ms. Chamblings.

2011 Recycling Tonnage Report : 1,283 tons of recyclables were collected

Mr. Gross will meet with a consultant for recommendations that can be implemented to increase the collection rate. Free electronics disposal is now available at the Recycling Center. Mr. Gross asked the Committee to consider adding a half hour to the Recycling Center employees' day to allow them time to clean up once the center closes at 2 p.m.

Mrs. Straway: A community dinner was held at Stillwater School with 70 people in attendance. Staff members volunteered their time to assist with the dinner. Assistant Principal Chris Bell has resigned due to employment in another school district. Darlene Kepnes has been appointed as the new school board member. DARE Program essays have been displayed on the front of the dais; the program is funded through the Southwest Municipal Alliance Grant.

Mrs. Straway attended a League of Municipalities meeting where a presentation was provided regarding an Energy Co-op. Stillwater will inquire if it would be beneficial to buy into the co-op.

Mr. Fisher: The Recreation Commission met at Veteran's Memorial Park to discuss placement of vendors, tents, etc. for Stillwater Day, June 16, 2012, 11 a.m.-5 p.m.

Ms. Chamings: Water Quality Management of Sussex County met on May 10th with a presentation on a wastewater facility in Wantage.

April 2012 Board of Health Report: 35 calls

The Environmental Commission met on May 14th and discussed having a poster contest through the school to design a no idling sign to be displayed at local businesses. The EC will be inquiring if funding is available through the Clean Communities Grant to purchase the signs. Problems related to clear cutting were also discussed as well as revising the tree ordinance. There is an individual in Stillwater interested in starting a municipal orchard/community garden. The EC will pursue a PSE&G grant to be used toward the orchard or purchase of a composting machine. A Sustainable Jersey survey was conducted by the EC at Clean Up Day with the results indicating residents are most concerned with the carbon footprint, natural resources and food. A member of the EC presented his concerns with the Sustainable Jersey program, composed in a list of 12 questions which will be forwarded to Sustainable Jersey/NJDEP representatives to respond.

There is a severe lotus plant problem at Swartswood Lake, and it appears the Swartswood Lake Watershed Association has obtained approval to remove the invasive using an herbicide treatment. The Swartswood Fishing Club will be holding a fishing contest over Memorial Day weekend; 2-8 lb. bass were stocked for the contest.

Mayor Scott: The DPW has started cutting back the road sides. DPW Supervisor Hendershot has requested to have one of the recycling employees work with the DPW three days during the week running the tractor to replace Mr. Martin who is no longer available. New street signs have been installed to replace those that have been taken. Ms. Chamings reported there is a school crossing sign lying alongside Mt. Holly Road; Mayor Scott will inform the DPW.

Mr. Gross: There have been issues with the fire hydrants in Paulinksill Lake and as a result, Mr. Gross asked the Chief of each fire department to attend the Water District meeting to resolve the matter. The fire departments presented their concerns and the Water District agreed to follow up. Chief Van Gorden also provided a list of the ISO insurance regulations.

The Annual Memorial Day Ceremony will be held Monday, May 28, 2012, to honor all veterans at 10 a.m. at the Stillwater Presbyterian Church, and immediately following the service a wreath laying will take place at Veteran's Memorial Park (VMP). All are invited to attend. Mr. Gross thanked the employees at the Town Hall for their help leading up to the ceremony. Mr. Gross briefly discussed the flags at VMP, noting 4' x 6' is more suitable as opposed to 2' x 3'.

Old Business:

ORDINANCE #2012-003 Public Hearing and Adoption:

Ordinance Fixing Salaries and Wages of Officers and Employees for the Year 2012

Mr. Fisher made a **motion** to open the meeting for public comment on Ordinance 2012-003, seconded by Mrs. Straway. All were in favor.

There being no public comment on Ordinance 2012-003, this portion of the meeting was closed.

Mr. Fisher made a **motion** to adopt Ordinance 2012-003, seconded by Mr. Gross.

ORDINANCE #2012-03 Adoption/Final Reading:

Ordinance Fixing Salaries and Wages of Officers and Employee for the Year 2012.

Mr. Gross made a **motion** to adopt Ordinance 2012-003, seconded by Mrs. Straway.

TOWNSHIP OF STILLWATER

Sussex County, New Jersey

ORDINANCE #2012-03

AN ORDINANCE FIXING SALARIES AND WAGES OF OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF STILLWATER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, FOR THE YEAR 2012

BE IT ORDAINED by the Township Committee of the Township of Stillwater in the County of Sussex, New Jersey as follows:

Section 1. The Township of Stillwater shall pay its municipal officers and employees for services rendered as shown below. Figures shown represent annual salary, unless otherwise noted.

POSITION	SALARIES & WAGES
Township Committee Member	\$ 3,722.00
Acting Township Clerk	\$38,760.00
Principal Clerk/Typist	\$43,038.00
Chief Financial Officer	\$30,000.00
Finance Clerk	\$ 15.00/hour
Tax Assessor	\$26,640.00
Tax Collector	\$29,070.00
Construction Official	\$19,862.00
Electrical Inspector	\$ 35.00/hour
Fire Sub-Code Official	\$ 4,222.00
Fire Prevention Official	\$ 6,003.00
Plumbing Inspector	\$ 6,822.00
Technical Assistant to CO	\$ 17.00/hour
Crossing Guard	\$ 11.53/hour
SWR Worker	\$ 10.67/hour
Recycling Worker #1	\$ 10.58/hour
Recycling Worker #2	\$ 8.49/hour
Secretary-Recreation Commission	\$ 1,249.00
Secretary-Environmental Commission	\$ 2,295.00
Secretary-Planning Board	\$ 5,722.00
Secretary-Zoning Board	\$ 5,722.00
Zoning Officer	\$32,840.00
Acting DPW Supervisor	\$ as per contract
DPW Laborer #3	\$ as per contract
DPW Laborer #4	\$ as per contract
DPW Laborer #5	\$ as per contract
Recycling Coordinator	\$ 1,476.00
Emergency Management Coordinator	\$ 1,314.00
Animal Control Officer	\$ 7,491.00

Section 2. Specific salaries or wages established by this Ordinance shall be made retroactive to January 1, 2012 unless otherwise notes.

Section 3. Nothing in this ordinance shall be construed as making mandatory the payment of annual salary increments to any officer or employees of the Township of Stillwater. Salary or wage increases shall be contingent upon availability of the funds.

Section 4. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

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

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

Resolution 2012-063, Fixing the 2012 Salaries of the Township Employees

Mr. Gross made a **motion** to adopt Resolution 2012-063, seconded by Mr. Fisher.

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

Municipal Renovation Plan/Phase II: Mr. Fisher reported a draft plan was drawn for the renovations to the first two bays of the Municipal Building for the Building and Zoning departments and renovations to the existing Town Hall offices. The plans were reviewed by the employees and any necessary changes or recommendations were submitted. Mr. Fisher asked for authorization to forward the plan to at least three architects for a cost estimate. Mr. Fisher briefly reviewed the plan in response to questioning from the Committee. Mrs. Straway noted low income loans are available for such renovations and Stillwater would qualify as a rural community.

Mr. Fisher made a **motion** to forward the plan to at least three architects for a cost proposal to draft the Municipal Building renovation plan, seconded by Mayor Scott.

Ms. Chamblings asked the cost of the proposed renovation project. Mr. Fisher indicated the cost will be determined by the quotes received and the matter will be back before the Committee for approval.

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

Discussion:

Land Conservancy Agreements: Ms. Chamblings discussed the Land Conservancy proposal/contract submitted to complete the Open Space Map, \$1,500; and Open Space Brochure, \$500. The Environmental Commission recommended completion of both projects. The LC also included an annual contract proposal for \$8,000 to continue working with the Township for the preservation/acquisition of open space. Mr. Fisher was in favor of completing the map and brochure, without an annual contract. Mrs. Straway discussed distribution of the map which will include the school, Municipal Building, local stores, County building and she suggested Swartswood State Park; Mr. Gross stated the map project was part of the 2011 LC contract and he expressed concern with additional funding of that project as well as the brochure which will not include printing. Mrs. Straway clarified that the \$2,000 cost for the projects would be funded through the Open Space Fund; the printing costs would be funded through the Environmental Commission budget.

Following further discussion, Mr. Fisher made a **motion** authorizing the Land Conservancy to complete the Open Space Map at a cost of \$1,500 and Open Space Brochure at a cost of \$500, payment for each to be made upon satisfactory completion, seconded by Mrs. Straway.

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

COAH Spending Plan: Mayor Scott reported the State has accepted the COAH Spending Plan and it is available for public inspection at the Municipal Building. Mrs. Straway briefly discussed a bill that is pending allowing an extension for COAH funding spending so funds that have not been used will not be lost.

Court House Building: Mayor Scott reported the DPW will be working on moving the files out of the Court House Building. Ms. Chammings asked if quotes could be obtained for cleaning the building once the files have been removed. Mayor Scott suggested hiring the SCARC program. Mr. Gross expressed concern with the Historical Society representative attending the last Committee meeting accusing the Committee of not maintaining the building properly. He stated the building is structurally better now than it was when the Township acquired it, and according to the deed the only maintenance the Township was responsible for was the exterior of the building.

Syberg Farmland Preservation: Ms. Chammings provided a brief history on the farmland preservation resolution the County provided to the Committee in February for preliminary approval. The Committee never acted on the resolution and she asked that they do so at this time. Mr. Fisher noted if funding is not obtained for the preservation of this farm by outside sources, State, Land Conservancy, etc., then the Township would have to provide the balance. Ms. Chammings stated the project could be denied at that time should that be the case. Mr. Fisher felt due to stricter zoning ordinances and wetland constraints, development of this property was not a concern. Mr. Gross agreed and noted open space funding has become very limited and no appraisal has been provided. Mrs. Straway stated 43 percent of the municipality is comprised of open space/preservation/non-profit or Green Acres property. The population has decreased and future projections are minimal; student population at the school has declined with a loss of \$123,000 in State aid and cuts have been made to the PILOT program funding. Mrs. Straway felt due to the environmental issues related to this property, development would be extremely limited. Following the discussion, Ms. Chammings made a **motion** to provide preliminary approval for the Syberg application, Block 3805, Lot 4.01, to proceed before the Sussex County Agricultural Development for farmland preservation, seconded by Mayor Scott. Ms. Chammings noted only .6 percent of the open space funding has been used toward farmland preservation.

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

New Business:

Chief Financial Officer (CFO) Conference:

Mr. Fisher made a **motion** authorizing payment for the CFO to attend the Annual CFO Conference, at a cost of \$180.00, seconded by Mr. Gross.

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

Legislative Meeting Report:

Mrs. Straway reported a discussion was held on school funding cuts and school population declining while staff is increasing. Legislators cannot provide their support if schools are not doing their part. A second discussion was held on EMS, including the Governor's conditional veto of a bill regarding paid EMS services. As a result of the discussions, the importance of recordkeeping for fire, rescue and volunteers regarding the tracking of spending and costs was addressed. Mrs. Straway proposed a requirement for a quarterly report to be submitted by the fire departments and rescue squad including spending, attendance, drilling, and participating members. Mayor Scott stated that information is included in the Annual and LOSAP reports. Mrs. Straway stated the reason for tracking spending is so that it is clear small municipalities such as ours cannot provide paid services and accurate information is available for legislators to make the argument on our behalf.

DPW Manager Memo: The Committee had no comments on the memo.

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

Bill Steckowich, 907 Hardwick Road asked why the financial report was not included with the meeting agenda. Mayor Scott indicated it was an oversight and would be included in the future.

Ron Jacoby, 964 Mt. Holly Road, Vice President of the Historical Society responded to Committeeman Gross' comments regarding the Court House. He indicated there was nothing accusatory in the letter submitted, but an empty building is liable to become a decayed building. He agreed the deed required the exterior to be maintained, however that is not possible if the interior is left in poor condition.

Ed Szabo, 978 Route 521 informed the Committee that a few organizations he is involved with have been in contact with the NJDEP. He felt with respect to the lotus issue and also to a water chestnut issue in Stanhope, they had not been very helpful. Members of the organizations have met with local legislators and a formal letter of complaint will be forwarded to Bob Martin of the NJDEP.

The Stillwater Taxpayers Association meeting will be held on Thursday, May 17, 2012 at 7:30 at the Municipal Building.

Mr. Szabo stated he composed 14 questions regarding the Sustainable Jersey Program that will be forwarded to Bob Martin, NJDEP for response and he provided a copy to the Committee.

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

Attorney Report: None

Ms. Chammings thanked the Committee for authorizing parking on the township property for the horse show. The day was beautiful and the participants very appreciative.

The Committee agreed to hold the next meeting on Wednesday, June 6, 2012 at 7 p.m. at the Municipal Building.

There being no further business, Ms. Chammings made a **motion** to adjourn the meeting, seconded by Mr. Gross. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder