

STILLWATER TOWNSHIP COMMITTEE MEETING

MINUTES

May 19, 2015

Regular Meeting

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Scott at 7 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, Committeewoman Chamblings, Deputy Mayor Fisher, Committeeman Gross, Committeewoman Straway, Municipal Clerk Lynda Knott, Township Attorney Richard Stein.

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 carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 6:30 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: Attorney Client; Public Safety
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. Gross to conclude the Executive Session at 7 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 SEPARATELY ON THE REGULAR AGENDA.

- RESOLUTIONS:
- 2015-065 Continuation of Sussex County Farmland Preservation, Recreation and Open Space Trust Fund
 - 2015-066 Mayor's Acceptance of Nancy Farber's resignation with Committee Concurrence
 - 2015-067 Lien Redemption – Block 1901, Lot 21

MINUTES: Regular Meeting of April 21, 2015

REPORTS: Building Department Report of April 2015

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

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

AMENDMENTS TO THE AGENDA: None

RESOLUTION 2015-068 Requesting the Sussex County Clerk to submit the following non-binding referendum to the voters of the Township of Stillwater at the General Election of November 3, 2015.

WHEREAS, the Stillwater Township Committee recognizes the utmost importance of the acquisition, development and maintenance of land for recreation and conservation purposes and for preservation of farmland and historic properties; and

WHEREAS, this vital preservation of open space can best be achieved through the provision of a definite, long-term fixed source of funding; and

WHEREAS, N.J.S.A. 40:12-15.7 authorizes the Township Committee to submit to the voters of the municipality a question in order to ascertain the sentiments of the voters by including a non-binding referendum on the November 3, 2015 General Election Ballot;

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

1. That the following non-binding referendum be forwarded to the Sussex County Clerk for inclusion on the November 3, 2015 General Election Ballot:

Yes

No

Shall the Township of Stillwater adopt an Ordinance establishing a “Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Fund” which will have the following provisions:

- A. The “Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Fund” shall be funded through the collection of a local property tax in an amount between \$.005 and \$.02 per One Hundred Dollars (\$100) of assessed value.
- B. Such funds shall be designated solely for (1) the acquisition, development and maintenance of land for recreation and conservation purposes, (2) the acquisition of farmland for preservation purposes, (3) the acquisition and preservation of historic properties, structures, sites, areas or objects, or (4) payment of debt service on indebtedness issued or incurred by the municipality for any of the foregoing purposes.
- C. Funds raised through the annual property tax levy will be subdivided by the Township Committee at a later date after a public hearing.
- D. Any property acquired by or through the “Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Fund” shall not be sold or conveyed by the Township until and unless authorized by a binding public Referendum.
- E. This Trust Fund tax shall be for a term not to exceed ten (10) years and may only be extended upon approval of a non-binding voter referendum.

INTERPRETIVE STATEMENT

This referendum will give the elected officials of the Township of Stillwater the sentiment of the voters concerning the re-establishment of a “Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Fund”. This Fund would be in addition to bonding and other available sources of public funds, and would be used solely for the purpose of acquiring and maintaining lands within the Township for open space, recreation and conservation, and for farmland and historic preservation. Having the funds would enable the Township to qualify for grants, matching funds and other sources of funds available through the State and other entities. The Fund will be raised through a dedicated tax on real property. The Township Committee will determine the rate of the special tax each year but the amount will be between \$.005 and \$.02 per \$100 of assessed value of the property. For example, at the minimum rate of \$.005 per \$100 of assessed value, the owner of property assessed at \$150,000 would contribute \$7.50 to the Open Space Trust Fund in a year. At a rate of \$.01 per \$100 of assessed value, the owner of property assessed at \$150,000 would contribute \$22.50 to the Open Space Trust Fund in a year. At a rate of \$.02 per \$100 of assessed value, the owner of property assessed at \$150,000 would contribute \$30 to the Open Space Trust Fund in a year. Any property or asset acquired by the Open Space Trust Fund could not be sold or disposed of unless authorized by Public Referendum.

2. The Sussex County Clerk is hereby requested to print the Referendum and Interpretive Statement on the Official Ballot for the General Election to be held on November 3, 2015.
3. A copy of this Resolution shall be placed on file with the Clerk of the Township.

Mr. Gross made a **motion** to adopt Resolution 2015-068, seconded by Mr. Fisher.

Roll Call Vote: Ms. Chamings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes, Mayor Scott, yes
It was noted that “establish” would be changed to “re-establish” in the referendum wording.

RESOLUTION 2015-069 Authorizing Municipal Attorney to participate in joint defense of OPRA suit

Mr. Gross made a **motion** to adopt Resolution 2015-069, seconded by Mrs. Straway.

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

Bills List #9: \$505,837.22

Resolution 2015-070: Payment of Bills

Mr. Fisher made a **motion** to approve Bill List #9, Resolution 2015-070, removing invoice #42715, seconded by Mrs. Straway. A brief discussion was held on invoice #42715 regarding payment.

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

Mr. Fisher made a **motion** to approve payment of P.O. #42715 in the amount of \$1750.00, seconded by Mrs. Straway.

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

Open Public Session:

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

Tami Richardson, Stillwater Recreation Commission asked for Township Committee approval to submit an application to the County to display banners according to the Township Engineer's plan.

Mr. Fisher made a **motion** to approve the displaying of the banners, seconded by Mrs. Straway.

Roll Call Vote: Ms. Chammings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes, Mayor Scott, yes
Ms. Richardson asked for volunteers for the Stillwater Day dunk tank.

Ed Szabo, 978 Route 521 reported that Michael Grace, democratic candidate for New Jersey Assembly, will be at the Stillwater Taxpayers Association on Thursday, May 21, 2015. He has been serving on the Stillwater Board of Education for the last five years. All are invited.

The Delaware Water Gap National Recreation Area has requested input on their future expansion and plans.

Mr. Szabo has reviewed the 40-page packet he has received from the DWGNRA and has responded to Mr. Donahue. He asked the Township Committee to provide their input by sending a letter to the DWGNRA.

Mr. Szabo provided a copy of his letter for their review.

Swartwood Lake Paradise Fishing Club held a recent contest and it was the best tournament they ever had. There were sixty-four participants who caught 21 trout, 13 walleyes, including a 7 lb. tiger trout, 6 lb. brown, 8.5 lb. walleye, and a 7.5 lb. walleye.

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

OLD BUSINESS:

ORDINANCE 2015-004 CAPITAL ORDINANCE APPROPRIATELY \$53,200 FOR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF STILLWATER (Public Hearing/Adoption May 19, 2015)

Mr. Fisher made a **motion** to open the meeting for public comment on Ordinance 2015-004, seconded by Mrs. Straway.

Roll Call Vote: Ms. Chammings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes, Mayor Scott, yes
There being no public comment this portion of the meeting was closed.

Mrs. Straway made a **motion** to adopt Ordinance 2015-004, seconded by Mr. Fisher.

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

NEW BUSINESS

ORDINANCE 2015-005 AMENDING CHAPTER 240 OF THE CODE OF THE TOWNSHIP OF STILLWATER TO INCLUDE RESTRICTIONS OF THE USE OF REAL ESTATE WITHOUT REQUIRED APPROVALS (Public Hearing/Adoption June 16, 2015)

Ms. Chammings made a **motion** to introduce Ordinance 2015-005, seconded by Mrs. Straway.

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

ORDINANCE 2015-006 AMENDING CHAPTER 240 OF THE CODE OF THE TOWNSHIP OF STILLWATER TO ADD PROCEDURAL REQUIREMENTS FOR A MINOR SUBDIVISION/LOT LINE ADJUSTMENT WHERE NO NEW LOTS ARE BEING CREATED (Public Hearing/Adoption June 16, 2015)

Mr. Gross made a **motion** to introduce Ordinance 2015-006, seconded by Ms. Chammings.

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

DISCUSSION ITEMS

Capital Budget Spending Plan:

The Committee reviewed the capital budget spending plan and determined \$365,000 would be a sufficient amount to bond for the items needed which include road paving/resurfacing, building renovations and oil tank replacement, noting PSE&G and reserve funding is also available.

Following further discussion, Mrs. Straway made a **motion** authorizing the bond ordinance, seconded Mr. Fisher.

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

Green Acres Compliance Inspection:

Green Acres has asked for a reply to their compliance inspection report no later than June 15th. There were two items of concern: 1) A Green Acres acknowledgement sign must be installed at Veteran's Memorial Park (VMP) and 2) the cabins and other structures at Camp Towadena are dilapidated and need to be addressed due to safety concerns and possible municipal liability issues. Ms. Knott reported there are signs posted at VMP and they were so at the time of inspection. The possibility of using open space funding to address the removal of the cabins was discussed. The Committee agreed to have the DPW visit the site to assess the matter and provide a report for the next meeting.

Ms. Chamblings noted there are dilapidated structures still located on the Camp Kiamesha, state-owned property. She asked if it would be possible to ask the State to remove those buildings. Mayor Scott agreed to accompany the DPW to inspect both properties.

Ms. Chamblings asked the Clerk to research the acronym LWCF Project to make sure it is not an additional compliance matter.

Gypsy Moth:

Ms. Chamblings reported she has received several phone calls regarding gypsy moth concerns. She explained a survey was done in November 2014 and the township did not exceed the required 50 acres of damage and does not qualify for the State spraying program. The Clerk will have the Zoning Officer follow-up to see what options the municipality may have and whether or not a federal spraying will take place.

Open Public Session:

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

John Nelson, Crandon Lakes stated he would take the gypsy moth discussion held tonight back to Hampton Township as they too did not exceed the 50 acres.

Kathy Draghi, 1016 Route 619 referred to the resolution for Nancy Farber's resignation noting a typographical error. She asked why Ordinance 2015-005 Restrictions of the Use of Real Estate Without Required Approvals was necessary since there are regulations already in place. Ms. Chamblings suggested Ms. Draghi attend the Planning Board meeting on May 20th as that is where the ordinance originated. Ms. Straway recommended she contact the Planning Board Secretary for further explanation. Mr. Stein noted a summons can only be issued based on an ordinance.

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

Attorney Report: No report.

EXECUTIVE SESSION:

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by Mr. Fisher, seconded by Mrs. Straway and carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 7:52 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: Real Property; Attorney Client
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 Mrs. Straway to conclude the Executive Session at 8:30 p.m., unanimously carried by roll call vote.

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

Respectfully submitted,

Kathy Wunder