

STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
June 11, 2013
Regular Meeting

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Gross at 7:01 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 Gross, Committeewoman Chamblings, Committeeman Fisher, Committeewoman Straway, Acting Municipal Clerk Lynda Knott, and Attorney Ursula Leo.

ABSENT: Deputy Mayor Scott

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 6:13 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 – Shared Services/Fire Marshall; Contract – Sussex County Fire Marshall; Real Property – Disabled Veteran
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. Fisher** to conclude the Executive Session at 6:45 p.m., unanimously carried by roll call vote.

Regular Session:

Property Transfer: Stillwater Township to Ando: Stillwater Township transferred ownership of an acre of property, Block 503 Lot 22 and part of Block 503 Lot 24, to James and Jeanette Ando to make the property more conforming. The Ando Family incurred the fees necessary to transfer ownership.

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.

Resolutions:

2013-067 Authorizing Refund of Building Permit Fee

2013-068 Authorizing Renewal of Liquor Licenses

2013-069 Authorizing Refund of Tax Overpayment for 100% Disabled Veteran

Minutes: May 21, 2013

April 16 and May 7 Executive Minutes

Reports:

Tax Department - April and May 2013

Building Department – May 2013

Stillwater Environmental Minutes – May 13, 2013

Stillwater ZBA Minutes – April 22, 2013

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

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

Bill List Cycle #11: \$540,193.47

Mr. Fisher made a **motion** to approve Bill List Cycle #11, seconded by **Mayor Gross**.

Mrs. Straway requested PO# 2370 and 2421 purchasing new radios be discussed. She questioned the need for more radios and the budget lines to which they were charged. Following a discussion, Mrs. Straway stated the bills could be paid. Mrs. Mooney questioned whether the Town Committee had discussed the Ardito bill, PO# 2344. The Committee discussed the bill and determined it should be paid. Following discussion, a vote was taken.

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

PUBLIC HEARING OF THE 2012 MUNICIPAL AUDIT: Auditor Valerie Dolan and CFO Dana Mooney – Corrective Action Plan

Mrs. Dolan and Mrs. Mooney provided an overview of the financial condition of the town. Mrs. Dolan reviewed the Town’s revenue, reserves and debt. She stated that the Town had 13 accusations from the previous audit, 11 of which have been resolved. The current audit contains 7 accusations for the Township to address. The CFO has come up with a corrective action plan to address these concerns. The Town Committee was then able to ask questions. Mayor Gross asked for clarification of the Town’s debt and worth. Mrs. Dolan stated the Town has \$1,774,000 in surplus and the Town is .27% in debt which is very low. Ms. Chammings asked if part of the approximately \$777,000 in the capital fund is from an unfinished road project. Mrs. Mooney stated the accounting in the Capital account has not been entirely accurate and she is unable to fully answer the question. She is trying to address this and ensure that everything is charged correctly in the future.

There being no further questions, the following resolution was read:

Resolution 2013-070: Resolution of the Mayor and Township Committee of the Township of Stillwater Certifying the Annual Audit.

**STILLWATER TOWNSHIP
SUSSEX COUNTY**

RESOLUTION 2013-070

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “General Comments” and “Recommendations”, and

WHEREAS, The members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “General Comments” and “Recommendations”, as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED That the Township Committee of the Township of Stillwater does hereby state that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Ms. Chamings made a **motion** to adopt Resolution 2013-070, seconded by **Mr. Fisher**.

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

Resolution 2013-071: Resolution Approving Submission of the Corrective Action Plan for the Year Ended December 31, 2012 to the State of New Jersey, Division of Local Government.

**STILLWATER TOWNSHIP
SUSSEX COUNTY**

RESOLUTION 2013-071

**RESOLUTION APPROVING SUBMISSION OF THE CORRECTIVE ACTION PLAN FOR THE
YEAR ENDED DECEMBER 31, 2012 TO THE STATE OF NEW JERSEY, DIVISION OF
LOCAL GOVERNMENT SERVICES**

WHEREAS, all municipalities operating under the Local Fiscal Affairs Law must prepare and submit a Corrective Action Plan as part of their annual audit process, and

WHEREAS, the Township of Stillwater has by Resolution accepted the 2012 audit as prepared and presented by the Township Auditors, and

WHEREAS, Dana Mooney, the Chief Financial Officer for the Township of Stillwater has prepared a Corrective Action Plan to address the findings and recommendations for the 2012 audit and presented copies of same to the Mayor and Township Committee,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Stillwater, in the County of Sussex, that the corrective Action Plan, attached hereto and made a part hereof, be approved for submission to the Division of Local Government Services.

Mr. Fisher made a **motion** to adopt Resolution 2013-071, seconded by **Ms. Chammings**.

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

Amendments to the Agenda: Motion to allow Mayor Gross to sign the agreement between Stillwater Township and SCMUA to be the Township's certified recycling professionals was added to Old Business.

Open Public Session:

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

Ed Glick, 933 Fairview Lake Lane asked about the status of the Verizon tower. Mayor Gross informed him that everything has passed the Zoning Board of Adjustment and there shouldn't be any hold up.

Bill Steckowich, 907 Hardwick Road wondered if money given to the town in an agreement with PSE&G for "fire and safety" could be used to pay for the new radios. There was a discussion about the agreement with PSE&G. The Town does have discretion of how to use the funds, but the Town has not received any of the funds yet. Mr. Steckowich asked if any of the money can be allocated to a homeowner who has a problem. Mrs. Straway stated no and if he has a problem he should call the PSE&G 1-800 number.

Kathy Draghi, 1016 Rte 619 asked if there was a deadline to accomplish the corrections of the auditor's Corrective Action Report. She is concerned about the compensated absences, especially for the three long-term employees. Ms. Chammings stated the time frames for completion are listed as ongoing, immediate, and one has a specific date. The item in question is listed as ongoing.

Diane Schlechter, 1010 Rte 521 asked if the Recycling Center workers should be able to ask to see the drivers' licenses of people they don't recognize who are dropping off trash. Mayor Gross explained the Town would need to hire another worker to check licenses, and the Town doesn't lose any money by taking in their trash. Ms. Chammings stated she has asked the Environmental Commission to look at the Recycling Ordinance to see if it needs any updates. She will ask them to make sure it states "for Stillwater residents only".

Margaret Emmons, Swartswood Lake spoke about the Township tax lien properties. She stated a number of years ago the Environmental Commission inspected about 500 Township owned properties and gave written recommendations about what should be done with those. She wondered if there is an overlap between the properties inspected and the properties under Township lien. Mayor Gross pointed out that the Town sold one of the properties earlier in the night's meeting.

Christine Prtorich, 922 Fairview Lake Lane wanted to complain that the Township attorney has not gotten back to her concerning the municipal services act. She has spoken with Mrs. Knott and Ms. Chammings and is waiting to hear from the attorney. She has provided proof that they are a homeowners association with bylaws and proof that they are a not for profit organization. Mrs. Leo stated they would follow up with her.

Mrs. Knott announced that Mayor Gross feels that for the summer months, only one meeting will be necessary per month. The upcoming meeting dates will be June 25 and July 16. The August meeting was to be held on August 13, but due to the special election a new date will need to be chosen. The regular meeting schedule will resume in September.

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

COMMITTEE REPORTS:

Ms. Chammings: The Environmental Commission met on June 10. Jack Branagan will be recommended for a Governor's Environmental Excellence Award. It was decided to have The Land Conservancy update the ERI to 2013 standards at a cost of \$300.00. Sustainable Jersey, a municipal orchard, no littering signs, barrels on Rte. 521, solar project, recycling containers at Veterans Park, a site survey for a deck, Green Fest, public concerns about idling at bus stops and the Recycling Center ordinance were all discussed.

Mr. Fisher: Saturday, June 15, is Stillwater Day at Veterans Park. The metal equipment storage box behind the backstop at Veterans was stolen. The State Police have been notified. Bid specs have been picked up by several contractors for the Municipal Building renovations. The bid opening date has been extended from June 20 to July 10.

Mrs. Straway: Spoke about grant funding and Green Fest. A town profile must be built. Existing Township grants are not being utilized to the best of our advantage. Green Fest is an action being taken by Stillwater Township to educate the population about Reduce/Reuse/Recycle. This action earns points toward our Sustainable Jersey certification. The Town's current grants: Clean Communities, Municipal Alliance, and the Recycle Trust need to be used in order to create a profile. Partnerships with Fairview Lake Camp and Stillwater School have been created. She would like the Township Committee to release funds from the Clean Communities Grant and the Recycling Trust. The Green Fest will cost approximately \$1800.00. They will also be seeking sponsors for the event. This has been cleared with the auditor and the CFO. She cannot promise any money utilized will be replaced, but the money spent will go toward building a municipal profile. Once certification is reached, the Township can begin applying for larger grants. There was discussion of how the \$1800.00 would be spent.

Mr. Fisher made a **motion** to properly use Clean Communities and Recycling Trust monies for Green Fest, seconded by **Mrs. Straway**.

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

Mayor Gross: The following items were approved by the Zoning Board: the Tanis property on Rte. 521 will have 8 COAH units for low and moderate income housing, the use will be exactly what it is now; a deck on a property within 100 feet of the lake; and a resolution was adopted granting an amendment to the final site plan and reducing the size of the final fenced-in compound on the Nextel property alongside the Swartswood Fire Department.

OLD BUSINESS:

Motion to allow Mayor Gross to sign the agreement between Stillwater Township and SCMUA to be the Township's certified recycling professionals.

Ms. Chammings made a **motion** to accept the agreement between Stillwater Township and SCMUA, seconded by **Mr. Fisher**.

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

NEW BUSINESS:

The Committee had no new business to discuss.

DISCUSSION ITEMS:

Samaritan Inn – Request for waiver of fees: Renovations are being done to construct offices. The work is being done gratis by Habitat for Humanity. They have requested the zoning and building fees be waived for the project. Mrs. Knott stated according to the zoning officer waiving of the fees would be setting a precedent. No fees have ever been waived except for a Stillwater Township self-funded project. Also, the building fees are not just for Stillwater Township. There are fees that need to be paid to the State of New Jersey. If the fees were waived, the town would need to pay them to the state. There was a discussion concerning the request. Mayor Gross and others offered to pay the zoning fee. The attorney

suggested having The Samaritan Inn submit their application so the building inspector can determine the fees.

Construction debris at Recycling Center: Anthony Ashley, Swartwood Fire Chief, spoke about the debris. It is more brush than construction debris, except for decking which would need to be removed. A bonfire permit can be issued to burn the debris. The DPW will need to separate the deck material and move the pile further from the woods to allow the fire department complete access. The burning will take place on Saturday, June 29. Mrs. Straway stated the Township should take Mrs. Chamblings' advice and post this information to avoid confusion that there is a fire at the Recycling Center. Dispatch will know that it is a drill with a live burn, and can inform any callers of this fact. Mr. Gross stated the DPW supervisor will be removing the deck material and placing it in a dumpster and will move the debris pile away from the trees. Lisa Chamblings, speaking for Lois and Ed Chamblings, requested that the trucks used for the drill come through the Recycling Center rather than the shop entrance.

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

Kathy Fobes-Jacoby, 964 Mt. Holly Road, Environmental Commission member and Green Team leader asked if any green materials will be used in the renovation of the municipal building. Mr. Fisher stated that wherever possible energy efficient products would be used.

Ed Szabo, 978 Route 521 applied for several groups to participate in Clean-Up Day. One of these organizations was the Paradise Fishing Club. When applying, they were told to be sure they were either a 501C3 or a 501C4 organization. He was able to provide documentation for the Tax Payers Association and the Swartwood Lake Association. He is unable to find documentation for the fishing club and would like to return the \$200 in Clean Communities money they were given. The Committee thought the club may be able to keep the money, but Mr. Szabo stated the club would like to donate the funds back to the town.

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

Attorney Report: None

Correspondence: Mayors' Advisory Correspondence is available in the Correspondence Binder at the Municipal Building.

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

Respectfully submitted,

Tammy Leonard