

**STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
June 14, 2011
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, Committeeman Gross, Committeeman Morrison, Committeewoman Straway, Municipal Clerk Judy Fisher and Attorney Larry Cohen.

Executive Session:

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by Mr. Gross, seconded by Mrs. Straway 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; Litigation**
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 7:05 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.

Department Reports: May: Tax Collector; Building Department

Minutes: Regular Session: May 17, 2011; Executive Session: May 17, 2011

Resolutions:

2011-34 Renewal of Liquor Licenses

RESOLUTION NO. 2011-34

WHEREAS, THE Township Committee of the Township of Stillwater, County of Sussex and State of New Jersey, pursuant to the authority vested In it by an act of Legislature, has heretofore by ordinance, provided for the sale of alcoholic beverage in the Township of Stillwater; and

WHEREAS, the following named Liquor License holder has filed an application for the license renewal and the Municipal Clerk has received the Tax Clearance Certificate for this establishment and all fees have been paid.

NOW, THEREFORE, BE IT RESOLVED, that the following liquor license known as Plenary Retail Consumption License be granted renewal for the period of July 1, 2011 to June 30, 2012.

<u>LICENSE NUMBER</u>	<u>LICENSEE AND ADDRESS</u>
1920-33-001-005	Diane's Drake House, Inc. P. O. Box 32, 1010 Route 521 Swartswood, New Jersey 07877
1920-33-003-002	Stillwater Area Volunteer Fire Company P. O. Box 11, 929 Stillwater Road Stillwater, New Jersey 07875
1920-33-006-006	Mountain Brook Inn, LLC P. O. Box 20, 901, Route 521 Middleville, New Jersey 07855
1920-33-007-003	Stillwater Inn, Inc. 927 Main Street Stillwater, New Jersey 07875
1920-44-008-004	Main Street Liquors, LLC P. O. Box 123, 906 Main Street Stillwater, New Jersey 07875
1920-33-010-003	North Shore House, LLC P. O. Box 167, 912, Route 622 Swartswood Road Stillwater, New Jersey 07875
1920-33-011-005	The Boat House at Swartswood, LLC P. O. Box 26, 1040 Route 521 Swartswood, New Jersey 07877

2011-35 Opposing Senate Bill 1351 (Open Public Meeting Act)

2011-36 Urging Legislators to Draft a Bill Amending OPRA

2011-37 Amending Resolution 2011-10 Check Signer

2011-38 Supporting a Veterans Cemetery

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

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

Bill List Cycle #9: \$783,617.93

Mr. Fisher made a **motion** to approve Bill Cycle #9 in the amount of \$783,617.93, seconded by Mr. Gross.

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

Amendments to the Agenda: None

Committeeperson Reports:

Mrs. Straway reported on the Environmental Commission meeting, including an issue with the placement of signs at the Recycling Center. The newly purchased signs have been installed on the outside of the shed doors and when the doors are open for business the signs are not visible. She asked the Recycling Center liaison to address the matter.

Mrs. Straway reported the County provided our name to Sunray Solar in Lakewood, which is a company that is able to provide the same solar energy program, 15 year plan, for .10/kw hour fixed for the entire 15 years, and no installation costs. The tax incentives expire in December, so a decision must be made at this meeting or the next one in order to have the documentation filed in July.

Mr. Morrison reported the Planning Board will meet on June 15, 2011.

Mr. Gross reported the Zoning Board met in May at the school to hear the cell tower application and no decision was made. State Police coverage was provided for crowd control. The application will be heard again in August. Mr. Gross will speak with the Recycling Coordinator regarding the sign issue. Mr. Gross stated a resident had inquired if the Recycling Center could open an hour earlier on Saturdays. After further review, he felt it would not be economical for the few customers that use the center that early in comparison to paying the employees for an additional hour. The matter can be re-addressed during next year's budget review.

Mayor Scott reported the DPW tractor/mower is in disrepair again and the DPW is working on it. Once the rain stops, the DPW will begin trimming the roads. Mr. Morrison asked the Mayor to have red signage installed at the Recycling Center regarding the proper disposal of sharps by residents in accordance with the provisions of the law. Mr. Gross explained an employee was recently stuck in the leg by a needle improperly disposed at the Center.

Ordinance 2011-7: 2nd Reading/Public Hearing

**STILLWATER TOWNSHIP ORDINANCE 2011-07
AN ORDINANCE TO AMEND AND SUPPLEMENT THE LAND
DEVELOPMENT CHAPTER OF THE STILLWATER TOWNSHIP
CODE TO AMEND THE REQUIREMENTS FOR ACCESSORY STRUCTURES**

BE IT ORDAINED by the Township Committee of the Township of Stillwater that Chapter 240 of the Stillwater Township Code is hereby amended as follows:

SECTION 1. Section 240-104G(9) is hereby amended to read as follows:

“(9) Principal structures in residential districts shall not exceed 35 feet in height. Accessory buildings in residential districts shall not exceed 15 feet in height and may not exceed 1,000 square feet in floor area. Accessory buildings shall be limited to a maximum of four such buildings per lot. Swimming pools are not considered accessory structures for purposes of calculation of lot coverage.”

SECTION 2. Section 240-113B(6) is hereby amended to read as follows:

“(6) Not more than four accessory structures shall be permitted on any lot in the R-7-5, R-5 or R-30 Residence Districts, except agricultural uses on farms.”

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

SECTION 4. All ordinances or part of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION 5. This Ordinance shall take effect after the publication and passage according to law.

SECTION 6. The Township Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

Mr. Gross made a **motion** to open the meeting for public comment on Ordinance 2011-7, seconded by Mr. Fisher.

Roll Call Vote: Mr. Fisher, yes, Mr. Gross, yes, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes
There being no public comment the meeting was closed.

At this point, Mr. Gross made a **motion** to adopt Ordinance 2011-7, seconded by Mr. Fisher.

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

Ordinance 2011-9 2nd Reading/Public Hearing

**ORDINANCE NO. 2011-09
ORDINANCE AMENDING CHAPTER 140 OF THE STILLWATER TOWNSHIP CODE, ENTITLED “CAMPGROUNDS”
AND MORE PARTICULARLY
SECTION 140-6, ENTITLED “LICENSE FEE”**

BE IT ORDAINED by the Township Committee of the Township of Stillwater, County of Sussex, State of New Jersey, that Chapter 140 of the Stillwater Township Code entitled “CAMPGROUNDS” and more particularly Section 140-6 entitled “License Fee” is hereby amended by deleting said Section in its entirety and in its place and stead shall be the following:

SECTION I

§140-6. License Fee.

There is a \$10 fee for each campsite in each campground, with a minimum fee of \$250.

This license fee is for the purpose of defraying the administrative costs, including any inspection costs, incurred by the Township in issuing the annual license.

SECTION II

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION IV

This Ordinance shall take effect immediately upon final publication as provided by law.

Mr. Fisher made a **motion** to open the meeting for public comment on Ordinance 2011-9, seconded by Mrs. Straway.

Roll Call Vote: Mr. Fisher, yes, Mr. Gross, yes, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes
There being no public comment the meeting was closed.

At this point, Mr. Fisher made a **motion** to adopt Ordinance 2011-9, seconded by Mrs. Straway.

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

Ordinance 2011-10 2nd Reading/Public Hearing:

ORDINANCE 2011-10

BOND ORDINANCE PROVIDING FOR THE PURCHASE OF PEOSHA GEAR AND A FIRE TRUCK PUMP IN AND BY THE TOWNSHIP OF STILLWATER, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$130,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$100,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF STILLWATER, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 if this bond ordinance is Hereby authorized to be undertaken by the Township of Stillwater, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$130,000, including the sum of \$30,000 as the down payment required by the Local Bond Law. The down payment is available in the General Capital Fund.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$100,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3.

(a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the purpose of purchasing \$60,000 for PEOSHA gear and the purchase of \$30,000 for a fire truck pump.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as state in section 2 hereof.

(c) the estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

Section 4. All bond anticipation notes issued hereunder shall mature at such time s as may be determined by the chief financial officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget of the Township of Stillwater is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Section 6. The following additional matters are hereby determined, declared recited and stated:

(a)The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b)The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance is 10 years.

(c)The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$100,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d)No amount is estimated for the items of expense listed in and permitted under N.J.S.A.40A:2-20.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitations of rate or amount.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mr. Fisher made a **motion** to open the meeting for public comment on Ordinance 2011-10, seconded by Mr. Gross.

Lisa Chamings, 928 Mt. Holly Road asked for a copy of the ordinance and it was provided.

There being no further public comment the meeting was closed.

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

Mr. Fisher made a **motion** to adopt Ordinance 2011-10, seconded by Mr. Gross.

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

Ordinance 2011-8 1st Reading/Introduction:

AN ORDINANCE TO AMEND AND SUPPLEMENT THE LAND DEVELOPMENT CHAPTER OF THE STILLWATER TOWNSHIP CODE TO AMEND THE REQUIREMENTS FOR ACCESSORY STRUCTURES AMENDING ORDINANCE 2011-7

Mayor Scott stated the permitted height for cupolas and weather vanes, not to exceed four feet, has been included in the ordinance.

Mr. Fisher made a **motion** to introduce Ordinance 2011-8, seconded by Mrs. Straway.

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

The public hearing will be held on July 5, 2011.

Possible 1st Reading/Introduction: Letter from Planning Board

AN ORDINANCE TO AMEND AND SUPPLEMENT THE LAND DEVELOPMENT CHAPTER OF THE STILLWATER TOWNSHIP CODE TO ESTABLISH A NEW ZONE DISTRICT KNOWN AS THE OPEN SPACE GOVERNMENT USE ZONE

In accordance with the letter received from the Planning Board, this item will be removed from the agenda and will be addressed through the Master Plan Review.

Open Public Session (agenda items only):

This portion of the meeting was opened for public comment on agenda items only.

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

Old Business:

Discussion: Letter and Proposed Flood Damage Draft Ordinance from NJDEP

Attorney Cohen reported that he and Mr. Vreeland are still working on this matter. The item will be added to the July 5, 2011 agenda.

Mr. Fisher asked if a date could be scheduled to begin renovations to the garage bays. This item will be added to the next agenda. Mr. Gross stated the renovations may include a satellite office for the State Police. All electric and bathroom facilities are existing. Mayor Scott noted there is a possibility the State Police could use the Courthouse Building until the renovations are completed. Mr. Gross will contact the State Police to set up a meeting to discuss the matter further.

New Business:

Report of Audit 2010: Resolution/Group Affidavit and Corrective Action Plan

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
RESOLUTION 2011-32**

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

WHEREAS, the Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant and with the Municipal Clerk pursuant to N.J.S.A .40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6-5, 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 "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 "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; 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, pursuant to N.J.A.C .5:30-6-5; 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 regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provision of the R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52: A local officer or member of the 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 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, hereby states that it has complies with N.J.A.C. 5:30-6-5 and does hereby submit a certified copy of the resolution and the required affidavit to said Board to show evidence of said compliance.

Mr. Gross made a **motion** to adopt Resolution 2011-32, seconded by Mr. Morrison.

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

Open Public Session:

Kathy Draghi, 1016 Route 619 asked if the satellite office will be accessible to the public if the State Police are present. Mr. Gross did not think it would be a problem. Attorney Cohen noted the building still has insurance coverage. A sign would be installed indicating it is a satellite office and for an emergency to please call 9-1-1.

Susan Cerniglia, Mountain Shadows Lake Association, Board of Trustees, Past President/Treasurer

Ms. Cerniglia read a letter into the record dated June 13, 2011, that she wrote as a trustee for Mountain Shadows Lake Association, Inc, requesting a list of site numbers in violation and the Code referenced for the violations. The letter also requested a Temporary Certificate to Operate, including a hold harmless statement to the Building Department releasing them of any liability during the temporary period. Ms. Cerniglia asked for a deadline date in which all those in violation will have to comply. She stated if they fail to do so, their electric will be disconnected and they will not be permitted on the grounds. Attorney Cohen suggested the campground consider hiring one contractor to conduct all the necessary work, having all the permits handled through the association. Following a lengthy discussion, a copy of Ordinance 2011-9 amending the fee for the annual licensing from a set fee to \$10 per campsite was provided to Ms. Cerniglia; and Mr. Morrison made a **motion** to grant Mountain Shadows Campground a temporary license extension to July 15, 2011, with the exception of the pool; if the pool passes the electrical inspection it may open July 4th and the matter will be re-visited by the Township Committee after July 15th, seconded by Mr. Fisher.

A list of all violations will be provided to the association.

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

Ken Bradley, 10 Eastside Drive, Hampton referred to the cell tower application and indicated there was testimony provided at the last hearing indicating that a majority of the Committee and Nextel were responsible for the particular site that has been chosen. He asked the Committee if they helped determine the site location. Mr. Morrison explained he worked with Steve Sofman to locate a site north of Five Points. Stillwater Park was chosen as other sites were in residential areas, did not fit, or the properties were too small. Stillwater Park was suitable from an engineering standpoint, however it was realized that the property was on the Recreation and Open Space Inventory and the tower could not be constructed on the site. Mr. Morrison stated the matter is now between the fire department and Nextel. Following further discussion, Attorney Cohen stated the issue is not for this Committee and a public proceeding is ongoing and that is appropriate forum for Mr. Bradley to voice his concerns.

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

Attorney Report: No report.

Correspondence:

- Mayor's Advisory Correspondence is available for review in the Correspondence Binder.

There being no further business, Mr. Fisher made a **motion** to adjourn the meeting at 8:25 p.m., seconded by Mr. Gross. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder