

**STILLWATER TOWNSHIP COMMITTEE MEETING**  
**MINUTES**  
**June 16, 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 Chamings, Deputy Mayor Fisher, Committeeman Gross, Committeewoman Straway, Municipal Clerk Lynda Knott, Township Attorney Richard Stein.

**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:**

- 2015-071 Supporting Steps by New Jersey Officials to Protect and Support Federal Military Bases Located in the State of New Jersey
- 2015-072 Refunding Zoning Variance Escrow Balance – Passafaro
- 2015-073 Awarding Lawn Maintenance Contract
- 2015-074 Amending the 2015 Budget to Include Clean Communities Grant
- 2015-075 Amending the 2015 Budget to Include 2015 Municipal Alliance Grant

**MINUTES:**

Regular Meetings of May 5 and May 19, 2015

**REPORTS:**

Tax Collector Reports of April and May 2015

Building Department Report of May 2015

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

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

**AMENDMENTS TO THE AGENDA:** None

**Bills List #10: \$213,441.18**

**Resolution 2015-076:** Payment of Bills

Mr. Fisher made a **motion** to approve Bill List #10, Resolution 2015-076, removing P.O. #4437 seconded by Mr. Gross.

Mrs. Straway expressed concern with the escalating engineering costs related to the grant for the generator. The cost has reached approximately \$3,400. Mr. Gross asked for the Medicare Part B payments to be reviewed.

**Roll Call Vote:** Ms. Chamings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes, Mayor Scott, yes  
Mrs. Straway made a **motion** to approve payment of P.O. #4437, seconded by Mr. Fisher.

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

### **Open Public Session:**

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

**John Nelson, Crandon Lakes Association of Property Owners** thanked the Committee for their timely reimbursement for the snow removal and in advance for the temporary storage shed. Mr. Nelson asked for an update on the reimbursement still owed. Mr. Stein indicated the matter would be discussed during Executive Session.

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

### **COMMITTEE REPORTS:**

**Mr. Fisher:** Stillwater Day is Saturday, June 20, 2015 from 2 p.m. – dark ending with fireworks. The old recycling shed has been moved to Veteran’s Memorial Park (VMP) and was cleaned out and painted by the Environmental Commission. Ms. Chammings indicated the shed would be ready for Stillwater Day. The shed will be a disposal station for plastic, aluminum and bottles. Approval has been granted for displaying the banners for Stillwater Day. Paving was done at VMP by the DPW and it is now handicap accessible from the parking lot to the bridge. A bee’s nest was removed from the Recycling Center.

**Ms. Chammings:** The Environmental Commission (EC) met on June 8<sup>th</sup>. The EC discussed a recycling awards packet they received and the upcoming Paulinkill River Clean Up including required presentations by Mr. Blanchard to local Environmental Commissions and PAC. The ERI update has been completed and a Zoning Board site survey was approved. A lengthy discussion followed regarding the recycling shed at Veteran’s Memorial Park. The shed has been moved, painted, and a load of QP will be placed for aesthetics. Ms. Chammings, Mr. Fisher, the Recreation Commission (RC) Chair and the EC Chair along with two RC members met last Saturday to discuss plans for the shed. Ms. Chammings had also spoken to Mr. Fisher at Clean Up Day and to Mrs. Fisher and Mr. VanderHaeghen at a prior Planning Board meeting. The shed area was cordoned off for safety purposes, locked, boarded and a sign was placed on it indicating it was a “work in progress.” Mr. Fisher indicated there was an issue with the shed being moved without the Recreation Commission or anyone else being informed as it was originally to be cleaned out and repaired at the Recycling Center. There was debris in the shed and the door was accessible which would have allowed children to enter. Ms. Chammings reviewed portions of her prior liaison reports to the Township Committee indicating the shed process was ongoing and a location needed to be designated. Mrs. Straway felt the reports included “discussion,” no plans and the biggest concern was the condition of the shed. She expressed concern with it being a hazard and a public risk; and refurbishing should have been done on municipal property as discussed, not in a public park where it could be a liability issue. Ms. Chammings indicated the shed would be completed by Friday. She took responsibility for moving the shed and thought the process was moving forward as discussed. She spoke with the DPW (Mr. Hendershot and Mr. Whitehead) and they had agreed it was the best location. Ms. Chammings explained she tried to contact the Zoning Officer to review the location but was unable to as she was on vacation at the time. Mr. Gross asked if the shed location was placed in accordance with NJDEP regulations for C-1 streams. Mr. Fisher, Ms. Chammings and Mrs. Straway indicated the location was appropriate.

**Mr. Gross:** Zoning Board will meet on June 22<sup>nd</sup>. Stillwater Fire Department report was submitted: 11 fire calls and 21 first responder calls.

**Mayor Scott:** Mayor Scott attended the YMCA Fairview Lake 100<sup>th</sup> Anniversary celebration, including a chestnut presentation. Congressman Garrett was present for the dedication of the new Minisink Lodge.

**Ms. Fobes Jacoby, Green Team/Environmental Commission** also attended the celebration and reported on the chestnut tree blight. John Neumann, President of the Fairview Lake Association, provided the presentation including information on a blight resistant blended chestnut tree project.

**Mayor Scott** and Mr. Hendershot visited Camp Towadena to assess the buildings that have to be removed. Mr. Neumann asked if the chimneys could remain due to historical reasons. Mr. Scott indicated if they are unsafe they too will have to be demolished.

**OLD BUSINESS:**

**ORDINANCE 2015-005 – Public Hearing/Adoption**

**TOWNSHIP OF STILLWATER**

**AN ORDINANCE AMENDING CHAPTER 240 OF THE CODE OF THE  
TOWNSHIP OF STILLWATER, THE LAND DEVELOPMENT CHAPTER TO  
INCLUDE RESTRICTIONS ON THE USE OF REAL ESTATE WITHOUT REQUIRED  
APPROVALS**

**ORDINANCE NO. 2015-005**

**WHEREAS** , the Township Committee of the Township of Stillwater believes that it is in the best interest of the Township to provide additional restrictions on the use of real estate without the required permits and approvals;

**NOW THEREFORE BE IT ORDAINED** by the Township Committee of the Township of Stillwater that Chapter 240 of the Township of Stillwater shall be amended add the following section: as follows:

Section 1. Section 240-133. Use of Property.

No person shall use or occupy any land or structure in violation of any provisions of this chapter or in violation of the permitted zoning uses for the zone district in which the land or structure is located unless such use or structure is a lawful preexisting nonconforming use or has otherwise been allowed by a variance or approval granted by the Planning Board or Zoning Board of Adjustment.

No person shall use or occupy any land or structure which use or occupancy requires site plan approval pursuant to the provisions of this chapter without first having obtained said site plan approval from the Planning Board or Zoning Board of Adjustment unless said use or occupancy is a lawful preexisting nonconforming use.

No person shall use or occupy any land or structure in violation of any site plan approval granted by the Planning Board or Zoning Board of Adjustment or any predecessor thereto.

Section 2. Severability.

If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

Section 3. Repealer.

All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 4. Effective Date.

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

Mr. Fisher made a **motion** to open the meeting for public comment on Ordinance 2015-005, seconded by Mr. Gross.

**Roll Call Vote:** Ms. Chammings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes, Mayor Scott, yes  
There being no public comment on Ordinance 2015-005, this portion of the meeting was closed.

Mr. Fisher made a **motion** to adopt Ordinance 2015-005, seconded by Ms. Chammings.

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

**ORDINANCE 2015-006 – Public Hearing/Adoption**

**TOWNSHIP OF STILLWATER**

**AN ORDINANCE TO AMEND CHAPTER 240 OF THE CODE OF THE TOWNSHIP  
OF STILLWATER BEING THE LAND DEVELOPMENT CHAPTER TO ADD PROCEDURAL  
REQUIREMENTS FOR A MINOR SUBDIVISION/LOT LINE ADJUSTMENT WHERE NO NEW  
LOTS ARE BEING CREATED**

**ORDINANCE NO. 2015-006**

**WHEREAS** , the Township Committee of the Township of Stillwater believes that it is in the best interest of the Township of Stillwater to provide a procedure for the adoption of a minor subdivision/lot line adjustment when no new lots are being created;

**NOW THEREFORE BE IT ORDAINED** by the Township Committee of the Township of Stillwater that Chapter 240 of the Land Development Chapter shall be hereby amended to add the following additional sections:

**Section 1. Section 240-60A entitled Minor Subdivision/Lot Line Adjustment is hereby added.**

Section 1. Section 240-60A Minor Subdivision/Lot Line Adjustment.

Application. An application for approval of a minor subdivision which involves only a lot line adjustment shall be submitted to the Planning Board. The applicant shall submit fifteen (15) copies of the application and a survey prepared by a licensed land surveyor indicating the existing and proposed lot lines and all existing structures and buildings, as well as such other information as the Planning Board Engineer may require. The applicant shall also submit an application fee of \$200.00 and an initial escrow fee of \$1,500.00. Upon approval the applicant shall also submit to the secretary an amount to cover the GIS Fee.

Findings. The Planning Board has the jurisdiction to grant a minor subdivision/lot line adjustment approval. The Planning Board Engineer may recommend a minor subdivision/lot line adjustment subject to the following criteria:

The adjustment involves one lot line between two adjoining lots;

Owner(s) of both lots consent(s) in writing to the adjustment;

No new lots are created;

Both lots are conforming after the adjustment, or any preexisting nonconformities are not increased; and

If approved, the applicant must perfect the subdivision by deed recorded in the Sussex County Clerk's Office.

Subsequent subdivision. Subsequent subdivision of the either of the adjusted lots within two (2) years of the filing of the adjusted lot deeds in the County Clerk's office shall be accepted only as a major subdivision.

Report by the Planning Board Engineer. Upon review of an application for approval, the Planning Board Engineer shall submit a report to the Planning Board in regard to the merits of the applications. The Planning Board may approve the minor subdivision/lot line adjustment based solely on the recommendation of the Planning Board Engineer as long as the conditions outlined in Subsection B are satisfactorily addressed.

### **Section 2. Severability.**

If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

### **Section 3. Repealer.**

All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

### **Section 4. Effective Date.**

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

Mr. Fisher made a **motion** to open the meeting for public comment on Ordinance 2015-006, seconded by Ms. Champlings.

**Roll Call Vote:** Ms. Champlings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes, Mayor Scott, yes  
There being no public comment on Ordinance 2015-006, this portion of the meeting was closed.

Mr. Fisher made a **motion** to adopt Ordinance 2015-006, seconded by Mr. Gross.

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

## **NEW BUSINESS**

### **RESOLUTION 2015-077 AUTHORIZING PURCHASE OF "JAWS OF LIFE" EQUIPMENT FOR THE STILLWATER TOWNSHIP FIRE DEPARTMENT**

Ms. Champlings made a **motion** to adopt Resolution 2015-077, seconded by Mr. Fisher.

A brief discussion followed with Mrs. Straway inquiring why the purchase was necessary if Swartswood Fire Department has one that is equivalent. She asked for an inventory to be provided and expressed concern with a duplicate purchase. Bill Hughes of the Stillwater Fire Department indicated response time was a factor and if one department arrives first they should be adequately equipped. Mr. Fisher added that as a past fireman he has experienced incidents where having two sets were lifesaving. Mrs. Straway was satisfied with the reasoning behind the purchase.

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

### **Municipal Building Renovations Phase II:**

Mayor Scott stated Resolution 2015-077 to Awarding the Contract for Renovations for the Municipal Building Phase II would be removed from the agenda.

Mr. Stein provided a brief history on the bidding process for the renovations. He explained two bidders had asked for additional information which was provided by the Clerk at least seven days prior to the bid opening according to statute; however the statute has a provision indicating Saturdays and Sundays do not count.

Since the seven days was not met, the bids cannot be accepted and authorization must be provided to rebid the project.

Mr. Fisher made a **motion** to rebid for the renovations to the Municipal Building Phase II, seconded by Mrs. Straway.

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

**RESOLUTION 2015-078 AUTHORIZING THE SALE OF EXCESS MOTOR VEHICLES AND EQUIPMENT**

Mrs. Straway made **motion** to adopt Resolution 2015-078, seconded by Mr. Gross.

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

**RESOLUTION 2015-079 AUTHORIZING CHANGE ORDER FOR CLOSEOUT OF CONTRACT FOR MIDDLEVILLE ROAD IMPROVEMENTS – PHASE II**

Ms. Chammings made a **motion** to adopt Resolution 2015-079, seconded by Mrs. Straway.

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

**ORDINANCE 2015-007**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS BY THE TOWNSHIP OF STILLWATER, APPROPRIATING THE AGGREGATE AMOUNT OF \$469,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$444,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF (PUBLIC HEARING AND ADOPTION – JULY 7, 2015)**

Mr. Fisher made a **motion** to introduce Ordinance 2015-007, seconded by Mr. Gross.

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

**DISCUSSION ITEMS**

**Feenstra – Drainage :**

Mayor Scott reported on recommendations from Mr. Vreeland to address the drainage issue on West End Drive. Ms. Chammings noted Mr. Vreeland was concerned with installing a drywell or seepage pit on her property as it is low lying and may not be able to contain the water. He also expressed concern with blocking the water flow as it would affect other property owners and their permission would be necessary to do so. The seepage pit would have limited positive impact and require excessive maintenance. Mrs. Feenstra asked if a drainage ditch could be installed at the top of the driveway. Mr. Stein explained there is a natural drainage pattern and they are at the low point of it. Mrs. Feenstra felt it was the responsibility of the township as three town constructed pipes direct water to her property. Mr. Fisher presented an idea to bypass the driveway and he will discuss it further with Mr. Vreeland.

**Abandoned Properties:**

Mr. Stein referred to a memo from the Zoning Officer dated May 19<sup>th</sup> regarding abandoned and vacant properties. He explained according to statute, many municipalities are adopting ordinances requiring property owners to register vacant or abandoned properties with the municipality. There is a fee that increases each year the property is vacant and requirements and fines pertaining to the condition and maintenance of the property. In the event of foreclosed properties, the foreclosing bank must register with the municipality. Mr. Stein explained an ordinance may be adopted allowing for a designee to compose and file an abandoned properties list which would allow for an expedited tax sale and foreclosure should that be the case. If the Committee chooses to move forward with such an ordinance, language should be included to address seasonal properties that are not vacant or abandoned but not occupied year round.

Following further discussion, Mr. Fisher made a **motion** authorizing Mr. Stein to draft an abandoned/vacant property ordinance, seconded by Mrs. Straway.

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

**Gypsy Moth:**

Mr. Fisher explained that when the State conducted their inspection in the fall they did not find sufficient egg casings to require spraying. Since that time casings have been blowing over from Pennsylvania where they do not spray and are causing a problem. At this time they are on their death cycle which should be completed within two weeks. The Committee agreed funding will need to be appropriated in the next budget to address the issue.

### **Open Public Session:**

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

**Ed Szabo, 978 Route 521** reported the Taxpayers Association will be hold their meeting on Thursday, June 28<sup>th</sup> with Kelsey Burgess, a bear biologist, as guest speaker; all are invited to attend.

Mr. Szabo commented on the recycling shed and Mr. Fisher thanked him for a job well done.

**Tami Richardson, Swartswood Fire Department/Recreation Commission**, reported the RC Chairperson to date has not received the correspondence requested from the Environmental Commission regarding the shed. Ms. Chammings will bring the communications to the next Recreation Commission meeting.

Ms. Richardson asked if the tree at VMP will be removed. Mrs. Straway recommended a work order to the DPW for a tree hazard and if they cannot remove it they will contact a tree company to do so.

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

### **Attorney Report: Richard Stein**

Mr. Stein reported he was contacted by the Nature Conservancy regarding the Bear Creek Tract/Shuler property located in both Stillwater and Hardwick and acquired by the Nature Conservancy approximately four years ago. When acquired there was an agreement with Stillwater Township that the township would apply for Green Acres funding to offset some of the costs. Mr. Stein will obtain the application and move forward with the process.

### **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 8:36 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, unanimously carried by roll call vote.

### **Crandon Lakes Reimbursement:**

Mrs. Straway made a **motion** to reimburse Crandon Lakes the additional funds requested in the amount of \$17,715.65, seconded by Mr. Fisher.

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

### **Credit Card Tax Payments:**

Ms. Chammings referred to a memo from the CFO dated 6/8/15 regarding accepting credit card tax payments. She asked the Committee to consider this manner of payment. Ms. Knott will forward a copy of the memo to Mr. Stein for his review.

### **Recycling Cashier Position:**

Mr. Fisher made a **motion** to advertise the position in the New Jersey Herald, seconded by Ms. Chammings.

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

### **Lyme Disease Presentation:**

Mr. Gross reported Marty Theys would like to provide a Lyme disease presentation at a future Committee meeting. All agreed to add this item to the next agenda.

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

Respectfully submitted,

Kathy Wunder