

STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
July 16, 2013
Regular Meeting

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Gross at 6:00 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 Chamings, Committeeman Fisher, Deputy Mayor Scott, Committeewoman Straway, Acting Municipal Clerk Lynda Knott, and Attorney Mike Garofalo.

ABSENT:

Executive Session:

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by **Mr. Fisher**, seconded by **Mr. Scott** and carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 6:07 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 – Recreation Commission/DPW; Real Property – Dawn Flynn; Litigation – Fairview Lake East Shore Association, Paulinskill Lake Association.
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. Scott**, seconded by **Mrs. Straway** to conclude the Executive Session at 6:55 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.

Minutes:

June 11 and 25, 2013 Regular Minutes

June 11, 2013 Executive Minutes

Resolutions:

2013-076 Mayor's Acceptance of Resignation of Charles DeLade as Recreation Commission Member

2013-077 Mayor's Appointment of Michele Hess as Recreation Commission Member

2013-078 Authorize Payment of Redemption Block 2301 Lot 45.04

2013-079 Authorize Payment of Redemption Block 3305 Lot 18.01

Reports:

Tax Department June 2013

Stillwater Rescue Squad Day and Monthly Calls June 2013

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

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

Resolution 2013-080: Mayor's Appointment of David H. Bell as Substitute Recycling Attendant.

Mayor Gross stated David Bell had been working at the Recycling Center as part of another program and had done a good job. He would like to appoint him as a substitute attendant at the Recycling Center.

Mrs. Straway questioned what circumstances occurred causing Mr. Bell to have been called in to work.

Mayor Gross explained that an employee was on vacation and an EMT member was called away. Also, Andy Martin was not available to work. He felt the Recycling Center would have been closed if Mr. Bell had not been called. Mr. Scott referred to it as an emergency situation. Mrs. Straway expressed her concerns about having someone work who had not gone through the hiring process. She has stated these concerns in the past. Mayor Gross stated all the necessary paperwork had already been filled out. Mr. Fisher felt, as liaison to the Recycling Center, he should have been informed about Mr. Bell being called. Mrs. Straway stated procedures should be followed with regards to hiring.

Mr. Scott made a **motion** to approve the appointment of David H. Bell as Substitute Recycling Attendant, seconded by **Mayor Gross**.

Roll Call Vote: Ms. Chammings, no, Mr. Fisher, no, Mr. Scott, yes, Mrs. Straway, no, Mayor Gross, yes
Mr. Scott stated Mr. Bell needs to be paid for the day he worked. Hiring procedures need to be followed so a situation like this doesn't happen again.

Mr. Scott made a **motion** to pay Mr. Bell for the day he worked, seconded by **Mr. Fisher**.

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

Resolution 2013-081: Bill List Cycle #13: \$891,049.23

Mr. Scott made a **motion** to approve Bill List Cycle #13, seconded by **Mr. Fisher**.

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

Amendments to the Agenda:

Resolution 2013-085: Transfer of Title to Township Owned Property to James and Jeanette Ando.

**STILLWATER TOWNSHIP
SUSSEX COUNTY, NEW JERSEY
RESOLUTION 2013-085**

**RESOLUTION TRANSFERRING TITLE TO TOWNSHIP OWNED PROPERTY TO
JAMES AND JEANETTE ANDO**

WHEREAS, there exists Township property known as Lots 17,18, 19, 20, 25 and 26 in Block 503; and

WHEREAS, these properties were the subject of a subdivision approval in 1959 which included the construction of certain streets; and

WHEREAS, those streets known as Blossom Trail and a portion of Winding Way were never constructed and thereafter vacated by the Township of Stillwater in 2013; and

WHEREAS, the above referenced properties have become landlocked and are severally constrained by wetlands and carry a negligible value on the Township's tax assessment records; and

WHEREAS, the only adjoining property owner that can utilize the property are James and Jeanette Ando with an address of 944 Hampton Road in the Township; and

WHEREAS, the Township desires to convey the above-referenced property to the Andos for negligible value, solely for the purpose of annexing to their existing property with a restriction against designation as separate building lots.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Stillwater that the Mayor is authorized to sign the Deed which is attached as Exhibit A memorializing this transfer of property.

Mr. Scott made a **motion** to approve Resolution 2013-085, seconded by **Ms. Chammings**.

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

Resolution 2013-083: Mayor's Appointment of Seamus Wilson.

**STILLWATER TOWNSHIP
RESOLUTION 2013-083**

**MAYOR'S APPOINTMENT OF SEAMUS WILSON
AS AN ACTIVE MEMBER OF THE SWARTSWOOD FIRE
DEPARTMENT WITH COMMITTEE CONCURRENCE**

THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Stillwater do hereby concur with the Mayor's appointment of Seamus Wilson as an Active member of the Swartswood Township Fire Department.

BE IT FURTHER RESOLVED that this appointment was made at a meeting of the Township Committee on Tuesday, July 16, 2013.

Mr. Scott made a **motion** to approve Resolution 2013-083, seconded by **Ms. Chammings**.

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

Resolution 2013-084: Mayor's Appointment of Kile Burke.

**STILLWATER TOWNSHIP
RESOLUTION 2013-084**

**MAYOR'S APPOINTMENT OF KILE BURKE
AS AN ACTIVE MEMBER OF THE SWARTSWOOD FIRE
DEPARTMENT WITH COMMITTEE CONCURRENCE**

THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Stillwater do hereby concur with the Mayor's appointment of Kile Burke as an Active member of the Swartswood Township Fire Department.

BE IT FURTHER RESOLVED that this appointment was made at a meeting of the Township Committee on Tuesday, July 16, 2013.

Mr. Scott made a **motion** to approve Resolution 2013-084, seconded by **Ms. Chammings**.

Mrs. Straway stated concerns as to the hiring of additional fire department members due to costs incurred. She believes there should be protocols in place for the hiring of members. Mr. Gross stated the fire departments have someone interested in becoming a member; the interested party comes before the fire department's trustees and is voted on. The recommendation is then forwarded to the Town Committee. Ms. Chammings asked if new equipment needed to be purchased for this new member. Mr. Ashley stated new equipment was purchased.

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

Open Public Session:

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

Bill Steckowich, 907 Hardwick Road, inquired about oil and stone paving being done on Millbrook Road and Hardwick Road. Mr. Scott stated the schedule for paving is still being done. He also questioned the marriage license report bill. Mrs. Knott explained that when the town issues a marriage license, \$25.00 of the money collected is due to the state. This money is sent to the state monthly with a report showing all licenses issued.

Ron Volk, President-Paulinskill Lake Association, asked when the Committee would be discussing the reimbursement request from Paulinskill Lake for tree removal. Mrs. Knott stated it is coming up soon.

Cathy Draghi, 1016 Rte 619, asked if Mr. Bell had been hurt while working on July 6, would he have been covered by Worker's Compensation. She also stated if an employee were taking a two week vacation there would have been notice and it would not be an emergency situation. She asked the attorney to clarify if Mr. Bell was considered a legal employee. Mr. Garofalo stated it is not his job to give counsel to the public, but to the Committee.

Marion Gross, 912 Stillwater Road, stated when the recycling center started there was one paid worker and the rest were volunteers. She asked if those volunteers were covered by Worker's Compensation. Ms. Chammings stated the legalities of volunteerism have changed greatly over the years and are very different now. Mrs. Straway stated that most likely they would have been covered under the Town's umbrella policy.

Bill Steckowich, 907 Hardwick Road, asked if community service workers at the recycling center are covered under the Town's policy. Community service workers are covered by the Sheriff's Department.

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

COMMITTEE REPORTS:

Mr. Scott: The road department is working a 4 day week. He will be looking into the dates for the oil and stone paving. Roadside mowing is taking place.

Mrs. Straway: Progress is being made with needs assessment as required by the state for the Municipal Alliance Grant. The results of the survey are in. Stillwater was ranked #3 in surveys completed based on population. Stillwater is the first alliance in Sussex County to complete the state required logic model. Stillwater's logic model will now be used as the county template. The Green Team is continuing to work on the Green Fest being held on August 18. The next school board meeting will be held on July 22.

Mr. Fisher: Chuck DeLade resigned from the Recreation Commission due to the fact that he is moving. Clay was delivered to Swartwood Park. Thank you to the road department for picking it up. Saturday, July 20, is Garage Sale Day. The Rec. Commission would like Suzanne Cleaver to receive some back pay for the minutes she completed from meetings before she was hired.

Ms. Chammings made a **motion** to give Suzanne Cleaver, Secretary of the Rec. Commission, 2 months of retro-pay totaling \$200.00, seconded by **Mr. Scott**.

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

Ms. Chammings: The Environmental Commission met on July 8. Green Fest and water quality were discussed. There was a brief PAC meeting. Discharge from Bear Brook was discussed. Water sewer service area will be looking at infrastructure. Five locations in Stillwater will be receiving correspondence concerning their infrastructure and water flow: Camp Nejeda, Fairview Lake Camp, Mountain Shadows, Camp Hoover and Stillwater School.

Mayor Gross: The last meeting of the Zoning Board of Adjustment was held on June 24. The site plan for the Tanis application for eight units of low to moderate income housing was approved. The Mueller variance for construction of a deck was approved. The next Zoning Board meeting will be on July 24. Applications for an outdoor wood burning stove and a deck will be discussed.

OLD BUSINESS:

ORDINANCE #2013-005 Public Hearing and Adoption

Bond ordinance providing for renovations to the municipal building in and by the Township of Stillwater, Appropriating \$250,000 Therefore and Authorizing the Issuance of \$238,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof.

Mr. Scott made a **motion** to open discussion to the public, seconded by **Mr. Fisher**.

Donna Cosgrove, Five Points Lane, please elaborate on the renovations. Mr. Fisher explained what the renovations will be.

Cathy Draghi, 1016 Rte 619, is there an estimated completion time? Mayor Gross stated no dates have been set. That will be determined at the pre-construction meeting. Mrs. Draghi also asked if the renovations include the generator. No, the generator is a separate project.

Bill Steckowich, 907 Hardwick Road, asked if the safe in the meeting room will be moved and stated he thinks he could get it open. The Committee explained that the safe has been opened and they have the combination.

Mr. Scott made a **motion** to close public discussion, seconded by **Mr. Fisher**.

Mr. Scott made a **motion** to adopt Ordinance #2013-005, seconded by **Mr. Fisher**.

Ms. Chammings questioned the \$238,000 amount due to the fact that the bid came in at \$246,557. Mrs. Knott explained that there is an extra \$16,000 from a previous ordinance that the CFO has authorized for use to begin the project. Discussion followed about why the bid came in much higher than was originally estimated. The bid is much higher due to the fact that it is an old building and there needs to be a lot of retro-fitting done. Mrs. Straway expressed concern that the bid is so high. Mr. Fisher explained it is more costly to renovate than new construction. Ms. Chammings stated she believes \$250,000 is an accurate amount, and the original \$150,000 was far too low. Mr. Fisher stated the Town Hall has needed renovating since the 70's. Ms. Chammings stated the ADA should be helping with renovation of the bathrooms to make them handicapped accessible. Mr. Fisher is looking into grants. Ms. Chammings stated she would help.

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

ORDINANCE #2013-006 Public Hearing and Adoption

Capital Ordinance appropriating \$33,650 for the purchase of a 4x4 pick-up truck for Public Works Department to be undertaken by the Township of Stillwater.

Mr. Scott made a **motion** to open discussion to the public, seconded by **Mr. Fisher**.

Mr. Scott stated it is a state contract bid.

Mr. Scott made a **motion** to close public discussion, seconded by **Mr. Fisher**.

Mr. Scott made a **motion** to adopt Ordinance #2013-006, seconded by **Mr. Fisher**.

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

NEW BUSINESS:

Resolution #2013-082 Awarding a Contract for the Renovations of Stillwater Town Hall to Daniel A. Rivera

**STILLWATER TOWNSHIP
SUSSEX COUNTY, NEW JERSEY
RESOLUTION 2013-082**

**RESOLUTION AWARDING CONTRACT FOR RENOVATION FOR MUNICIPAL
BUILDING TO DANIAL A. RIVARA**

WHEREAS, the Township of Stillwater has decided to renovate and improve the Stillwater Township Municipal Building; and

WHEREAS, bids for the above purpose were received and opened on July 10, 2013; and

WHEREAS, the low bidder for the municipal building renovation project was Daniel A. Rivara in a bid of \$246,557.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Stillwater that a contract for the renovation of the Stillwater Township Municipal Building be awarded to Daniel A. Rivara in the amount of \$246,557.00.

Mr. Fisher made a **motion** to approve Resolution #2013-082 in the amount of \$246,577, seconded by **Mr. Scott**.

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

DISCUSSION ITEMS:

United Way "Bike on Old Mine Road" Charitable Bike Tour, October 12, 2013:

Ms. Chamblings made a **motion** to approve as outlined (insurance is attached), seconded by **Mr. Fisher**.

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

Reach the Beach Relay, October 18, 2013:

Mr. Fisher made a **motion** to approve, seconded by **Ms. Chamblings**.

Ms. Chamblings asked if they went through the county. Yes they have and they have insurance.

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

Fairview Lake East Shore Association-Request for Reimbursement of Snow Plow Expenses:

Boyd Bergen, 927 Fairview Lake Lane, President of the East Shore Assoc., it is his understanding that under the municipal services act they are entitled to either having the town plow their road or be reimbursed for plowing. The Association is seeking future reimbursement for snow plowing costs. Mr. Garofalo explained that reimbursement means the lesser of what the association paid or what it would cost the township to do the job. Mr. Bergen would like the township to tell them the approximate cost to the town of plowing to help with their contract negotiations. There was discussion about what would be necessary to have the township plow a private road, or to gain reimbursement for plowing. **Christine Prtorich, 922 Fairview Lake Lane,** asked how they can get an estimate of the town's cost for plowing. Mr. Scott stated he would have Mr. Hendershot go and make a rough estimate. Mr. Bergen stated that not all residents on the road are part of the association. Mr. Garofalo explained that the Kelly Act, the Municipal Services Act, was not written for a situation where all residents are not included. Discussion followed regarding resident participation in the association and the eligibility of the Kelly Act.

Paulinskill Lake Association-Reimbursement for Tree Removal:

Ron Volk, Deer Run, President of the Paulinskill Lake Association, submitted a letter to Lynda Knott on June 28, 2013. He asked if the Committee had any questions concerning the letter. Mr. Scott asked if he had applied to FEMA. Mr. Volk stated he had not. Discussion followed concerning the Kelly Act and their eligibility for reimbursement for clearing road obstructions such as downed trees. Mr. Volk also stated there may be a new interpretation of the Kelly Act concerning reimbursement of plowing expenses. Mrs. Straway explained how FEMA responses have been handled for past storms and for Super Storm Sandy. Mr. Volk stated they were advised by COLA to approach the municipality for reimbursement. Discussion followed concerning proof of the work done and the amount of time elapsed since the completion of the work.

Camp Nejeda-Caution Signs on Saddleback Road during CR 521 Closure:

There was discussion concerning signs being posted on Saddleback Road during the closure of CR 521 for bridge repair. A resident asked the county about signs and was told to approach the municipality. Mr. Scott will ask Mr. Hendershot about signs.

Township Personnel Policy:

The Township personnel policy was discussed. Mr. Gross stated it should be done professionally and the Committee should obtain quotes. Ms. Chamblings wants to the policy to contain evaluation information for the employees, social media, internet usage, and reimbursement for courses taken. The Committee agreed to have Mr. Garofalo come up with a quote for updating the Town's personnel policy.

Mr. Garofalo discussed a case from another town that involved whether a town's governing body's private email addresses could be disclosed under OPRA. The result was it was not allowed. He suggested when communicating Town business to always use the Stillwatertwp.com addresses.

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

Ed Glick, 923 Fairview Lake Lane, asked, in light of the fantastic debt ratio the town has, why not put up a new building. He would like to know if comparisons were made between the cost of the renovations and the cost of putting up a new building. Mr. Scott stated it would cost over a million dollars to put up a new building.

Michele Hess, 902 Cedar Tree Road, thanked the Committee for her appointment to the Recreation Commission. She wanted to make the Committee aware that Harvest Fest Day and the Camp Nejeda walk-a-thon will be falling on the same day, September 28. The ambulances will be split between the two

events. She also wondered why discussion of the new ambulance was not put on the agenda as requested. The 14 year old ambulance is in for repairs again, at a cost of almost \$2000.00. The Rescue Squad is well over budget for repairs due to this ambulance. She has been trying to replace the ambulance for 3 years. The current quote she received is slightly less than last year. Mayor Gross asked what the quote was. Mrs. Hess stated approximately \$186,000. There was discussion about the new ambulance and the recently purchased used ambulance. Mrs. Hess stated according to state statute ambulances need to be replaced every 10-12 years and this ambulance is 14 years old. There was discussion about the need for two ambulances. Mayor Gross stated it will be on the next agenda. Ms. Chamings asked if Mrs. Hess could look for another used ambulance. She stated she would look. Mrs. Hess also stated she is teaching a First Responder course next week and a Defensive Driver course for the DPW at a cost of \$10 per person.

Ron Volk, President Paulinskill Lake Association, asked Mr. Fisher for an update and action plan on the Duck Pond Rd-West End Drive drainage issue. Mr. Fisher stated he is speaking to the resident about gaining access on his property to dig a trench and replace the collapsed pipe. It can then be cut across the road and tied into the existing outlet. The resident has been resistant. Mrs. Straway discussed DEP, ground water and resident issues involved in the drainage situation. She stated she could ask Mike Vreeland, the Township engineer, to come to a meeting to discuss it. Mr. Volk stated it wasn't necessary to bring in the engineer. He then listed reasons he believes it is the Township's responsibility to correct the issue.

There being no further 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 **Mr. Scott**. In a voice vote, all were in favor.

Respectfully submitted,

Tammy Leonard