

**STILLWATER TOWNSHIP COMMITTEE MEETING**  
**MINUTES**  
**December 6, 2011**  
**Regular Meeting**

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Scott at 6 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, Committeewoman Straway, Acting Municipal Clerk Lynda Knott, Attorney Howard Vex and Attorney Larry Cohen

ABSENT: Committeeman Morrison

**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 unanimously carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 6:39 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: OEM; Substitute Crossing Guard
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 7:50 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:**

Tax Collector: November 2011

Building Department: November 2011

**Resolutions:**

2011-81 Authorizing Refund of Overpaid 2011 Taxes – Block 2301, Lot 39

2011-82 Authorizing the Appointment of James P. Bordt as Part-Time Recycling Attendant

2011-83 Mayor's Appointment of Wendy J. VanGorden as an Active Member of the Stillwater Fire Department

2011-84 Mayor's Appointment of Shannon M. Bodensieck as an Active Member of the Stillwater Fire Department

2011-85 Authorizing the Execution of a Contract for Alcohol and Drug Testing Services to Valley Health Medical Group

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

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

**Bill List Cycle #20:** \$213,739.53

Mr. Gross made a **motion** to approve Bill List Cycle #20, seconded by Mr. Fisher.

**Roll Call Vote:** Deputy Mayor Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes, Mayor Scott, yes  
Mr. Gross explained the bill list is three pages to clarify exactly where the funds are located.

**Amendments to the Agenda:** None

**Committeeperson Reports:**

**Mrs. Straway** reported the Board of Education met and a new Business Administrator, Renee Solar, has been hired. The Board conducted general business and contract negotiations for 2012 will be set up.

Mrs. Straway reported an inter-office memo was issued suspending all non-emergency spending for the remainder of 2011 to allow for basic housekeeping and reallocation of funds to deal with the emergency related expenses (Neldon Brook, Five Pts. Lane – hurricane, snowstorm). Due to her flexible schedule, Mrs. Straway has been working with the new CFO acclimating her to Stillwater.

**Mr. Gross** reported the next Zoning Board of Adjustment meeting will be held at the school on December 20, 2011 at 7:30 p.m. to hear the Nextel application. Mr. Gross reported the garbage rates at the County level have increased and the Recycling Center fees may have to be addressed. Mayor Scott asked Mr. Gross to consider adding extra hours during the holiday weekends of Christmas and New Year's as the Recycling Center will be closed on both Sundays.

**Mr. Fisher** reported the following on the Recreation Commission: Mr. Chammings and Mr. Kately have resigned from the Commission. Mr. Fisher asked that a letter be forwarded to both thanking them for their services. The tree lighting was held on Saturday, December 10, 2011 at Stillwater Park. Mayor Scott thanked Mr. Fisher for attending the event.

**Mayor Scott** reported the DPW has been in contact with Hardwick regarding exchanging five plow blades for a blower for the back of the tractor. The blower is worth approximately \$10,000 and the blades cost \$1,000. The Hardwick Township Attorney is drafting a proposal for consideration by the Township Committee.

Mayor Scott reported the tree hanging over the wires on Aspen Drive has been removed. He stated he and Mr. Hendershot attended a FEMA meeting today and the only item that will be covered is debris removal.

**Open Public Session (Agenda Items Only):**

**Denise Current, 955 Fairview Lake Road** questioned the appointments to open positions at the Recycling Center, as well as others departments and the Civil Service requirements to do so. She suggested having the Township Attorney review the hiring process.

**Lisa Chammings, 928 Mt. Holly Road** asked for clarification on the Executive Session – Personnel portion of the meeting. Mrs. Straway indicated the Personnel discussion was for the crossing guard position and Office of Emergency Management (OEM)

**Kathy Draghi, 1016 Route 619** referred to the SCMUA rate increase and asked how Stillwater would address the usage of the Recycling Center by non-Stillwater residents. Mr. Gross stated an individual would have to be hired to check licenses, and he noted most residents have Newton addresses listed on their license making it difficult to determine residency. Ms. Draghi suggested a sticker system and felt the process could be done so through the mail similar to dog licensing.

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

**New Business:**

**ORDINANCE #2011-15 Introduction/1<sup>st</sup> Reading (Public Hearing: December 27, 2011)**

**Amending Ordinance 2011-14 Fixing Salaries and Wages of Officers and Employees of the Township of Stillwater, County of Sussex and State of New Jersey, for the year 2011**

Mr. Fisher made a **motion** to introduce Ordinance #2011-15, seconded by Mr. Gross.

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

**ORDINANCE #2011-16 Introduction/1<sup>st</sup> Reading (Public Hearing: December 27, 2011)**

**Amending in its Entirety Bond Ordinance No. 2011-10 Finally Adopted June 14, 2011**

Mrs. Straway made a **motion** to introduce Ordinance #2011-16, seconded by Mr. Gross.

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

### **Discussion Items:**

**Middleville Road Project Update:** Mayor Scott expressed his dismay with the quality of the project. The Committee is working to address the situation. Mrs. Straway noted payment will not be made until the project is inspected and final approval is granted.

**Baldwin Gate Bridge:** Mayor Scott reported an issue with the weight limit set on the bridge that is preventing heating fuel deliveries from being made as the trucks exceed the allowable limit. Mrs. Straway noted the Township Engineer and Bridge Engineer are working on the next phase for the bridge repairs, and they are also working with the fuel oil companies involved. This is a project that will be addressed in 2012.

**9-1-1 Dispatch LIC Card:** Mrs. Straway stated the LIC card is for the high band radio. Dave VanGorden, Stillwater Fire Department Chief, explained the card is cost effective and will allow high band dispatch and portable talk and will improve overall reception in the township. The current low band system does not allow portable to portable talk. Other departments are considering changing to high band and Stillwater can sell the use of their card to other municipalities as a total of three departments can be dispatched on the card.

**Court Building:** Mayor Scott reported fuel will be delivered to the building to provide heat and prevent the pipes from freezing. The township is working with the County Prosecutor's Office to address the remaining items from the Police Department.

**Recreation Commission Proposed Horse Ring:** Mr. Fisher reported the 4-H has contacted the Recreation Commission regarding a proposal to construct a practice horse ring on the donated township property, adjacent to the existing ring which is located on private property. The practice ring is being required by the 4H insurance company.

Mayor Scott read the following memo from Arlene Fisher, Zoning Officer to the Township Committee, dated December 2, 2011, into the record:

*On August 12, 2011, I presented a memo to the Committee regarding my review of the proposed horse ring given to me by Lisa Chammings, Chairwoman of the Recreation Commission. The matter had been discussed at the August meeting of the Recreation Commission. The proposed horse ring would be used in conjunction with the horse ring on the Chammings property, currently used by the 4H to exhibit horses. The horse ring would be located on Township property.*

*In reviewing the request I was unable to find ordinances where the proposed horse ring fits within the description for public recreation facility. Stillwater Township Ordinance 240-4 defines a Public Recreation Facility as follows; "A recreation facility opened to the general public owned and operated by a governmental agency, quasi-governmental agency, or other organization on behalf of the governmental agency or the general public." The definition of a Recreation Facility is defined as, "A place designed and equipped for the conduct of sports and leisure time activities." The proposed riding ring is intended for use by 4H, used in conjunction with the riding ring on the Chammings property. According to the information provided the new ring is required by 4H for their insurance and is needed for holding horses between events at the Chammings ring. The proposed ring will not be beneficial to township residents. It is not an activity sponsored by Township sports organizations, which are opened to all residents. Currently, we do not permit uses on Township property for private clubs or organizations outside of travel sports teams. In my opinion the proposed ring does not meet the requirements of the ordinance.*

*In addition to my review, the Committee requested the matter be reviewed by our insurance agent Mr. Morville. In Mr. Morville's opinion, the ring would be a liability and should not be permitted. In addition, he expressed concern regarding trailers that have been routinely parked on Township property during 4H events hosted on the Chammings property. Parking for events not sponsored by the Township should not be permitted on the Township property. I am requesting the Committee to take action with regard to the proposed ring. At the last Recreation Commission meeting the matter was brought up again and Lisa Chammings, Chairwoman of the Recreation Commission is seeking a decision. Due to the fact that her request involves a new use on Township property a Committee decision is requested.*

A Committee discussion was held on the liability issues related to a horse ring use on township property. It would be a private entity in a public arena and the township has not entertained such a use before. Mrs. Straway expressed concern with leasing open space for private use. She noted the County Fairgrounds are available to lease and can be considered as an alternate option for the 4H Club.

Following the discussion, Mrs. Straway made a **motion** to deny the proposed horse ring at the Recycling Center, seconded by Mr. Gross.

Mayor Scott asked if there was sufficient space to accommodate an additional ring on the same property as the existing ring. Ms. Chammings explained that due to setbacks the original proposal was to have the ring located on the Chammings property with a small portion on the township property. In order to eliminate the need to cross property lines, it was determined the ring should be completely on township property

conditioned upon Township Committee approval. She stated the decision not to allow the ring will not be a problem for the 4H, however it will result in a higher insurance premium.

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

**Open Public Session:**

**Carol Fredericks, 913 Middleville Road** expressed concern with the quality of the Middleville Road work and the lack of traffic direction during the project. She asked if awarding the contract to the lowest bidder is required by law. The Committee agreed and Mayor Scott stated all concerns were addressed immediately with the contractor and Township Engineer Mike Vreeland has been working with them to resolve the issues. Mrs. Straway explained that all the problems that have occurred during the construction have been documented in order to disqualify the contractor from bidding on another project in this municipality. Mrs. Straway stated no payment will be made until the project is completed properly.

Mrs. Fredericks referred to the discussion at the last meeting regarding the Tax Collector and tax payments not being deposited in a timely manner. She suggested copying the check payments when they come in allowing the Tax Collector to do the posting, while deposits are made efficiently by other employees. She noted there is a State law requiring deposit within 48 hours.

Mrs. Fredericks asked if town hall renovations are going to move forward. Mr. Fisher stated two estimates were submitted and the matter will be acted on at the next meeting.

**Kathy Draghi, 1016 Route 619** stated she paid her taxes on May 10, 2011 at 8 a.m. and the deposit was not made until May 17<sup>th</sup>. She paid her next quarterly payment on August 24, 2011 and it was not deposited until August 31<sup>st</sup>. She noted she uses the township bank, Lakeland Bank. Mayor Scott stated there were other residents with the same issue and it is being addressed.

**Denise Current, 955 Fairview Lake Road** expressed concern with the safety issues posed by the Middleville Road contractor and asked that they be considered and addressed when accepting future bids. Mrs. Straway noted the contractor was sent home on two occasions due to the lack of traffic direction and safety. She agreed with Mrs. Current's concerns as well as those expressed by other residents.

With reference to the prior discussion regarding the Tax Collector, Mrs. Current stated every other town of our size manages with a part-time Tax Collector and it works well.

**Dave VanGorden, Stillwater Fire Department Chief**, stated there are two basins sticking out of the upper hill portion of Middleville Road and it is only a matter of time until a bus or truck blows a tire on one of them. Mrs. Straway stated the basins are currently being addressed by Mr. Vreeland.

**Ed Szabo, 978 Route 521** discussed scheduling a speaker to provide a presentation at a future Township Committee meeting on Sustainable Jersey and the connection to Agenda 21. Mr. Szabo provided a brief background on the Sussex County Tea Party, and he announced they will be providing a presentation entitled, "Connecting Sustainable Jersey to United Nations Agenda 21," at the American Legion, Newton on December 14, 2011 beginning at 6 p.m., \$4 charge; \$8.50 for buffet dinner. The Committee agreed the presentation should be provided at an Environmental Commission meeting, inviting the Township Committee to attend.

Mr. Gross stated he was under the impression the date for the presentation had been set for January 17<sup>th</sup> before the Township Committee. He noted the Township Committee has the final decision on whether to move forward or not, as the Environmental Commission is advisory only, and he felt the presentation should be provided to the Township Committee.

**Bill Steckowich, 907 Hardwick Road** thanked the Township Committee for their service.

**Lisa Chammings, 928 Mt. Holly Road** asked if the Middleville Road contract contained any reference to the contractor exceeding the time limit to complete the project and if so, would the township be reimbursed. Mayor Scott would follow up with Mr. Vreeland.

Ms. Chammings referred to the Executive Session held for Personnel: OEM, Crossing Guard, and she asked when she became a part of that session. She stated she pulled into the parking lot and saw her Facebook page being held by the window. Mrs. Straway and Attorney Vex indicated the Executive Session concluded at 6:50 p.m. Ms. Chammings stated the public was not aware the session had ended. Mrs. Straway displayed the page to Ms. Chammings and Ms. Chammings asked to have the Facebook document. Mrs. Straway refused as it was her copy and Ms. Chammings could print the document from her computer as it was her Facebook page entitled, "Elect Lisa Chammings for Stillwater Township Committee." Mayor Scott again stated the Executive Session ended at 6:50 p.m. Mrs. Straway explained she showed it to the Township

Attorney as it referred to the Township Committee meeting tonight and the CFO. She read it into the record as follows: *Township meeting tonight. I think we need to get some representation there and question why spending has been frozen after the Auditor completed an audit and the CFO was let go. Now our temporary CFO only works after hours in the presence of it seems one committee person. This comes after high praises for the job completed in 2010 by our past CFO. PLEASE, if possible, attend tonight and be ready to ask questions or at least listen and be involved!!!*

Mrs. Straway stated this is public domain and she is the committeeperson referred to on the Facebook page. In response to questioning by Attorney Vex on any issues that may arise at the meeting, she informed him of the Facebook page and explained the spending freeze and why it was being instituted.

Ms. Chamings stated it appeared to the public that the Committee was still in Executive Session and she could see the page from her truck.

Ms. Chamings asked who the horse ring memo was addressed to and she suggested moving the ring closer to the existing ring although there may be an issue with setbacks. Mayor Scott indicated the memo was addressed to the Township Committee from Arlene Fisher, Zoning Officer. Ms. Chamings stated it may be a possible extended use to the recreational facilities as the Open Space Plan does make reference to equestrian activities, and the township does extend to sports organizations. She suggested having a representative of the Recreation Commission and Township Committee meet with the insurance agent to resolve the horse trailer issue referred to in the memo; Mayor Scott and Mr. Fisher agreed to do so. Ms. Chamings stated she would hate to see the event lost after 40 years.

**Kathleen Draghi, 1016 Route 619** asked when the new website would be launched. Mrs. Straway stated she met with the web advisor and reviewed the website, changes were finalized and the website is ready to go.

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

Mayor Scott wished all a safe and prosperous holiday and wished everyone well.

The Committee wished all a Merry Christmas and Happy Holidays!

**Attorney Report: None**

**Correspondence:**

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

There being no further business, Mrs. Straway made a **motion** to adjourn the meeting at 8:26 p.m., seconded Mr. Gross. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder