

**STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
December 18, 2012
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, Committeeman Gross, Committeewoman Straway, Acting Municipal Clerk Lynda Knott, and Attorney Larry Cohen.

ABSENT: Deputy Mayor Fisher

PRESENTATION: Mayor Scott presented a service award to the Stillwater Emergency Rescue Squad, expressing appreciation and thanking them for their service during the recent storm.

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.

Resolutions:

2012-109 Authorizing Payment of Redemption - Block 3601, Lot 22.01

2012-110 Authorizing Payment of Redemption – Block 2101, Lot 15

2012-111 Authorizing Transfer of 2012 Appropriations – *this agenda item was pulled with clarification to be provided by the CFO during the Discussion portion of the meeting

Minutes: Regular Session Minutes: December 4, 2012; Special Meeting: December 11, 2012

*December 11, 2012 minutes were pulled due to a discrepancy to be discussed later.

Executive Session Minutes: October 2, October 16, November 20, December 4 and December 11, 2012

*All Executive Session Minutes were pulled to allow the Committee to review the minutes.

Reports: Environmental Commission 2012 Annual Report

Building Department – November 2012

SC Board of Health – November 2012

Ms. Chamings made a **motion** to approve the Consent Agenda, pulling 2012-111, all Executive Session Minutes, and the Special Meeting Minutes of December 11, 2012, seconded by Mrs. Straway.

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

Bill List Cycle #23: \$97,725.79

Mr. Gross made a **motion** to approve Bill List Cycle #23, seconded by Mrs. Straway.

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

AMENDMENTS TO THE AGENDA: **Under New Business** – Special Meeting Minutes for December 11, 2012; **Discussion** - CFO clarification of gypsy moth funding

Open Public Session (Agenda Items Only):

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

Carol Drace, 937 West End Drive asked for an update on the West End Drive drainage matter. The Mayor indicated the issue is still being addressed by the Township Engineer.

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

Committee Reports:

Mr. Gross: The Recycling Center is doing well. At a lengthy meeting, the Zoning Board, under court order, approved the Nextel cell tower application. Thirty-five members of the public were present with a public session being provided and many expressing dismay with the court decision. Following public input, a decision was made by the Zoning Board to construct the flag pole tower without displaying a flag. Three Board members were opposed to the flag, one in favor, and one in favor of displaying a flag on special occasions. Mr. Gross expressed frustration with the decision and felt there should be a flag representing the country fought so hard for. He noted that public from Hampton requested the Zoning Board file an appeal of the court decision; however no motion was made to do so. An appeal would be costly and a burden to Stillwater taxpayers. Mayor Scott agreed with Mr. Gross with respect to the flag and felt it should be displayed. Attorney Cohen stated there is case law regarding this issue and the Committee may want to ask Mr. Morgenstern to research the matter. Ms Chammings suggested waiting for the Zoning Board minutes of the meeting to be approved stating the reasoning for not displaying a flag. Mr. Gross reported the township has spent in excess of \$20,000 on the Nextel case. Mr. Gross spoke briefly on the Verizon cell tower that was recently approved on Fairview Lake Road and the increase in coverage to the area.

Mrs. Straway: Mrs. Straway reported the township now has an official Facebook page named Stillwater Township and she encouraged the public to visit. She commended Ms. Knott and Mrs. Wunder for their work on the website and Facebook page.

Mrs. Straway reported the County engineers have visited the bridge in Swartswood and the debris will be removed before the spring. The bridge on Old Tannery Road is now on the short list and it should be repaired within 18 months.

The Sussex County League meeting was held with two presentations: 1) County Sheriff's Office – recapping their timeline on handling the storm from beginning to end and adjustments that need to be made for future emergencies; 2) A representative of Behavioral Sciences/Homeland Security/Emergency Management provided a presentation on crisis communication.

A Municipal Alliance training was held recently at the Municipal Building including staff, Ms. Hess, Mrs. VanKirk of Kittatinny and Mr. Gross. The program, a drug trend update, was well received by those in attendance. Mrs. Straway provided a background on the Municipal Alliance grant program noting some of the grant funding will be able to underwrite educational training for the EMS, as well as coaches and senior citizens. Mrs. Straway spoke about additional grant opportunities that are available. Statewide Insurance has completed the annual recap and has recommended requiring criminal background checks on individuals involved with the community youth and using the recreational fields. A sample ordinance was provided by the insurance company and the Committee should review the information and determine if they would like to proceed. Mrs. Straway spoke briefly on the Shade Tree grant program and felt the township should be pursuing such opportunities.

Ms. Chammings: Ms. Chammings reported the insurance recommendation to require background checks was provided to the Recreation Commission last year and she also provided the Shade Tree grant information to the Environmental Commission recently for their review. She reported the Environmental Commission (EC) met and submitted their Annual 2012 Report which she reviewed for the Committee. She noted the EC is in contact with the County regarding placement of the no litter signs on existing

County sign posts. The EC is also working on involving community members with the Green Team for Sustainable Jersey certification.

Mayor Scott: The Recreation Commission held their Annual Tree Lighting on December 16, 2012 with a small turnout due to inclement weather. The DPW trucks and equipment are ready for snow removal. The Stillwater OEM will be speaking on Thursday, December 20, 2012 at the Stillwater Taxpayers Association meeting.

Ms. Chammings: A Stillwater School Board of Education meeting was held on December 17, 2012 and they discussed school safety, reviewing the plans they have in place and improvements that can be made. She added that Kittatinny is working with the State Police to enhance their school security program. She noted State mandated drills with the students are conducted once a month. Mayor Scott spoke briefly on the recent Newtown tragedy and the tremendous sadness.

OLD BUSINESS

DISCUSSION:

Generator for the Municipal Building:

Ms. Chamblings reported the Rescue Squad currently has a 12KW generator. She will be meeting with Mr. Fisher and Mr. Boshart to discuss the possibility of purchasing one generator to be used for both the Rescue Squad and the Municipal Building and the requirements to do so. Mr. Gross expressed concern with the responsibility of maintaining a generator for the Rescue Squad building. Ms. Chamblings spoke briefly on the FEMA 404 Mitigation option and suggested contacting the New Jersey OEM for guidance. Ownership of the Rescue Squad Building was briefly discussed. She stated a Letter of Intent (LOI) must be sent prior to December 31st to access the 404 funding. She questioned if the LOI should include both a generator and retrofitting the building for high winds. There are two options for the generator: 1) Purchase a Lowes generator for \$4,000-\$5,000; or 2) Pursue a 30KW generator, \$13,000-\$15,000 through the State to be used at the Municipal Building and Rescue Squad Building, if that building is owned by the township. Mr. Gross and Mrs. Straway expressed concern with the cost of meeting with Mr. Boshart as he was hired for a renovation rendering, not to advise on this matter. Mrs. Straway would also like to speak with Mr. Fisher prior to making a determination on the issue. Ms. Chamblings asked if the rendering included air conditioning as that would affect the type of generator needed. She felt a meeting with Mr. Boshart was needed to answer such questions. Mrs. Straway met with the Electrical Inspector and he felt the generator from Lowe's would be suitable for the township's needs. Ms. Knott would research the deadline for the Letter of Intent.

ORDINANCE 2012-009 for Public Hearing/Adoption:

Ordinance To Amend and Supplement the Land Development Chapter of the Stillwater Township Code to Amend the Permitted Uses and Regulations for the RC Recreation/Conservation District

Mr. Gross made a **motion** to open the meeting to the public for comment on Ordinance 2012-009, seconded by Mrs. Straway.

Roll Call Vote: Ms. Chamblings, yes, Mr. Gross, yes, Mrs. Straway, yes, Mayor Scott, yes
There being no members of the public wishing to comment, this portion of the meeting was closed.
Mrs. Straway made a **motion** to adopt Ordinance 2012-009, seconded by Ms. Chamblings.

STILLWATER TOWNSHIP ORDINANCE

2012-009

AN ORDINANCE TO AMEND AND SUPPLEMENT THE LAND DEVELOPMENT CHAPTER OF THE STILLWATER TOWNSHIP CODE TO AMEND THE PERMITTED USES AND REGULATIONS FOR THE RC RECREATION/CONSERVATION DISTRICT

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 240-109 is hereby amended to read as follows:

240-109. RC Recreation/Conservation District

A. Purpose This district generally contains either publicly or semi-publicly owned land used for recreational purposes, such as public parks, camps operated by governmental bodies, federal, state and local, or by the Boy Scouts of America, Girl Scouts of America, YMCA, Diabetes Foundation or religious organizations. It is not intended that retail sales and services shall be permitted in these districts except as accessory to the principal uses.

B. Permitted principal uses.

(1) Publicly owned park or recreation lands and facilities.

(2) Camps operated for children and adults by the Boy Scouts of America, Girl Scouts of America, YMCA, YWCA, Diabetes Foundation or by religious organizations.

(3) Trails.

(4) Passive and active recreational facilities

(5) Such other unstructured recreational uses and activities that will provide for the maintenance of open space in its natural condition and otherwise leave such areas undisturbed and their natural state.

C. Permitted accessory uses.

(1) Retail sales and service accessory to a camp or other recreational use and principally designed to serve the users of a recreational facility and their guests as distinguished from the public generally.

- (2) With respect to camping facilities: campsites; mess halls; buildings used for offices, crafts, game rooms and the like; cabins used by campers, tenting areas; docks, boathouses and other facilities normally associated with camps, and also conference centers used for educational, instructional or devotional purposes and not exceeding one year-round single-family residence for the use of a caretaker or other designated camp official and auxiliary housing for camp employees.
- (3) Private garages as defined in this chapter;
- (4) Greenhouses, tool sheds, swimming pools and other similar structures.
- (5) Customary accessory buildings for agricultural and horticultural uses, subject to Board of Health regulations
- (6) The keeping and raising of animals, poultry, bees, and the like, provided that no offensive sounds, odors or lights extend beyond the property line and that all applicable ordinances of the Township and the rules of the Board of Health are complied with.
- (7) Fences or walls as regulated in Section 240-113E.
- (8) Bicycle paths, which shall not include pathways for dirt bikes, all-terrain vehicles (ATVs), or other types of motorized vehicles.
- (9) Bicycle racks.
- (10) Benches.
- (11) Way-finding signage.
- (12) Scenic overlooks.
- (13) Hunting and Fishing
- (14) Sailing, canoeing and non-motorized boating.
- (15) Such other structures and uses which are found to be necessary or convenient to permitting the unstructured recreational uses allowed as-of-right, but only within a scheme that will permit the least disturbance to the natural state.

D. Bulk requirements.

- (1) For camps and other recreational uses, no structure shall be erected within 50 feet of any public road or any property line.
- (2) No building or structure shall be more than 35 feet in height.
- (3) Total coverage of principal and accessory buildings shall not exceed 10% of the lot.

E. Zone requirements.

The following requirements shall be met for all lots within the RC Recreation/Conservation District:

- (1) Site Plan review. Site plan review by the Planning Board shall be required prior to the creation of any conservation use. The site plan submitted to the Planning Board shall delineate the location of the proposed use, its manner of development and its implementation in accord with Section 240-56 et. seq. of this Chapter.
 - (2) Parking. The provisions of parking shall be reviewed by the Planning Board in connection with its review of the site plan. Consistent with providing safe and adequate parking for those persons utilizing the facilities provided, parking areas shall be designed to minimize their environmental impact and shall be so designed and constructed so as to harmonize with the natural surroundings. Surfacing shall be limited to that which is necessary to provide stabilization and which minimizes rain water runoff, in accordance with the recommendations of the Planning Board Engineer.
- SECTION 2. The Zoning Map is hereby amended to add the following lots in the RC Zone District as set forth on the updated parcel list for inclusion in the Recreation/Conservation District annexed hereto as Exhibit A. An updated Land Use Map is annexed as Exhibit B.

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 any 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 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 and Warren County Planning Board, as required by N.J.S.A. 40:55D-16.

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

NEW BUSINESS

DISCUSSION:

Regular Minutes of December 11, 2012: This item was tabled.

Ms. Chamblings would like to compare the regular minutes and executive minutes for this date.

Winterization of the Court House Building:

Ms. Chamblings made a **motion** to contract with J. Battista Plumbing and Heating, LLC to winterize the Court House Building, for the amount of \$825.00, seconded by Mr. Gross. Mr. Gross mentioned that the well for the building is shared with the adjoining property residence.

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

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

Dave VanGorden, Stillwater Fire Chief asked if an electrical study/AMP draw was done on the Municipal Building for the generator installation and he recommended doing so.

Ed Szabo, 978 Route 521 asked for clarification on the cell tower flag and if the Zoning Board had the power to make such a ruling. Attorney Cohen explained the court remanded the matter back to the Board with the details of the site plan to be determined. The flag issue arose and the Board made the determination; however there is case law that flying of a flag cannot be controlled and he suggested having the Board Attorney research the matter. Mr. Szabo strongly urged the Committee to keep the communication open and allow public comment on the matter. Mr. Gross noted there was no objection from Nextel to display and maintain a flag.

Mr. Szabo discussed the Sustainable Jersey program and the fact that a representative from the program has not addressed the issue even though such a presentation has been pursued. A guest speaker opposed to Agenda 21/Sustainable Jersey has provided a presentation on the matter. He noted Frelinghuysen recently voted against sustainability and he felt the Committee should hear both sides of the issue and determine whether or not to endorse it.

Mr. Szabo stated it is important to size the generator properly for the needs of the township. He added that servicing a generator and the costs involved are a huge deal. He noted a good service contract would be key and it may be possible to allow members of the public owning generators to sign on to the service. Ms. Chamblings noted the bid specifications she obtained from the State included servicing a township at a discounted rate based on the number of customers participating.

Marion Gross, 912 Stillwater Road clarified that the flag issue for the cell tower was brought up by the public and concerns with lighting, prompting a vote by the Board.

Bill Steckowich, 907 Hardwick Road spoke about future road closings and the inability to deliver fuel for a generator, resulting in the installation of fuel tanks on site and appropriating for such in the budget. He also suggested the township obtain information on the dual fuel issue.

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

Dana Mooney, CFO: After consulting with the current and future township auditors, Ms. Mooney explained there is no provision in the State allowing for a gypsy moth reserve account and it is not permitted by rider. Resolution 2012-111 was cancelled based on that information. She stated it may be possible to develop a proposal to the DCA asking if they would consider allowing it in the future. Any funds remaining at the end of each year in the gypsy moth line item will lapse into surplus. Mr. Gross questioned if additional funding could be appropriated for the gypsy moth line item to ensure that money would be available if needed, and would it be outside the cap. Ms. Mooney indicated the item would be inside the cap and she noted if there was a severe gypsy moth issue in the future an emergency appropriation could be made, paid for in full the following year or spread over three years.

Ms. Mooney referred to a memo she sent to the Committee regarding the 2012 audit and appointment of Nisivoccia, LLP, for 2013. She was concerned with having the current auditor conduct the audit based on their past recommendations and asked if the Committee would consider having the new auditing firm do so. Mr. Sarinelli has agreed to deduct any fees for preparation work conducted by Ardito & Co. from their total cost. Ms. Chamblings asked for the item to be discussed further in Executive Session as it is contractual.

Attorney Report: Attorney Cohen announced that his contract for next year has not been renewed and he stated the public participation in this township has been outstanding and he has enjoyed representing Stillwater. He hoped he had helped Stillwater achieve their goals during his service to the municipality. Mayor Scott commended Attorney Cohen and his staff. Mr. Gross stated he has worked with several attorneys through the years and Mr. Cohen was one of the best. He noted if it was not for the work Mr. Cohen conducted on the police issue it would not have been resolved and Stillwater would still have an unnecessary tax burden.

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

Executive Session:

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by Mrs. Straway, seconded by Ms. Chamings and unanimously carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 8:47 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: Contract for Professional Services
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 9:10 p.m., unanimously carried by roll call vote. Mayor Scott made a **motion** to authorize the firm Nisivoccia, LLP, to conduct the 2012 audit, seconded by Mr. Gross.

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

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

Respectfully submitted,

Kathy Wunder