

STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
December 27, 2011
Regular Meeting

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Scott at 6:12 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, Acting Municipal Clerk Lynda Knott, and Attorney Larry Cohen

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 6:15 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: Interview for Alternate Crossing Guard position; Contract: Land Conservancy; Real Property: Quotes for doors and renovation of Municipal Building; Court Building
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 7:56 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.

Minutes:

December 6, 2011: Executive and Regular Session

Resolutions:

2011-86 Mayor's Appointment of Natalie Gooding as an alternate Crossing Guard with Committee Concurrence

2011-87 Special Emergency Appropriations Resolution

2011-88 Mayor's Appointment of Jessica L. Coulsen as and Active Member of the Stillwater Fire Department

2011-89 Adopting the 2011 Amendment to the Nationwide Retirement Solutions, Inc. Deferred Compensation Plan for Public Employees

2011-90 Amending the 2011 Budget to include Miscellaneous Revenue

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

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

Bill List Cycle #21: \$529,917.37

Mr. Fisher made a **motion** to approve Bill List Cycle #21, seconded by Mrs. Straway.

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

Amendments to the Agenda: None

Committeeperson Reports:

Mrs. Straway reported she attended a league function on December 14, 2011 where the Lieutenant Governor was the guest speaker. She stated Branchville Borough and Stillwater will be providing a presentation to the Governor's Red Tape Review Committee regarding the DEP rules and restrictions over the flooding and the bridge located in Swartswood.

Mrs. Straway read the following letter into the record addressed to Rene Solar, Stillwater School Business Administrator:

December 23, 2011

Ms. Rene Solar, Business Administrator

Stillwater Board of Education

904 Stillwater Road

Newton, New Jersey 07860

Dear Ms. Solar:

Enclosed please find a section of the August 1, 2011 Stillwater Recreation Commission minutes pertaining to the Stillwater Fall Festival and the September 8, 2011 minutes where the August 1st minutes were approved without changes. Please take note of the highlighted area where Ms. Chamblings, Recreation Commission Chairperson, states "that the "trade-off" was that the Historical Society paid for the custodian and the Recreation Commission paid for the tents."

In November Mrs. Kane, the former Business Administrator, informed me that Ms. Chamblings personally requested your invoice for custodian charges for the Fall Festival be charged to Stillwater Township and not the Stillwater Historical Society. The Recreation Commission never voted to approve the custodian expense. It is our opinion that the bill for Fall Festival custodian charges be billed to the Stillwater Historical Society.

Should you have any questions, please let me know.

Sincerely,

Anita Straway, Committeewoman

Committee Liaison of the Stillwater BOE

Enclosures

cc: Deputy Mayor Tim Fisher, Recreation Commission Liaison

Stillwater Township Historical Society

The issue would be addressed as indicated in the letter.

Mr. Gross reported the cell tower application of Nextel & JCP&L was unanimously denied by the Zoning Board of Adjustment at their December meeting. Attorney Cohen explained the applicant has the option of filing a lawsuit to challenge the denial of the Board of Adjustment and they would have 45 days from the publication of the notice of denial to do so. Attorney Cohen would be in contact with Board Attorney Morgenstern to discuss further.

Mr. Gross reported the Recycling Center would be closed on New Year's Day but would be open until 4 p.m. on Saturday, December 31, 2011 due to the Sunday closure. Mayor Scott announced that Christmas trees may be dropped off at the DPW Garage, 919 Middleville Road, to be chipped during the month of January.

Mr. Morrison asked to provide his report at the end of the meeting.

Open Public Session (Agenda Items Only):

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

Old Business:

ORDINANCE #2011-15 Public Hearing/Adoption

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. Gross made a **motion** to open the meeting for public comment on Ordinance #2011-15, seconded by Mr. Fisher. There being no public comment this portion of the meeting was closed.

TOWNSHIP OF STILLWATER
Sussex County, New Jersey
ORDINANCE #2011-15

ORDINANCE OF THE TOWNSHIP OF STILLWATER, IN THE COUNTY OF SUSSEX, NEW JERSEY, AMENDING ORDINANCE NO. 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

BE IT ORDAINED by the Township Committee of the Township of Stillwater in the County of Sussex, New Jersey as follows:

Section 1. The Township of Stillwater shall pay its municipal officers and employees for services rendered as shown below. Figures shown represent annual salary, unless otherwise noted.

POSITION	SALARIES & WAGES
DPW Laborer #3	\$ 17.33/hour per contract
DPW Laborer #4	\$ 17.33/hour per contract
DPW Laborer #5	\$ 17.33/hour per contract

Section 2. Specific salaries or wages established by this Ordinance shall be made retroactive to January 1, 2011 unless otherwise notes.

Section 3. Nothing in this ordinance shall be construed as making mandatory the payment of annual salary increments to any officer or employees of the Township of Stillwater. Salary or wage increases shall be contingent upon availability of the funds.

Section 4. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. This ordinance shall take effect after publication and passage according to law.

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

Mr. Fisher made a **motion** to adopt Ordinance #2011-15, seconded by Mrs. Straway.

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

ORDINANCE #2011-16 Public Hearing/Adoption

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

Mr. Gross made a **motion** to open the meeting for public comment on Ordinance #2011-16, seconded by Mrs. Straway. There being no public comment this portion of the meeting was closed.

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

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

TOWNSHIP OF STILLWATER
SUSSEX COUNTY, NEW JERSEY
ORDINANCE 2011- 16

BOND ORDINANCE OF THE TOWNSHIP OF STILLWATER, IN THE COUNTY OF SUSSEX, NEW JERSEY, AMENDING IN ITS ENTIRETY BOND ORDINANCE NO. 2011-10 FINALLY ADOPTED JUNE 14, 2011

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 members thereof affirmatively concurring) AS FOLLOWS:

Section One. Bond Ordinance No. 2011-10 of the Township finally adopted June 14, 2011 is hereby amended in its entirety to read as follows:

BOND ORDINANCE PROVIDING FOR PURCHASE OF PEOSHA GEAR AND A FIRE TRUCK PUMP FOR THE FIRE DEPARTMENT IN AND BY THE TOWNSHIP OF STILLWATER, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$105,000 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 members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of 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 \$105,000, including the sum of \$5,000 as the down payment required by the Local Bond Law. This amount available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

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 the purchase of Peosha gear and the purchase of a fire truck pump for the Fire Department.

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

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times 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) An aggregate amount not exceeding \$5,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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 limitation 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.

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

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

Discussion Items:

Purchase of Blower from Hardwick: An agreement was drafted between Hardwick and Stillwater for the exchange of a street blower from Hardwick for five plow wedges from Stillwater. After review of the agreement by the Committee and Attorney Cohen, Mrs. Straway made a **motion** to accept the agreement, seconded by Mr. Fisher.

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

Municipal Building Renovations:

Mr. Fisher reviewed the following estimates for removal of two of the garage bay doors, including blocking, framing, insulating, sheetrock, spackling and siding, emergency lighting and exit lighting, installation of two man doors, and two windows:

North Shore Construction: \$24,617.04

Daniel A. Rivara, General Contractor: \$18,784.00

Mr. Fisher stated a wall will also be framed within the two bays, one side to be used for archives and the other for police records and additional storage.

Mr. Fisher made a **motion** to hire Daniel A. Rivara, General Contractor, for the garage bay work, Phase I, Municipal Building renovation, at a cost of \$18,784.00, seconded by Mr. Gross, pending Certificate of Availability of Funds.

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

Middleville Road Project:

The Committee reviewed a memorandum from Mr. Vreeland, Township Engineer, requesting authorization to have Mark Paving install underdrains along the edge of the roadway to prevent water from seeping through the newly constructed pavement in the vicinity of Middleville Road/Stillwater Road. The cost of the work would be approximately \$3,000 and will be covered under the original bond ordinance. Following the discussion, Mr. Morrison made a **motion** to accept the Change Order for the Middleville Road project not to exceed \$4,000, seconded by Mrs. Straway.

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

Open Public Session:

Bill Steckowich, 907 Hardwick Road asked for clarification on the Net Access charges included on the bill list. Mrs. Straway explained MSI is the township software company and Net Access is the township internet provider. She stated the majority of the County's municipalities use the MSI software.

June Steele, 921 Swartswood Road asked about the township deer removal policy. Ms. Knott explained residents must call the town hall and an employee will contact Space Farms for the deer removal. Space Farms will not come out without township authorization and the township does not cover the private lake communities.

Lisa Chammings, 928 Mt. Holly Road asked if the public would have an opportunity to speak after Mr. Morrison provides his report. Ms. Chammings informed the Committee that Space Farms should not be removing deer on County roads as Mr. Space is a Freeholder and as such was mandated by the State not to do so.

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

Mayor Scott announced that the Township Committee Reorganization Meeting would be held on Tuesday, January 3, 2012 beginning at 6:00 p.m.

Mr. Morrison thanked the community for his last six years as a Committeeman and spoke about his time serving. He wished the current Committee, incoming Committeewoman and the township residents and employees great success in the coming year. He stated the experience changed his life and him as a person for the better. He again thanked everyone for the experience.

Mayor Scott thanked Mr. Morrison for serving and wished all a happy, safe, and prosperous New Year.

Mr. Gross stated he would miss Mr. Morrison and thanked him for his budget expertise.

Mrs. Straway thanked Mr. Morrison for answering her many questions and appreciated all she has learned from him.

Mr. Fisher thanked Mr. Morrison for all he has learned from him and stated he would be missed. He wished all a Happy New Year.

Mr. Morrison wished all good luck.

Attorney Report: Attorney Cohen stated he has represented many municipalities over the years and dealt with many public officials, noting that Mr. Morrison is one of the most dedicated Committeemen he has worked with.

Correspondence:

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

There being no further business, Mr. Morrison made a **motion** to adjourn the meeting at 7:40 p.m., seconded Mr. Gross. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder