

**STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
February 8, 2011
Regular Meeting**

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Scott at 6:05 p.m. noting the meeting schedule was 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, Committeeman Morrison, Municipal Clerk Judy Fisher and Attorney Larry Cohen.

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 6:09 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: Interview for Tax Collector position; Review Contract for CFO position; Office Security; Personnel Matters – Donna Clouse, Tax Collector
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. Fisher, seconded by Mr. Gross to conclude the Executive Session at 7:02 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: December 2010: Tax Collector; Building Department; Municipal Court

Minutes: Regular Meeting: January 4, 2011; January 11, 2011 (Special); January 20, 2011

Executive Session: January 4, 2011; January 20, 2011

Resolution: 2011-16 Opposing Assembly Bill No. A-2095 and Senate Bill No. S-818 which revise requirements for Medical Service Delivery

NJ Firemen's Association Membership Application: Scott Batson & Matthew Puccio

Stillwater PTA: Tricky Tray & 50/50 2011-02 & 2011-03 April 8, 2011

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 #2: \$1,287,644.72

Mrs. Straway made a **motion** to approve Bill Cycle #2, seconded by Mr. Fisher.

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

Mr. Gross noted the sizeable bill list was due to the County, Stillwater School and Kittatinny Regional High School payments.

Amendments to the Agenda:

The following items were added to the agenda: Temporary Appointment of Electrical Subcode/Inspector

2011 Robert Klein, Emergency Snow Plowing, January 28,

Appointment of Tax Collector – Gisela Boltzer

Committeeperson Reports:

Mr. Morrison reported the budget must be submitted early this year and another budget meeting needs to be scheduled.

Budget Meeting: Mr. Fisher made a **motion** to schedule the next Budget Meeting for Saturday, February 19, 2011, from 2-4 p.m., seconded by Mrs. Straway.

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

Mr. Gross reported there have been many requests for a credit card machine to be installed at the Recycling Center. The Committee agreed they would not do so.

Mrs. Straway reported on the school board meetings, indicating they would not have their state aid figures until February 24th, which will leave them only four days to adjust their budget. They are working on alternate plans at this time. She reported the school board expressed concern with the new voucher legislation and charter school option. A food drive was held at the school and 2,396 lbs. of food were collected. The school calendar was adjusted with February 22 and April 25 becoming school days and the last day of school at this point will be June 20th. The computer system at the school will be improved at a cost of \$1,100 to increase the speed of the system. The school is seeking volunteers for Read Across America Day and anyone interested can contact the school librarian for more information.

Mr. Fisher reported on a newspaper article regarding the PSE&G power line project and the indication that the state's energy requirements are growing at a much lower rate than presented to the Board of Public Utilities (BPU). It was unclear if BPU would be revisiting the issue or it would be a matter for the Appellate Court. Mr. Fisher reported the following calls for January 2011: Rescue Squad: Mutual Aid – 2; Stillwater Calls -18; Stillwater Fire Department: Mutual Aid – 2, Fire Calls – 3. Swartswood Fire Department 2010 Calls: 74

Mr. Fisher reported there is an issue with the PEOSHA law requiring the fire gear to be replaced after 10 years whether it has been used or not.

Mr. Fisher reported the Recreation Commission is planning a bus trip for early spring. Clean Up Day will be held on April 30 with a rain date of May 1, with a possibility of a second Clean Up Day in October.

Mayor Scott reported 300 tons of grit was delivered to the DPW. Mr. Scott read a letter received from Cathy Bird Streeter commending and thanking the DPW for a job well done during the season's snow storms. Mr. Scott reported one of the dump trucks is in disrepair. He stated a temporary appointment will be made for the Recycling Center and the appointment for the DPW will be held off until the next meeting. The Planning Board will meet on Wednesday, February 16, 2011.

DPW Emergency Snow Plowing Coverage: Mr. Gross made a **motion** to pay Robert Klein an hourly rate of \$17.33 for 5 hours, as per the DPW contract, for providing emergency snow plowing coverage to the DPW on January 28, 2011, seconded by Mrs. Straway.

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

Mr. Gross discussed the possibility of repealing an ordinance providing only single coverage health benefits to an employee. This has become an issue with hiring for the DPW position. The individual the Committee would like to hire needs family benefit coverage and based on the \$17.33 per hour for the DPW position, he cannot afford to pay the additional \$900 per month for it. The attorney will review the matter and provide an opinion.

Open Public Session (agenda items only)

Bill Steckowich, 907 Hardwick Road questioned why the township would consider paying \$900 per month for someone rather than hiring someone else who does not need the benefit coverage. Mr. Morrison was hesitant in considering repealing the ordinance.

Beth Raff, 1002 Mt. Benevolence Road asked if there are two qualified applicants, why would the township want to pay more money to increase the benefit coverage for one when the other does not need that coverage. She felt there should be more discussion on the matter.

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

Old Business:

Zoning Board of Adjustment Appointments: Moved to the February 15, 2011 agenda

Environmental Commission Appointments: Moved to the February 15, 2011 agenda

Land Conservancy (LC) 2011 Contract: This item will be moved to the February 15, 2011 agenda to allow for a presentation by Sandy Urgo of the NJ Land Conservancy.

New Business:

Temporary Electrical Inspector: Mr. Morrison made a **motion** to appoint Greg Chontow as the temporary Electrical Subcode/Inspector at a rate of \$35 per hour for four hours per week, seconded by Mr. Fisher.

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

Penny Holenstein, Tax Assessor: Letter Regarding Revaluation Order

Mr. Gross made a **motion** to authorize Mrs. Holenstein to appear before the Sussex County Board of Taxation on February 15, 2011, with Attorney Cohen, to request an extension for the revaluation until 2012 since there were only 14 usable sales during 2010, seconded by Mrs. Straway.

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

Appointment to Department of Public Works (DPW): Held until the February 15, 2011 agenda

Appointment to Recycling Center (Temporary): Mr. Morrison made a **motion** to appoint Josh Raff as a temporary part-time Recycling Center employee at a rate of \$10.25 per hour to fill the position of Andy Martin who is on a leave of absence, seconded by Mr. Fisher.

Appointment of Chief Financial Officer/Treasurer/Account Clerk: Four-year Appointment
Mr. Fisher made a **motion** to appoint Geraldine Pflugh as CFO/Treasurer/Account Clerk, a four-year appointment, at an annual salary of \$39,000 for 21 hours per week consisting of three 7 hour days, exclusive of a one hour lunch, and shall be from 8 a.m.-4 p.m. as per the terms of the contract and requiring Mrs. Pflugh to punch a time clock, seconded by Mr. Morrison.

Roll Call Vote: Deputy Mayor Fisher, yes, Mr. Gross, no, Mr. Morrison, yes, Mrs. Straway, yes, Mayor Scott, yes

Mr. Gross explained that he could not vote in favor of the hiring of Mrs. Pflugh as he felt there was a more experienced and highly qualified applicant for the position.

Appointment of Tax Collector: Four-year Appointment

Mrs. Straway made a **motion** to appoint Gisela Boltzer as the Tax Collector at an annual salary of \$28,500 for 12 hours per week, as per the terms of the contract, seconded by Mr. Fisher.

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

Open Public Session:

Diane Apostola, 916 Five Points Lane asked if the junior firefighters could use the old fire gear. The Committee agreed they could do so.

Bill Steckowich, 907 Hardwick Road suggested the Committee approach the County Tax Board to inquire if the township can use sales from other municipalities that are comparable to Stillwater. Attorney Cohen stated a revaluation company may look at that to some extent, however, state standards require a base for usable sales in Stillwater. He noted there were no land sales in the township in 2010 to use as a base for land worth. He added that there is also the benefit of saving \$200,000 in expenditures in 2011. Mr. Steckowich was concerned with the lack of sales in the future and it being put off again. Attorney Cohen stated the sales from 2010 in addition to 2011 can be used together.

Carol Fredericks, 913 Middleville Road spoke to the Committee about the possibility of starting a food bank at the Municipal Building to be operated by a group of volunteers. She stated she needs the permission of the Committee to install shelves in one of the garage bays. Mrs. Straway asked Mrs. Fredericks to submit a written proposal to the Committee with all the information about the food bank and its requirements. Mrs. Fredericks agreed to do so.

Lisa Chamings, 928 Mt. Holly Road provided information on DSIRE, Database of State Incentives for Renewables & Efficiency. This incentive can be used in conjunction with the Block Grant. She informed the Committee that a new legislation passed on January 31 requires that public meetings must be noticed at least 3 days in advance and the meeting agenda must be placed on the website. The Committee was aware of the new regulation. Ms. Chamings asked if the residency issue with Mrs. Straway discussed at the last meeting was going to be addressed by the attorney tonight. Attorney Cohen stated that residency is what a person declares as their domicile, with contributing factors such as where their license is recorded and where they register to vote. There is no law as to the amount of time that has to be spent at one place in order for it to be labeled as a residence. Ms. Chamings asked for clarification on the newspaper article where Mrs. Straway stated the questioning regarding her residency was a “personal” attack. Mrs. Straway stated that if she is at her husband’s workplace it is her “personal” time; and when she is at her workplace it is in Hampton. Mrs. Straway stated she never used the word attack or vendetta and if Ms. Chamings would like to read the article again she could provide it to her. Ms. Chamings expressed concern with nails being placed down her driveway following the election and stated that is a personal action and affects her family; and there is no local police department to contact. An incident such as this is not considered a 911 call, it is a non-emergency call. Mr. Scott suggested contacting the State Police. Ms. Chamings indicated she did so and has now installed a camera on her property.

Diane Apostola, 916 Five Points Lane stated she was in attendance at the meeting when Ms. Draghi questioned who was sleeping at Mrs. Straway’s house and Ms. Draghi had photographs of Mrs. Straway’s house. Ms. Apostola felt that was personal.

Kathleen Draghi, 1016 Route 619 asked if Attorney Cohen listened to the 12-minute discussion on the matter of residency that took place at the last meeting. He indicated he had not. Ms. Draghi

expressed disappointment and asked what his opinion was based on. Attorney Cohen stated it was based on general law and how resident is defined by statute, with indicia of residency. Ms. Draghi stated that a room at Mrs. Straway's house was being rented to someone; Attorney Cohen stated that would have nothing to do with residency and if Ms. Draghi does not agree with his opinion on the matter she can seek recourse through the courts dealing with such. Ms. Draghi was concerned that the issue was not included on the agenda. Attorney Cohen stated it would have been addressed under his report. Ms. Draghi noted that she did not speak to the reporter from the newspaper.

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

Attorney Report: No report.

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 8:12 p.m., seconded by Mr. Fisher. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder