

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COMMITTEE OF
THE TOWNSHIP OF WANTAGE, HELD AT THE WANTAGE TOWNSHIP
MUNICIPAL BUILDING, 888 STATE HIGHWAY 23, WANTAGE, N.J. ON THE DATE
OF SEPTEMBER 25, 2008**

Mayor Parker Space called the regular meeting of the Mayor and Committee of the Township of Wantage to order, and requested the Clerk to call the roll. Upon roll call, the following members of the governing body were present: Mayor Space, Committee members DeBoer and Nuss. The following member was absent: None
Also present Township Attorney, Michael Garofalo, Township Engineer Harold Pellow

Mayor Space stated, "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, Public Laws 1975, Chapter 231. It has been properly noticed and posted to the public, and certified by the Clerk."

Mayor Space led the assembly in the Salute to the Flag.

CONSENT AGENDA

Mayor Space requested that the members of the Committee Review the Consent Agenda. There being no Committee member present wishing to comment on the proposed Consent Agenda, Mayor Space requested approval of the Consent Agenda.

APPLICATIONS

Mrs. Nuss made a motion to approve:

- Raffle Application 2008-25, by Sussex Womens Club, to conduct an On Premise 50/50 Raffle
- Raffle Application 2008-26, by Sussex Womens Club, to conduct an On Premise Merchandise Tricky Tray Raffle
- Raffle Application 2008-27, by St. Monica's Roman Catholic Church, to conduct an Off Premise 50/50 Raffle
- Raffle Application 2008-26, by St. Monica's Roman Catholic Church, to conduct an On Premise Merchandise Tricky Tray Raffle

Mr. DeBoer seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

RESOLUTIONS

Mrs. Nuss made a motion requesting Approval from the Division of Local Government Services for creation of a Dedicated Trust by Rider for revenues collected by the Fire Prevention Bureau.

Mr. DeBoer seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Mrs. Nuss made a motion requesting Approval from the Division of Local Government Services for Chapter 159 Budget Amendment to reflect \$6,100 in revenue from Sussex Borough under the Joint Court Interlocal Services Contract for 2008.

Mr. DeBoer seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Mrs. Nuss made a motion accepting projects entitled Improvements to Central School Road Section II, Ryan Road Section 1 & 2, Crigger Road and Spreen Road, as per recommendation of Township Engineer dated September 17, 2008.

Mr. DeBoer seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Mrs. Nuss made a motion confirming acceptance of SHARE Grant from the State of New Jersey in the amount of \$46,000 for costs associated with the Joint Consolidation Study Commission. Mr. DeBoer seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

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CONSENT AGENDA, Continued

Mrs. Nuss made a motion authorizing refund of various homestead rebates received from the State of New Jersey. Mr. DeBoer seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Mrs. Nuss made a motion authorizing refund for tax sale premium to Lien Times LLC in the amount of \$14,100 for Block 132 Lot 14.01.

Mr. DeBoer seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Mrs. Nuss made a motion authorizing refund for tax overpayment to Joaquin & Elizabeth Perez in the amount of \$1,529.49 for Block 113 Lot 7.02.

Mr. DeBoer seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Mrs. Nuss made a motion authorizing the refund of \$3,000.00 to Sussex Bank to refund performance bond associated with Block 14 Lot 15.

Mr. DeBoer seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

ADMINISTRATOR'S REPORT

Mayor Space requested Mr. Doherty present the Administrator's report.

Citizen Request for a Yield Sign on Dewitt Road: Mr. Doherty reviewed input from the Township Engineer indicating that it was his recommendation that if a yield sign is to be placed in the area requested, it should be placed on the private driveway leading to the Campground rather than on the public road. The Engineer will review this issue the New Jersey Department of Transportation, after which the matter will be brought back to the governing body for a determination.

Citizen Request Regarding Status of Black Dirt Road: Mr. Doherty reviewed input from the Township Engineer indicating that a section of Black Dirt Road could be considered for vacation, but that a meeting would be in order with the property owner to ascertain his intentions with respect to the road, and a meeting with the County of Sussex would be in order because a county bridge traverses the section of Black Dirt Road suggested for vacation. Mr. Doherty stated that he would arrange for such a meeting to take place.

Resident Letter from Lake Neepaulin Resident: Mr. Doherty reviewed a letter from Carolyn Wagner of North Shore Road, expressing several concerns. Mr. Doherty stated that Ms. Wagner's letter appears to be based on a misunderstanding regarding the Township's position on repair of the Lake Neepaulin Dam. After due consideration, the governing body requested FOLN President Joy Steinbacher to speak with Ms. Wagner and offer a response to clear up the Township's position with this resident. Ms. Steinbacher agreed to do so.

Court Personnel: Mr. Doherty reported that two individuals expressed an interest in the part time Clerk Typist position for the Joint Court, but only Susan Floyd has expressed willingness to undertake employment at the salary being offered. Mr. Doherty recommended hiring Susan Floyd.

Mr. DeBoer moved to hire Susan Floyd as part time Clerk Typist/Assistant Violations Clerk in the Court office effective 10/1/08 for 20 hours per week, at a starting salary of \$12 per hour daytime, \$15 per hour for evening hours. Mrs. Nuss seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

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Police Costs Update: Mr. Doherty reported that, as previously agreed upon, he has been working with the Sussex Borough Mayor and Clerk, and the Vernon Township Manager, to perform a study into whether or not it would be worthwhile for Wantage Township and/or Sussex Borough to consider utilizing the Vernon Police Department for police service through an interlocal arrangement. Mr. Doherty stated that, based on the most-recent meeting held on this subject on September 24, it became apparent that the cost Vernon Township would charge to provide police service in Wantage Township and/or Sussex Borough was in fact more expensive than any other option being given consideration. For this reason, all parties agreed that the study should end and this option taken off the table from consideration.

Proposed Special Assessment Ordinance for Lake Neepaulin Dam: Mr. Doherty presented a proposed Ordinance for consideration of introduction, which has been drafted by Mr. Garofalo.

Mr. DeBoer made a motion to introduce on first reading, Ordinance 2008-16, entitled "AN ORDINANCE AUTHORIZING SPECIAL TAX ASSESSMENT FOR LAKE NEEPAULIN DAM RECONSTRUCTION", with a Final Hearing date set for October 30, 2008.

Mrs. Nuss seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Deer Removal Contract: Mr. Doherty presented a proposed renewal for the Deer Removal Contract with Space Wild Animal Inc.

Mrs. Nuss moved to renew the contract for Deer Removal Services with Space Wild Animal, Inc. for the coming year. Mr. DeBoer seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss **Nays:** None **Absent:** None **Abstain:** Space

Release of Seeding and Haying Bond: Mr. Doherty reported that the Township Engineer recommends release of \$2,500 bond to Jennifer Nuss Carey relative to Block 38 Lot 6.07.

Mr. DeBoer moved to release the seeding and Haying Bond to Jennifer Nuss Carey as per the Engineer's recommendation. Mayor Space seconded the motion. Upon roll call,

Ayes: DeBoer, Space **Nays:** None **Absent:** None **Abstain:** Nuss

2009 Construction Costs: Mr. Doherty presented a proposed letter to Sussex Borough detailing 2009 Construction Department charges for participation in the Interlocal Construction Department.

Mr. DeBoer moved to establish the 2009 charge for Sussex Borough participation in the Construction Department Interlocal Arrangement at the sum of \$96,000, in accordance with the Administrator's recommendation. Mrs. Nuss Seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

ATTORNEY'S REPORT

Mayor Space requested Mr. Garofalo present the Attorney's report.

Mr. Garofalo reported that the action filed by 15 municipalities with the Council on Local Unfunded Mandates, challenging the State's attempt to charge certain municipalities for the costs associated with the NJ State Police, is moving forward. The municipalities' case will be argued by one representative attorney, and Mr. Garofalo was chosen to be that attorney. Mr. Garofalo will report back in late October or early November regarding the outcome of this matter.

Mr. Garofalo also requested a brief executive session to discuss matters of pending litigation.

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COMMITTEE REPORTS:

Ms. Nuss requested that a study be done to compare the annual costs of paying mileage to the Construction Department Inspectors versus purchasing a municipal vehicle for their use.

Mr. Doherty agreed to present a report on this topic.

OLD BUSINESS: None

NEW BUSINESS

Final Adoption of Ordinance 2008-12: Purchase of Fire Equipment

Ms. Nuss made a motion to adopt on final reading, Ordinance 2008-12, entitled "ORDINANCE APPROPRIATING THE SUM OF \$9,350.00 FOR PURCHASE OF FIRE EQUIPMENT". Mr. DeBoer seconded the motion.

Prior to final roll call, Mayor Space opened the meeting to the public for any questions or comments with respect to the proposed Ordinance. There being no one present wishing to address the governing body at this time, Mayor Space closed the meeting to the public and requested a roll call vote. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Final Adoption of Ordinance 2008-13: Canceling Special Emergency Costs

Mrs. Nuss moved to adopt on final reading, Ordinance 2008-13, entitled "AN ORDINANCE RESCINDING ORDINANCE 2008-08". Mr. DeBoer seconded the motion.

Prior to final roll call vote, Mayor Space opened the meeting to the public for any questions or comments with respect to this proposed Ordinance. There being no one present wishing to address the governing body at this time, Mayor Space closed the meeting to the public and requested a roll call vote. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Final Adoption of Ordinance 2008-14: Joint Court Start Up Date

Mr. DeBoer moved to adopt on final reading, Ordinance 2008-14, entitled "AN ORDINANCE AMENDING ORDINANCE 2008-07". Mrs. Nuss seconded the motion.

Prior to final roll call vote, Mayor Space opened the meeting to the public for any questions or comments with respect to this proposed Ordinance.

Mr. Bill Gettler, Gemmer Road, questioned how the governing body could undo a prior action to abolish the court on one date and change it to a different date.

Mr. Doherty and Mr. Garofalo explained that the way to do this is through adopting the proposed ordinance being considered at this time.

Mr. Gettler offered observations regarding his understanding of the process for obtaining approval from the State level of government for the Judge of a joint municipal court, based on his discussions with various individuals.

Mr. Garofalo offered corrections and clarifications of the information presented by Mr. Gettler.

There being no one else present wishing to address the governing body at this time, Mayor Space closed the meeting to the public and requested a roll call vote. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Final Adoption of Ordinance 2008-15: Salary Amendment

Mr. DeBoer moved to adopt on final reading, Ordinance 2008-15, entitled "AN ORDINANCE AMENDING AN ORDINANCE FIXING THE SALARIES OF OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF WANTAGE, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, FOR THE YEAR 2008". The motion was seconded by Mrs. Nuss.

Prior to final roll call vote, Mayor Space opened the meeting to the public for any questions or comments with respect to this proposed Ordinance. There being no one present wishing to address the governing body at this time, Mayor Space closed the meeting to the public and requested a roll call vote.

Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Approval of Minutes

Ms. Nuss made a motion to approve the Regular meeting minutes of the Wantage governing body held on September 11, 2008. Mr. DeBoer seconded the motion. Upon Roll call:

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

OPEN PUBLIC SESSION

Mayor Space opened the meeting to the public for any questions or comments.

Mr. Bill Gettler, Gemmer Road, questioned the details of the public notice published for the adoption of Ordinance 2008-10.

Mr. Garofalo confirmed that the public notice as published is correct.

Mr. Gettler questioned the wording of Ordinance 2008-14.

Mr. Garofalo confirmed that the wording in the Ordinance is correct.

Mr. Gettler expressed a desire for the governing body to fire Mr. Doherty.

Mayor Space and Mr. DeBoer expressed support for Mr. Doherty's value and contributions to the Township.

Mr. Craig Coykendall expressed support for the suggestion of undertaking a study to see if cost savings could be achieved by purchasing a municipal vehicle as opposed to paying mileage.

Mr. Coykendall also expressed support for the Township's decision to support the rehabilitation of the Lake Neepaulin Dam, but expressed the belief that the costs involved should be paid by the entire taxpayer base rather than by a special assessment. Mr. Coykendall stated that the Township's position regarding the Lake Neepaulin Dam project should be consistent with its position on other scenarios, such as if a number of homeowners in an area of town were to need a municipal water supply in order to keep their homes safe and occupied.

As there was no one else from the public who wished to address the Committee, Mayor Space closed the meeting to the public.

EXECUTIVE SESSION

Mr. DeBoer made a motion to enter into executive session as follows:

WHEREAS, the Open Public Meetings Act, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and WHEREAS, this public body is of the opinion that such circumstances presently exist; NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Wantage, that the public shall be excluded from discussion of the following matter: "Pending Litigation". BE IT FURTHER RESOLVED that Minutes will be kept on file in the municipal clerk's office, and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes shall be made public. Mrs. Nuss seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

After meeting in closed executive session, the members of the governing body returned to open session and continued with the regular order of business.

Mayor Space disclosed that the topic of discussion in executive session involved existing litigation with CJS Investments. Mayor Space and Mr. Garofalo stated that a proposed settlement offer from CJS Investments was reviewed by the governing body, and it is the intention of the governing body to give consideration to this proposed settlement in open session at the next meeting of the governing body, scheduled for October 2, 2008.

There being no other items for consideration at this time, Mr. DeBoer moved to adjourn the meeting. Ms. Nuss seconded the motion. Upon roll call,

Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Mayor Space declared this meeting to be adjourned.

James R. Doherty, Administrator/Clerk