

**MINUTES OF THE JOINT CONSOLIDATION STUDY COMMISSION
OF WANTAGE TOWNSHIP AND SUSSEX BOROUGH,
HELD AT THE SUSSEX BOROUGH HALL ON FEBRUARY 4, 2009**

Commission Chairman Earl Snook called the meeting to order at 7:00 PM and requested Secretary Lee Abbott to call the roll. Upon roll call, the following members of the Commission were present:

E. Snook, S. Lagattuta, W. Dunn, S. Hosking, A. Jacobs, G. Kresge, and E. Meyer. Ms. Flynn arrived at 7:05.

A. Little, and C. McKay were not present. Mr. Little had notified Mr. Snook that he would be unable to attend.

Also present: G. Fehrenbach and R. Burkholder, consultants and J. Doyle, NJDCA liaison.

Mr. Snook led the assembly in the Salute to the Flag.

Mr. Snook 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 Secretary."

APPROVAL OF MINUTES

It was moved by Ms. Hosking, seconded by Mr. Jacobs and unanimously carried that the minutes of the Joint Consolidation Study Commission held on January 7, 2009 be approved as distributed.

It was moved by Mr. Lagattuta, seconded by Ms. Hosking and unanimously carried that the minutes of the Special Meeting of the Joint Consolidation Study Commission held on January 21, 2009 be approved as distributed.

CHARTER STUDY COMMISSION REVIEW

Mr. Snook introduced Dr. Earnest Reock, from Rutgers University who was invited to present an overview of the forms and types of government in New Jersey. Dr. Reock reminded the commissioners that if they recommend consolidation, they must recommend a form of government. The law provides many options. Dr. Reock distributed two handouts outlining the forms of municipal government in use in New Jersey and the options available to the Consolidation Study Commission. He noted that more information is available at the www.policy.rutgers.edu/cgs website (Resource Center / Municipal Charter Studies Resource Center), with information specifically directed toward charter commissions.

Discussion included:

- wards - the requirements for population and geography
- initiative and referendum - valuable in theory, but actually rarely used
- changing the administrator by ordinance.

Dr. Reock stated that there is no best form of government; the nature of the community is more important than the form of government.

The Commissioners thanked Dr. Reock for his informative and helpful presentation.

SUBCOMMITTEE REPORTS

Administration - no report at this time.

Finance - no report at this time.

Planning / Zoning - will report next month.

Public Safety - Mr. Meyers reported that a meeting was held immediately prior to this meeting with the Fire Departments and Rescue Squads. A report will be brought to the March meeting.

Public Works and Water / Sewer Utilities - no report at this time.

Public Relations - no report at this time.

NEW BUSINESS

Consultant Reports - Mr. Fehrenbach gave the status of the following reports:

- School District Governance - the request had been submitted 18 weeks ago, and a response to three of the four questions was received yesterday; a draft report will be distributed prior to the next meeting.
- Timetable - if consolidation is recommended, the report must include a timetable for action if consolidation is approved by the voters; this can include goals for specific events and phase-in of consolidation over time.
- Duplicate positions - the consultants and the Administration Subcommittee will be analyzing the information and discussing the issue immediately following this meeting.
- Civil Service (Title 11A) - more information is expected in the next week or two.
- Variations in existing State laws / department rules - for example, restrictions on the municipal funding of fire departments would result in less funding for the fire department after consolidation; a waiver can be requested of the Local Finance Board, which would have 45 days to respond—timing is a concern because the answer must be included in the final consolidation report.
- Advisory Planning Districts - for example, a special district for the fire department--issues relate to service and finances. Should the costs be spread to the entire community or limited to the special district?
- Special Service Districts - for example, services that would be desired in the Borough but not throughout the Township, such as leaf and garbage collection; there are two types: 1) charges for additional services, and 2) special regulations applying only to the special service district.

- Boundary lines for local ordinances - are there existing special ordinances that would apply to a section of the new consolidated government?
- Apportionment of debt and assets - the DCA report indicated that the debt ratio was similar between the two municipalities, but the Commission has not yet specifically discussed the issue. Discussion should include the authorizing of debt between the date of the vote and the start of the new government.
- Type and form of government - the basic options were presented in Dr. Reock's report, but the Commission has not discussed the options. The election of the new government is tied to the form. There must be a plan for implementation.

If consolidation is being recommended, these things must be addressed; there are items that are required and others that are permissive. Mr. Fehrenbach reviewed the differences. If consolidation is not recommended, additional regionalization of services would be addressed.

Other open matters were discussed:

Fire department concerns - Wantage Township currently appropriates \$90,000 to the Wantage Fire Department, as well as a \$45,000 contribution to the Sussex Fire Department. Sussex Borough provided a \$27,810 to the Sussex Fire Department from its 2008 budget. The limit of \$90,000 post-consolidation would be a significant barrier.

LOSAP was developed by the state to provide an incentive for volunteering by contributions into a deferred compensation plan for those who have volunteered specific amounts of time. Both municipalities have the same benefits under LOSAP; at the time of the LOSAP votes, each was contingent on the other municipality's approval. This may also require a waiver from the Local Finance Board. Clarification is needed from DCA.

It was moved by Mr. Kresge and seconded by Mr. Meyer that a letter be sent to the Local Finance Board requesting a waiver to grandfather in the current fire department allocations if consolidation is recommended; if necessary, a LOSAP request should be included. By roll call, the vote was as follows: ayes: Mr. Lagattuta, Mr. Dunn, Ms. Flynn, Ms. Hosking, Mr. Jacobs, Mr. Kresge and Mr. Meyer. There were no nays, no abstentions.

Ordinances - Mr. Doherty has start gathering Township and Borough codes. He will e-mail what he has thus far to Mr. Snook and Mr. Lagattuta.

Work Session - The need for an additional work session was discussed. It was moved by Mr. Jacobs, seconded by Mrs. Flynn and unanimously carried to schedule a special work session for Wednesday, February 11, 2009. The meeting will be held at 7 PM at the Sussex Borough Hall and will include review of the statutory requirements and permissive items and other issues relating to the development of the final report. The secretary will publish the notice of the special meeting.

The content of the report will differ depending on whether consolidation is or is not being recommended. The possibility of a non-binding poll was suggested.

Borough Re-evaluation - Wantage had a recent re-evaluation; Sussex has not. If the municipalities consolidate, equalization ratios used for the County and the schools could be used until the new government decides to do a re-evaluation.

OLD BUSINESS

OPRA - The OPRA request received at the last meeting demonstrated the need for a policy. Mr. Snook reported that he had contacted both municipalities, and the administrators would be willing to accept OPRA requests for the Commission, forward them to the secretary and coordinate the response. Mr. Doherty drafted an OPRA request form for the Commission. It was moved by Ms. Hosking, seconded by Mr. Lagattuta and unanimously carried to handle the OPRA requests through the Township and the Borough.

OPEN PUBLIC SESSION

It was moved by Mr. Lagattuta, seconded by Ms. Flynn and unanimously carried to open the session to the public.

Jim Doherty, Wantage resident and Township Administrator, suggested that the Commission Secretary take action to name the Township Administrator and Borough Clerk as Deputy Custodians for OPRA requests.

He clarified that the request to the Local Finance Board is for a waiver from the current statute that sets a \$90,000 ceiling to preserve the current allocation of approximately \$165,000. This is separate from capital expenditures.

He listed several options to consider for special service districts: 1) to preserve the Sussex identity; 2) for fire service; 3) to continue existing zoning ordinances for a year to have time for the consolidated community to develop a new plan; 4) to preserve public works services such as Christmas tree collection and street sweeping. Mr. Lagattuta suggested that the boundaries could be defined by the needs of the residents rather than the historic boundaries.

Bill Gettler, Wantage resident, stated that the redaction of e-mail addresses for his OPRA request made it hard to identify who was sending and receiving the communication.

He expressed his desire for a Sussex re-evaluation, suggesting that without it Wantage should reject consolidation.

Mr. Gettler said that it has been five weeks since he submitted his report on the *Fiscal Aspects of Consolidation* and no one has contacted him with corrections. Mr. Doyle responded that the report is being reviewed and the response should be available before the March Commission meeting.

With no other public comments to be offered, Ms. Hosking moved to close the meeting to the public and return to the regular order of business. The motion was seconded by Mr. Dunn and unanimously carried.

COMMENTS OF THE COMMISSIONERS

Ms. Hosking amended her previous motion regarding OPRA to include use of the proposed form and that Sussex Borough and Wantage Township accept any OPRA requests on the Consolidation Commission form and serve as deputy custodians. The amendment was seconded by Mr. Lagattuta and carried unanimously.

There was a brief discussion of the request for waiver. Grandfathering would raise the ceiling to the current combined amount. The distribution of the funds would be up to the new governing body.

ADJOURNMENT

With no other items for consideration it was moved by Mr. Lagattuta, seconded by Mr. Jacobs and unanimously carried to adjourn the meeting.

Mr. Snook declared this meeting to be adjourned at 9:35 PM.

Lee Abbott, Secretary