

**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 FEBRUARY 26, 2009**

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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

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 the following Applications.

- Raffle Application RA09-11 for American Legion Post 213, to conduct an Off Premise 50/50 raffle on June 28, 2009

Mr. DeBoer seconded the motion. Upon roll call,

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

**RESOLUTIONS**

Mrs. Nuss made a motion to honor Montague Township on their 250<sup>th</sup> Anniversary.

Upon roll call,

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

Mrs. Nuss made a motion to renew Kennel License for Judy Ghysels, 75 Moore Road, subject to confirmation of compliance with requirements of Sussex County Health Department.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to authorize renewal of Kennel License for Roger & Ellen Titus, 1167 Route 23, subject to confirmation of compliance with requirements of Sussex County Health Department. Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to authorize refund associated with Block 54, Lot 13.01 for a tax overpayment, \$24.97 to Raymond & Jean Delbury. Mr. DeBoer seconded the motion.

Upon roll call,

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

Mrs. Nuss made a motion to authorize refund associated with Block 155, Lot 3.03 for a tax sale premium, \$9,100.00 to Lien Times LLC. Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to authorize refund associated with Block 99, Lot 1 for a tax sale premium, \$600.00 to Lien Times LLC. Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to authorize refund associated with Block 53, Lot 1 for a tax sale premium, \$11,100.00 to Crusader Lien Services LLC. Mr. DeBoer seconded the motion.

Upon roll call,

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

**PAGE TWO OF THE MINUTES OF FEBRUARY 26, 2009**

**RESOLUTIONS**

Mrs. Nuss made a motion to authorize refund associated with Block 123, Lot 5.01 for an escrow deposit, \$372.00 to Patrick B. Kelly. Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to authorize refund associated with Block 102, Lot 15.02 for an escrow deposit, \$410.00 to Rockburn Pass LLC.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to authorize refund associated with Block 147, Lot 6.01 for an escrow deposit, \$81.44 to Gary & Kathleen DiPippo. Mr. DeBoer seconded the motion.

Upon roll call,

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

Ms. Nuss made a motion to authorize refund associated with Dog License #1447 for an overpayment, \$4.00 to Stephen & Gia Watts. 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.

**Mileage Reimbursement Policy vs. Purchase of Municipal Vehicles:** Mr. Doherty reported to the Committee that after due discussion with the employees, Mr. Doherty believes it is possible to achieve the same cost savings in the budget through purchase of three used vehicles as compared to the cost savings to be realized through the new mileage reimbursement policy. Mr. Doherty thanked the DPW and Construction Department as well as the members of the Committee for giving consideration to alternative approaches. Mr. Doherty gave an analysis of how these vehicles would be funded.

Ms. Nuss made a motion to purchase a 2004 Chevy Cavalier for \$6,000 from Siena Auto Mall. Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. DeBoer made a motion to rescind the 15 mile per gallon gas allocation and return to the .50 per mile reimbursement effective immediately. Ms. Nuss seconded the motion.

Upon roll call,

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

**Request For Subdivision Bond Release:** Mr. Doherty reported to the Committee that Bob McEwan requests release of Subdivision Performance Bond on Block 15, Lot 10, 10.04 and 10.05. By resolution of Land Use Board memorialized January 27, 2009, the Board accepted the Township Engineer's notation in his report dated December 11, 2008 that Performance Surety Rider on Bond B 197231 be returned to the applicant since no work is required.

Ms. Nuss made a motion to release Bond B 197231 in the amount of \$26,271.32.

Mr. DeBoer seconded the motion. Upon roll call,

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

**Proposed Land Sale Ordinance:** Mr. Doherty asked the Committee if they wish to include the six property lots located in Lake Windsor. These lots have been the subject of some contention among local residents and the owner of Lake Windsor the last time these lots were offered for sale. Mr. Doherty suggested to remove Block 15.09, Lots 21 and 22, and keep ownership of those properties for the sake of maintaining property ownership that provides access to the Lake, which could have future value to the Township in terms of either recreational activities or emergency management needs.

**PAGE THREE OF THE MINUTES OF FEBRUARY 26, 2009**

**Request for Tree Removal on Alder Terrace:** Mr. Doherty reported that no lumberjacks could be located willing to undertake this tree removal free of charge. The closest quote was \$200 more expensive than the vendor originally found by the Wantage Township DPW supervisor. Submittal of survey prepared by Behre Associates verifies that the trees are indeed located on Township property. The Committee agreed by consensus to move forward with tree removal in the spring at a cost not to exceed \$1,000.

**Dog Park Pavilion:** Mr. Doherty reported that construction of this structure continues.

**ATTORNEY'S REPORT**

Mayor Space requested Mr. Garofalo present the Attorney's report. Mr. Garofalo had nothing new to report and requested a short executive session regarding pending litigation.

**COMMITTEE REPORTS - None**

**OLD BUSINESS – None**

**NEW BUSINESS**

**Final Adoption of Ordinance 2009-01: COAH Housing Liaison**

Mrs. Nuss made a motion to adopt on final reading, Ordinance 2009-01 entitled "AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING THE TOWNSHIP OF WANTAGE'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT".

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 this proposed Ordinance. As there was no one who wished to comment, Mayor Space closed the meeting to the public.

Upon roll call,

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

**Introduction of Ordinance 2009-02: Sale of Township Property Lots**

Mr. DeBoer made a motion to introduce on first reading, Ordinance 2009-02 entitled "AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN LANDS IN THE TOWNSHIP OF WANTAGE TO BE SOLD AT PRIVATE SALE IN ACCORDANCE WITH N.J.S.A. 40A:12-13(b)(5)", with amended Schedule A, with a Final hearing set for March 26, 2009.

Mrs. Nuss seconded the motion. Upon roll call,

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

**Introduction of Ordinance 2009-03: Budget Cap Waiver Ordinance**

Mrs. Nuss made a motion to introduce on first reading, Ordinance 2009-03 entitled "CY 2009 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)", with a Final hearing set for March 12, 2009. Mr. DeBoer seconded the motion. Upon roll call,

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

**Introduction of Ordinance 2009-04: Recycling Ordinance Amendment**

Mrs. Nuss made a motion to introduce on first reading, Ordinance 2009-04 entitled "AN ORDINANCE REGULATING SOURCE SEPARATION AND RECYCLING", with a Final hearing set for March 12, 2009. Mr. DeBoer seconded the motion. Upon roll call,

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

**Introduction of Ordinance 2009-05: Sign Ordinance Amendment**

Mrs. Nuss asked it be reviewed further.

**PAGE FOUR OF THE MINUTES OF FEBRUARY 26, 2009**

**Approval of Minutes**

Mr. DeBoer made a motion to approve the Regular session and Executive Session minutes of the meeting of the Wantage governing body held on February 12, 2009, and the minutes of the special meeting held on February 11, 2009, and February 19, 2009.

Mrs. Nuss seconded the motion. Upon Roll call:

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

Mr. DeBoer informed the Committee that he and Mayor Parrott met with the NJ Department of Transportation regarding the Route 23 Bypass which will run from the Sussex Inn to the A&P. This bypass is of interest to Shop Rite who would be interested in building if the project is approved. Although the representatives of DOT expressed interest in the project, Mr. DeBoer was informed that it will take three or four months before the representatives will know if the project has been approved by the department.

**OPEN PUBLIC SESSION**

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

William Gettler, Gemmer Road, voiced his opinions regarding mileage, GPS monitoring for any new municipal vehicles, the airport study and the 2009 tax rate increase.

Mr. DeBoer and Mayor Space reiterated the Committee's position that if the study does not show a benefit to Wantage Township, the Township would not be purchasing the airport.

Mr. Gettler voiced his opinion regarding the inability to expand the airport.

Karen Merritt, Alpine Drive, asked for clarification as to whether the airport would be tax exempt. Mr. Doherty informed her that it would be exempt whether owned by the State, County or Township, but the owner would receive any revenues the airport generated. Ms. Merritt also expressed her opinion regarding the petition against the special assessment of the Lake Neepaulin Dam as well as an article in the February 4, 2009 Advertiser also regarding the Lake Neepaulin Dam.

Maggie Kolicko, August Lane, asked who was the litigant for tonight's executive session. Mr. Garoralo informed her that it was regarding CJS Investments. Ms. Kolicko also asked about a County resolution regarding EAP, and voiced her opinion on Senate Bill A3690 which could take away the taxpayers vote on municipality consolidations.

Mr. Doherty informed Ms. Kolicko that a shared service with Sussex County to provide the Township's Employee Assistance Program was less expensive than the previous plan.

Fred Finigan, Old Clove Road, Mindy Alvarado, North Shore and Carmen Torres, Summit Drive voiced their concerns regarding the Lake Neepaulin Dam repairs.

Anne Smulewicz, 108 Route 23, informed the Committee that she felt the letter from the Township asking the Board of Education to keep the current downturn in the economy in mind during their budget process was in poor taste. Mr. DeBoer agreed with Ms. Smulewicz that the Board of Education has been doing a very good job and commended them on their efforts and intended the letter ask that they continue those efforts. Cathy Gorman, Fernwood Road expressed her opinion regarding those efforts.

Carmen Torres asked if there were any parking regulations for Lake Neepaulin. Mr. Doherty stated that he would have to review the specific traffic regulation ordinances of the Township, but to his memory, the only regulation in Lake Neepaulin is no overnight parking for winter months.

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

**PAGE FIVE OF THE MINUTES OF FEBRUARY 26, 2009**

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 – CJS". 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.

Ms. Nuss seconded the motion. Upon roll call,

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

After meeting in closed executive session, Mayor Space reconvened the meeting and the governing body continued with the regular order of business.

There being no other items for consideration at this time, Mr. DeBoer moved to adjourn the meeting. Mrs. 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.

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James R. Doherty, Administrator/Clerk