

**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 MARCH 12, 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.

### **MAYOR'S PRESENTATIONS**

Mayor presented a Proclamation Honoring the 97<sup>th</sup> Anniversary of the Girl Scouts of America and thanked the girl scouts and their troop leaders for their service to the community.

### **CONSENT AGENDA**

Mayor Space requested that the members of the Committee Review the Consent Agenda.

Mrs. Nuss asked that the resolution to approve amendment number 1 to the Developers Agreement between Mountain View Manor at Wantage and Wantage Township be removed for separate discussion and consideration prior to approval. Mr. Doherty removed this proposed resolution from 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, as amended.

### **CORRESPONDENCE**

Mrs. Nuss made a motion to approve the following correspondence for filing.

- Letter dated February 5, 2009 from the governing body of Vernon Township, offering their thanks for the assistance given by Wantage Township during the cleanup efforts from the winter ice storm of December 11-12.
- Letter dated March 3, 2009 from John Hannum, Superintendent of High Point Regional High School acknowledging the February 12 letter from Wantage Township governing body regarding 2009 contract negotiations.
- Letter dated February 27, 2009 from NJ Department of Transportation, informing of a scheduled Public Information Center regarding the Route 23 Realignment Project, to be held March 24, 2009 from 5:00 pm – 8:00 p.m. in Sussex Borough Hall.

Mr. DeBoer seconded the motion. Upon roll call,

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

### **REPORTS**

Mrs. Nuss made a motion to approve the following reports for filing.

- Tax Collector Report for February 2009
- Municipal Clerk Report for February 2009
- Registrar's Report for February 2009
- Board of Health Report for February 2009
- Construction Department Report for February 2009

Mr. DeBoer seconded the motion. Upon roll call,

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

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**APPLICATIONS**

Mrs. Nuss made a motion to approve the renewal of the Mechanical Amusement Device License, for Pleasant Acres Campground, 61 DeWitt Road, for the year 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 authorize Transfer of 2008 Budget Appropriation Reserves, totaling \$5,000. Upon roll call,

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

Mrs. Nuss made a motion to authorize Payment of Bills for the meeting of March 12, 2009.

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 6 Lot 3.02 for a Land Use escrow deposit in the amount of \$250.00 to Ronald Rosal and \$250 to Jim Lavner.

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 133 Lot 17 & 18 for a Land Use escrow deposit in the amount of \$326.25 to Brink Road Builders.

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 Dog License 1472 for an overpayment in the amount of \$2.00 to Christine Danko.

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.

Mr. Doherty explained that changes have been proposed to the Developer's Agreement between Mountain View Manor at Wantage, Inc. which Mrs. Nuss had asked to be removed from the consent agenda.

Mr. Garofalo explained that the changes would not jeopardize the Township's COAH compliance. Mr. DeBoer and Mayor Space expressed their belief that the proposed amended agreement for moderate income housing for phase one and low income housing for phase two was acceptable. Mrs. Nuss preferred both phases include a combination of both moderate and low incoming units.

Mr. DeBoer made a motion to authorize Mayor Space to sign the "First Amendment To Developer's Agreement" between Mountain View Manor at Wantage, Inc. and Wantage Township. Mayor Space seconded the motion. Upon roll call,

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

**Amendment to Sign Ordinance:** Mr. Doherty advised that Jim Smith, Chairman Land Use Board, has spoken with Mrs. Nuss regarding her questions on this proposed ordinance, and suggested, if there were no further questions, that the ordinance be given consideration for introduction.

**ADMINISTRATOR REPORT, Continued**

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

Mrs. Nuss made a motion to introduce on first reading, Ordinance 2009-05 entitled "AN ORDINANCE TO AMEND THE WANTAGE TOWNSHIP LAND USE REGULATIONS, SPECIFICALLY CHAPTER XIII, THE ZONING ORDINANCE, TO AMEND AND CONSOLIDATE THE REGULATIONS FOR SIGNS THROUGHOUT THE TOWNSHIP", with a final hearing date set for April 30, 2009.

Mr. DeBoer seconded the motion. Upon roll call,

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

**Status of Request For Proposals on Airport Study**

Mr. Doherty advised the Committee that proposals were received March 5, 2009. Six firms did not comply with the Business Registration Certificate requirements. QED, DY Consultants, Louis Berger Group and Clough Harbour & are the firms being given consideration for an award of the contract for the Airport Feasibility Study. Mr. Doherty will ask the top two candidates, QED and DY to the next meeting and invite them to offer a brief presentation to better assist the Committee in awarding the contract.

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

Mr. Doherty informed the Committee that Ordinance 2009-02 which is set for final hearing for March 26, 2009, will be amended to exclude Block 69.03 Lot 68 to be retained by the Township due to a drainage easement. Mr. Garofalo agreed that this is a minor variation which does not require re-advertising.

**Request For Executive Session:**

Mr. Doherty requested an executive session to discuss the terms and conditions of employment for the Chief Finance Officer.

**ATTORNEY'S REPORT**

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

Mr. Garofalo informed the Committee that the Township was successful in defending the Road Trust Ordinance against CJS litigation. This is the last of pending litigation with CJS Investments as of this date. The judge, however, did find that the funds deposited for developer's road trust deposits should be held in individual escrow trust accounts rather than in a separate trust account as is currently being done. The amendment to the road trust ordinance for introduction tonight includes that change as well as removes the interest rate previously set.

Mr. Doherty asked if the executive session minutes regarding CJS may be released to the public. Mr. Garafalo asked for a chance to review those minutes before they are approved for release.

Mayor Space opened the meeting to the public regarding CJS litigation at this time.

Maggie Kolicko, August Lane, voiced her concern regarding the road improvements originally considered for Lower Unionville Road.

Bob Kohle, voiced his concern regarding the Judge's decision.

**COMMITTEE REPORTS**

Mr. DeBoer informed the Committee that there will be a meeting in Sussex Borough with the NJDOT on March 24, 2009 for any residents interested in the Route 23 realignment project.

**OLD BUSINESS – None**

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**NEW BUSINESS**

**Introduction of Ordinance 2009-06: Amendment to Road Trust Fund**

Mrs. Nuss made a motion to introduce on first reading, Ordinance 2009-06 entitled "AN ORDINANCE TO AMEND CHAPTER XV OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WANTAGE, BEING THE LAND USE PROCEDURES CHAPTER", with a final hearing date set for April 30, 2009.

Mr. DeBoer seconded the motion. Upon roll call,

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

**Final Adoption of Ordinance 2009-03: Budget Cap Waiver Ordinance**

Mrs. Nuss made a motion to adopt on final 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.

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

Mr. Gettler voiced his opinion that the numbers were miscalculated. The C.F.O. stated that the ordinance is correct.

As there was no one else 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

**Final Adoption of Ordinance 2009-04: Recycling Ordinance Amendment**

Mr. Doherty gave a comprehensive presentation to the public regarding this ordinance.

Mayor Space thanked Mr. Doherty for his presentation and opened the meeting to the public for any questions or comments with respect to this proposed Ordinance.

Rocco Russo, South Shore Trail, asked if the Township could save money by putting a centralized recycling center in Wantage Township.

Bob Kohle, asked if there was any advantage to receiving the \$3.00 per ton from the state and providing garbage service to the taxpayers.

Mr. Doherty informed that there are many variables to be considered if the Township were to provide recycling facilities or services as there are more stringent regulations than there had been in the past.

Karen Merritt asked if all paper can be put out at the curb and asked if we knew whether the clothing bins provided recycled the clothing or gave them to the needy.

Bill Gettler, Gemmer Road, gave his understanding of the requirements for a Township composting station and stated that there are organic farmers who would be willing to take leaves and such for mulching.

Mr. Doherty stated that he is working with the local garbage haulers who will be sending their Wantage Township customers a letter informing them that they are working with Wantage Township in their recycling endeavor and which items each will collect. Mr. Doherty further stated that the new Clothing Bin Ordinance will require the registered owner to report where their collections are sent to market.

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

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Mr. DeBoer made a motion to adopt on final reading, Ordinance 2009-04 entitled “AN ORDINANCE REGULATING SOURCE SEPARATION AND RECYCLING”, with a Final hearing set for March 12, 2009. Ms. Nuss seconded the motion. Upon roll call,

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

**Approval of Minutes**

Mr. DeBoer made a motion to approve the Regular and Executive Session minutes of the meeting of the Wantage governing body held on February 26, 2009.

Mrs. Nuss 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.

Bill Gettler, Gemmer Road, voiced his concerns with the consolidation report and the fact that his calculations were correct and his opinions regarding Mr. Doherty. Mr. Gettler expressed his desire to have Mr. Doherty fired.

Rocco Russo provided the Committee with an article regarding the NJDEP’s findings on the use of chemicals in waterways.

Maggie Kolicko, voiced her views regarding posting organic farms willing to take mulching materials on the website, Mrs. Nuss’ comments regarding open space acquisitions and marketing of COAH units. Ms. Kolicko reported that the proceeds of the Spring Fling will be used to construct the Veterans memorial and urged the Committee and public to attend on April 25. Ms. Kolicko also asked Mr. Doherty to respond to the Friends of Clove Church regarding a drainage problem.

Mr. Doherty informed Ms. Kolicko that classified advertising is one of the approved and required methods of marketing COAH units. Mr. Doherty stated that he is unaware of a request from Clove Church, and asked Ms. Koliko to have the request forwarded to him.

Ms. Nuss stated that she wanted to make it clear that she is in favor of open space. She stated that she understands that money is spent on appraisal costs, but that she disagrees with that process. Ms. Nuss repeated that she is in favor of open space, that it should be bought. Ms. Nuss stated that she does not think the Township should be paying for developed properties that are not just raw land.

Mr. DeBoer stated that the property being considered for acquisition is vacant land, with a preliminary subdivision approval.

Ms. Nuss asked how many homes were approved in the subdivision.

Mr. DeBoer responded that the approval was for eleven homes.

Ms. Nuss stated that this is what she is saying, that the Township should buy real land rather than paying for engineering costs and attorney fees where everything is already built. Ms. Nuss stated once again that she has no problem with buying open space, just getting it at the right price.

Mr. DeBoer stated that it would be his preference to concentrate on purchasing land which could be developed in the future, as a priority to preserve open space.

Mr. Gettler voiced his opinions regarding passive recreation versus active recreation and its applicability to Open Space acquisitions.

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Karen Merritt asked once again if she could get the names of the original people who provided funding for Lake Neepaulin. Mr. Doherty informed Ms. Merritt that she is asking the wrong people, the Committee does not have that information.

Joy Steinbacher, Lake Neepaulin, asked if the names of owners of properties are a public record available at the Township. She was informed that they are.

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

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: "Terms of Employment – Chief Financial Officer". 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, the members of the governing body returned to open session and 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