

**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 26, 2009**

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 Parker Space, Committee members William DeBoer and Clara 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.

CORRESPONDENCE

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

- Letter dated March 23, 2009 from Montague Township Municipal Clerk, offering the thanks of the Mayor and Committee of the Township of Montague for the Wantage Township Resolution of Congratulations sent to Montague on the occasion of their 250th anniversary.
- Letter received March 17, 2009 from Cpl. George Arnot of the Sussex County Sheriff's Office, informing of the Sussex County Sheriff's Office "Police Unity Tour", a fund raising bicycle ride event scheduled for April 4, 2009 from 9 am – 1 pm. Route of travel will include County Routes 628 and 519 within Wantage Township.

Mr. DeBoer seconded the motion. Upon roll call,

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

APPLICATIONS

Mrs. Nuss made a motion to approve the following Applications.

- Bingo License BL09-12, to Beemerville fire Department, for various dates during calendar year 2009 in the months of May through August
- Raffle License RL09-13, to Wantage Dog Park Association, to conduct an On Premise 50/50 raffle on June 13, 2009
- Raffle License RL09-14, to Beemerville FD Ladies Auxiliary, to conduct an On Premise Merchandise raffle on June 5, 2009
- Raffle License RL09-15, to Beemerville FD Ladies Auxiliary, to conduct an On Premise 50/50 raffle on June 5, 2009 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 to authorize transfer of 2008 Budget Appropriation Reserves, totaling \$15,000. 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 12.01 Lot 29, for escrow deposit E-04-03 to Donald Pfister in the amount of \$452.10.

Mr. DeBoer seconded the motion. Upon roll call,

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

RESOLUTIONS - Continued

Mrs. Nuss made a motion to honor our Troops on “Support Our Troops” Day, April 19, 2009.

WHEREAS, the people of Wantage Township support the New Jersey National Guard and Reserve in the strongest possible terms, are immensely proud of their accomplishments, and are extremely grateful for their services to this State and to the nation over the years; and

WHEREAS, in the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession by responding to their community and their country in time of need; and

WHEREAS, it is right and proper that we set aside time to honor these fine men and women for the sacrifices they make for every one of us; and

WHEREAS, the New Jersey National Guard State Family Readiness Council is honoring the men and women of the National Guard and Reserve with a concert by the Blawenburg Band at the National Guard Armory in Lawrenceville on “Support Our Troops Day” on Sunday, April 19, 2009,

THEREFORE BE IT RESOLVED, that the Mayor and Committee of the Township of Wantage, in the County of Sussex, New Jersey, hereby resolves that it honors these service members and the day of appreciation set aside for them,

AND BE IT FURTHER RESOLVED, that the Municipal Clerk is authorized to send copies of this resolution to the New Jersey National Guard State Family Readiness Council, and the New Jersey League of Municipalities.

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 Release of various Executive Session Minutes from the years 2001 – 2008.

BE IT RESOLVED, that the Mayor and Committee of the Township of Wantage, in the County of Sussex, New Jersey, does hereby authorize the release of Executive Session Minutes as public records, as follows:

- April 12, 2001.
- January 27, 2005, Executive Session #1; January 27, 2005, Executive Session #2; March 17, 2005; April 28, 2005; May 12, 2005; July 21, 2005; September 8, 2005; September 29, 2005; November 3, 2005.
- April 13, 2006; April 27, 2006; May 25, 2006; June 8, 2006; July 20, 2006; October 26, 2006; December 14, 2006; December 28, 2006.
- February 8, 2007; March 8, 2007; March 29, 2007; April 26, 2007; August 9, 2007; October 25, 2007; November 8, 2007; November 29, 2007; December 27, 2007; January 31, 2008; February 7, 2008; February 28, 2008; March 13, 2008; March 20, 2008; April 24, 2008; August 14, 2008; September 25, 2008.

BE IT FURTHER RESOLVED, that the Mayor and Committee of the Township of Wantage, in the County of Sussex, New Jersey, does hereby authorize the partial release of Executive Session Minutes as public records, as follows:

- February 24, 2005; June 30, 2005; August 11, 2005; October 13, 2005: retain all discussion regarding Fire Department personnel matters as closed executive session under Judge’s court order; release remainder of executive session minutes.
- May 29, 2008: Retain first two paragraphs as closed executive session attorney client privilege; release remainder of executive session minutes.

Mr. DeBoer seconded the motion. Upon roll call,

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

RESOLUTIONS - Continued

Mrs. Nuss made a motion to adopt Township Vehicle Use Policy effective March 23, 2009.

- 1) **Recycling Coordinator Vehicle:** This vehicle has been purchased using funds from the Recycling Tonnage Grant and Clean Communities Grant. The purpose of this vehicle is to assist the Recycling Coordinator with the enforcement and education program of the municipal recycling program. The Recycling Coordinator will need to maximize the usage of this vehicle in order to ensure the validity of its purchase, but many times, the Recycling Coordinator is unable to conduct field inspections of the community on a regular, daily basis. To that end, the Recycling Coordinator has named the Construction Official, the Zoning Officer, and all Sub Code Officials of the Wantage Township Interlocal Construction Department to serve in the capacity of duly designated municipal officials empowered to investigate and report on potential violations of the municipal recycling program's rules and ordinances. It is expected that the Zoning Officer, as the individual most likely to be involved in alleged complaints involving property maintenance, would be the most likely municipal official to observe situations requiring the attention of the Recycling Coordinator. Having the Zoning/Housing Officer utilize this vehicle for his daily inspections will also serve the secondary purpose of reducing the municipal reimbursement on mileage for use of personal vehicle. When this vehicle is available (not otherwise being used by the Recycling Coordinator), the Zoning Officer/Housing Inspector shall make use of it for his various duties, inspections and responses. When the Zoning Officer/Housing Inspector is not in need of the vehicle, then the vehicle should be utilized by any other inspector or subcode official who needs to conduct an inspection or perform duties.
- 2) **Emergency Management Command Vehicle:** (Not yet purchased, anticipated for purchase in May 2009). This vehicle shall be used by the Emergency Management Coordinator and Deputy Emergency Management Coordinator in the conduct of the duties of their position. In order to maximize the usage of this vehicle, when it is not otherwise being utilized in response to an emergency situation, it shall be utilized by the Construction Official, who is the Deputy Emergency Management Coordinator, for his every day inspections and duties. It is expected that the Construction Official will be in a position to incorporate the element of Emergency Mitigation through the use of this vehicle, in the course of conducting his various inspections for the municipality.
- 3) **General Use Policy For Any Municipal Vehicle:** If a municipal vehicle is available at the time that an employee of the Interlocal Construction Department needs to make an inspection or offer a response, the said employee shall make use of the municipal vehicle rather than use his own personal vehicle.
- 4) **Municipal Vehicles Must Remain Housed at Municipal Building; Exceptions:** As a general rule, all municipal vehicles are to be housed at the Wantage Township Municipal Complex parking area at 888 Route 23. If, on a case-by-case basis, it is necessary or advisable for an employee to maintain possession of a municipal vehicle overnight, said permission shall be granted in writing on a case-by-case basis, signed by both the Department Head and the Township Administrator.

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 2009 Soil Removal Operations for Foothill-Acres Farm, Shotco Inc., Sargent Farm, and Lois Wright, subject to Engineer's inspection and approval. 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 17 Lot 24, for a tax sale premium to Lien Times LLC in the amount of \$3,600.00.

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.

Open Space Negotiations: Mr. Doherty reported that the fair market value appraisal received from Swift Realty on the Sytsema Farm property is \$1,017,000. Mr. Doherty does not recommend continuing with negotiations on this property. The Committee agreed by consensus that the Township will no longer pursue this purchase.

Office Staff Request: Mr. Doherty informed the Committee of a request by the non-union employees to reconsider the Township's lunch-break policy. The Committee asked for this to be discussed during executive session under terms of attorney client privilege.

Note of Appreciation and Thanks: Mr. Doherty informed the Committee that he has sent a note of thank you to Sussex Wantage Little League for the fine job they have done constructing new dugouts for Field #1 at Lott Road Fields on Borne Road. This was done at their own expense with their own funds. The Sussex Wantage Little League expects to undertake similar project for Field #2 in the near future.

Soil Removal Permit – Space Farms

Mrs. Nuss made a motion to authorize renewal of 2009 Soil Removal Operations for Space Farms, subject to Engineer's inspection and approval. Mr. DeBoer seconded the motion.

Upon roll call,

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

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

INTERVIEW WITH POTENTIAL CONSULTANTS FOR AIRPORT STUDY:

Daniel Yap, DY Consultants gave a brief presentation regarding his proposal. Mr. Yap explained their corporate structure, support staff and their ability to give an actionable study with no preconceived opinion as to whether or not the Township should purchase Sussex Airport. Mr. DeBoer questioned DY's responsibility regarding environmental concerns, time frame to complete the report, why their fee is twice of QED, and any concerns the Committee should be aware of regarding a portion of the airport presently housing hangars and owned by a different party. Mr. Garofalo asked if their report would state if the airport were best suited for another private owner, the Township, Sussex County or the State of New Jersey. Mr. Doherty asked if they have completed any other studies since their Lakewood study 10 years ago which resulted in the purchase of the airport. Mr. Yap explained that he had not. Ms. Nuss stated that she was impressed with the size of their staff and the fact that they are based in New York. The Committee thanked Mr. Yap for his presentation and informed him that they would like to wait until the April 9, 2009 meeting to make their decision.

Ron Price, QED gave a brief presentation regarding his proposal. Mr. Price explained that he is a sole proprietor raised in Newark, with 37 years experience who has performed similar services for a Camden County Authority, resulting in a decision not to purchase. Mr. Price further explained that as the owner, his name is on the line and; therefore, had provided his services at a reduced price as this work is his passion. Mr. DeBoer and Mr. Garofalo asked the same questions of Mr. Price. Mr. Doherty voiced concern with Mr. Price's comments that he does not provide environmental or engineering services as part of his proposal. Mr. Price explained that he will address environmental and engineering issues as they pertain to the Governing Body making an informed decision as to their impact on the study, but does not provide those services personally.

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Ms. Nuss voiced concern with the fact that Mr. Price presently resides in Florida. Mr. Price said that his proposal includes his travel expenses to and within New Jersey. The Committee thanked Mr. Price for his presentation and informed him that they would like to wait until the April 9, 2009 meeting to make their decision.

NEW BUSINESS

Introduction of 2009 Wantage Township Municipal Budget

Mr. DeBoer made a motion to introduce the 2009 Wantage Township Municipal Budget, with a public hearing date scheduled for April 30, 2009. Mrs. Nuss seconded the motion.

Upon roll call,

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

Introduction of Ordinance 2009-07: Salary Ordinance

Mr. DeBoer made a motion to introduce on first reading, Ordinance 2009-07 entitled "ORDINANCE FIXING THE SALARIES OF OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF WANTAGE, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, FOR THE YEAR 2009", with a final hearing date set for April 9, 2009. Mrs. Nuss seconded the motion. Upon roll call,

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

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

Mrs. Nuss made a motion to adopt on final 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. Mr. DeBoer seconded the motion.

Prior to final roll call, Mayor Space opened the meeting to the public for any questions or concerns regarding Ordinance 2009-02.

Mr. Doherty gave a brief presentation regarding which lands would be offered for sale and provided a map to show which areas would be affected. A resident asked the price of the lands. Mr. Doherty explained that the lots will be offered at a \$500 minimum plus attorney and advertising costs. Joy Steinbacher asked if the lands could be used for any purpose. Mr. Doherty explained that this particular sale is only for adjoining property owners. Karen Merritt asked about a moratorium for building in Lake Neepaulin which was discussed years ago. Mr. Garofalo explained that he will respond during the open public session. Bill Gettler, Gemmer Road, stated that the \$500 minimum was omitted from the original legal advertisement for this ordinance. It was noted that the ordinance has already been re-advertised with the correct minimum price included.

As there was no one else who wished to comment, 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

Mrs. Nuss made a motion to approve the Regular session and Executive Session minutes of the meeting of the Wantage governing body held on March 12, 2009.

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.

Karen Merritt asked if there was such a provision wherein an encroachment of land could result in ownership by default to the encroaching party. Mr. Garofalo explained that there is such a situation, but one of several conditions is that the encroachment must continue for 60 years. Mr. Garofalo addressed Ms. Merritt's previous concern regarding a building moratorium for Lake Neepaulin, explaining that a municipality cannot issue a building moratorium.

Mr. Gettler requested copies of the budget and voiced his opinion regarding the tax rate, proposed bond ordinance, Wallkill Refuge expansion, the Department of Community Affairs adjustment to the Consolidation Report based upon his corrections to certain figures and an article in the NJ Herald in December 2008. Mr. Doherty confirmed that copies of the budget will be available tomorrow morning at the municipal building.

Ms. Kathleen Gorman raised concerns regarding a bear frequenting her home in Lake Neepaulin. Mr. Doherty suggested that Ms. Gorman complete a request for service form regarding this concern.

Ms. Merritt asked about a recent land use approval for a property located in Lake Neepaulin. Ms. Merritt was informed that this question should be addressed to the Land Use Board, but Mr. DeBoer stated that an adequate water supply is taken into account before any land use applications are approved.

Craig Coykendall asked what the percentage increase was for union employees. Mr. Doherty informed him that per contract, the 2009 salary increase was 3.75%. Mr. Coykendall asked if Mr. Doherty was considered non-union. Mr. Doherty stated that he is a non-union employee.

Maggie Kolicko asked of the status of the Township affordable housing plan. Mr. Garofalo informed that the state requested another report regarding a group home, which Wantage Township has submitted. Ms. Kolicko voiced concern regarding the amount of litter along Lower Unionville Road and any request for SWAP to help. Mr. Doherty explained that the County program is in high demand, but urged residents to contact Ken Karnas if they would like to be paid through the Clean Communities program to keep Wantage Clean.

Mrs. Kolicko informed that a ground breaking ceremony will be held on April 4, 2009 at 12:30 pm for the Veteran's Memorial at Woodbourne Park.

Mayor Space informed that the Chamber of Commerce awarded Wantage Township a beautification award for Woodbourne Park. Mr. Doherty informed that the plaque is on display at the park.

Mr. Gettler voiced his opinion regarding R-2 zoning and the school budgets.

Karen Merritt, asked for the original 17 owners and the current members of Lake Neepaulin and asked the Committee to repeal or amend Ordinance 2008-16.

A resident asked if any debt of the airport will be passed on to Wantage Township. The resident was informed that any existing debt would remain the obligation of the current owner. A few residents expressed concerns regarding inspection and improvements needed to the airport. A resident suggested the property be converted to a race track.

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

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Mrs. Nuss 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: "Attorney Client privilege to discuss Terms of Employment, Potential 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.

Mr. DeBoer 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.

James R. Doherty, Administrator/Clerk