

**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 MAY 7, 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 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.

CORRESPONDENCE

Mr. DeBoer made a motion to approve the following correspondence for filing.

- Letter dated March 23, 2009 from U.S. Census Bureau, advising that Address Canvassing Operations for the 2010 Census have commenced in the Wantage Township area.
- Letter dated April 26, 2009, from Marissa Chirico of 31 Quarry Road, expressing a desire to see greater expressions of patriotism in Wantage Township, and inviting Mayor Space and interested citizens to participate in a "Patriotism Awareness Day" on June 14, 2009 (Flag Day) at 1:30 pm at the Sussex Elks Lodge.
- Letter from Joseph Doria on behalf of the New Jersey Department of Community Affairs, announcing that the Beemerville Fire Company shall receive a \$50,000 loan under the Volunteer Emergency Service Organization program, to help pay for the costs of roof repairs to the Beemerville Firehouse.
- Letter dated April 20, 2009 from Thomas Zummo, informing of decision to cease business operations of the Sussex Wantage Swim Club, effective immediately.
- E-mail from Gary Carlson dated April 1, 2009, on behalf of the Patriot's Path Council of the Boy Scouts of America, requesting the Mayor declare May to be "Service to Community Month" in Wantage Township
- Letter dated April 29, 2009 from "NJ Ride Against Aids", informing of their annual Fund-raising Bicycle Trip from High Point to Cape May, scheduled for the weekend of September 25-27, 2009.
- Letter dated March 23, 2009 from the Garden State Chapter of the Myasthenia Gravis Foundation, requesting the Mayor to declare May as "Myasthenia Gravis Awareness Month".
- Letter dated April 14, 2009 from Gary A. Kraemer, attorney representing Kathleen and William Gorman, offering the legal opinion that imposing a special assessment for dam repairs of the Lake Neepaulin Dam would constitute an arbitrary, capricious and unreasonable action amounting to an unconstitutional taking of property without just compensation.
- Letter undated, from Kathy Gorman, expressing opposition to a possible special assessment for dam repair at Lake Neepaulin
- Letter dated April 7, 2009 from Betsy Jable, offering an analysis in favor of the possible special assessment for dam repair at Lake Neepaulin.
- Letter dated April 22, 2009 from Eileen McCarthy Born, attorney on behalf of FOLN, offering input from the NJDEP regarding course of action the State would take if Lake Neepaulin Dam is not repaired, requesting opportunity to offer presentations from three experts regarding procedures and costs for removal of dam.
- Letter dated April 28, 2009 from Karen L. Merritt, offering input to support her conclusion that Lake Neepaulin should be drained rather than to impose a special assessment or general tax obligation to pay for the dam repair.
- E-mail communication from Youth In Government Coordinator Eileen Potts, informing that the 2009 Youth in Government Program will take place with Shadowing Day on May 21, and the Student Meeting taking place on May 28.

Mrs. Nuss seconded the motion. Upon roll call,

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

REPORTS

Mr. DeBoer made a motion to approve the following reports for filing.

- Tax Collector Report for April 2009
- Municipal Clerk Report for April 2009
- Registrar's Report for April 2009
- Board of Health Report for April 2009
- Construction Department Report for April 2009
- CFO Report on the Sale of Township Owned Properties – April 30, 2009

Mrs. Nuss seconded the motion. Upon roll call,

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

RESOLUTIONS

Mr. DeBoer made a motion to approve Payment of Bills for the meeting of May 7, 2009.

Mrs. Nuss seconded the motion. Upon roll call,

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

Mr. DeBoer made a motion to authorize assignment of tax sale certificate #08-17 on Block 102 Lot 16 to Michael & Laura Christensen in the amount of \$376.35.

Mrs. Nuss seconded the motion. Upon roll call,

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

Mr. DeBoer made a motion to authorize refund of escrow deposit L-27-2007 for Block 7 Lot 20 in the amount of \$692.87 to Route 23 Patio & Mason Center.

Mrs. Nuss seconded the motion. Upon roll call,

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

Mr. DeBoer made a motion to authorize refund of escrow deposit L-27-2006 for Block 39 Lot 8.03 in the amount of \$253.56 to Carl Bayer. Mrs. Nuss seconded the motion. Upon roll call,

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

Mr. DeBoer made a motion to authorize refund of escrow deposit L-05-2008 for Block 20 Lot 3 in the amount of \$380.00 to S T Construction.

Mrs. Nuss seconded the motion. Upon roll call,

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

Mr. DeBoer made a motion to authorize refund of tax sale premium for Block 45 Lot 9 in the amount of \$3,500.00 to James Caird Partners, LLC. Mrs. Nuss seconded the motion.

Upon roll call,

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

Mr. DeBoer made a motion to authorize refund of tax sale premium for Block 135 Lot 1.14 in the amount of \$29,000.00 to U S Bank. Mrs. Nuss seconded the motion. Upon roll call,

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

Mr. DeBoer made a motion to authorize refund of tax overpayment for Block 21 Lot 34.01 in the amount of \$153.59 to Toll Land XVI, LP.

Mrs. Nuss seconded the motion. Upon roll call,

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

Mr. DeBoer made a motion to authorize refund of tax sale premium for Block 42.10 Lot 1 in the amount of \$1,000.00 to Plymouth Park Tax Services. Mrs. Nuss seconded the motion.

Upon roll call,

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

Mr. DeBoer made a motion to oppose proposed diversion of funds from the Emergency Medical Technician Training Fund of the State of New Jersey.

Mrs. Nuss seconded the motion. Upon roll call,

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

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Mr. DeBoer made a motion to confirm and endorse agreement with First Energy Solution to act as the Township's supplier for Electric Utility, effective April 6, 2009. Mrs. Nuss seconded the motion. Upon roll call,

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

Mr. DeBoer made a motion to.

Mr. DeBoer made a motion to endorse and support the State Highway Route 23 Realignment Project, and urging that all possible action be taken by the State of New Jersey to complete this long-awaited project. Mrs. Nuss seconded the motion. Upon roll call,

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

Mr. DeBoer made a motion to accept the bids submitted on April 30, 2009 for the Sale of Township Owned Properties. Mrs. Nuss seconded the motion. Upon roll call,

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

MAYOR'S PROCLAMATIONS

Mr. DeBoer made a motion to accept the following proclamations:

- Honoring Timothy Stromberg for achieving the rank of Eagle Scout
- Honoring the 175th Anniversary of the Beemerville Presbyterian Church
- Naming May as "Myasthenia Gravis Awareness Month" in Wantage Township
- Naming May as "Service To Community Month" in Wantage Township

Mrs. Nuss 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.

Petition for White Collar Union

Mr. Doherty reported that the petition for a white collar union has been certified.

Youth in Government Shadowing

Mr. Doherty informed the governing body that Youth in Government shadowing will take place on Friday, May 15; and asked the Committee to feel free to stop in around 11:30 for pizza and soda, and to introduce themselves to the students.

Township Policy for NJ Paid Family Leave Act

Mr. Doherty reported that under the NJ Paid Family Leave Act, the municipality "may" require employees to exhaust up to two weeks of other forms of paid time off, as a condition of granting time off under the family leave act. The Township has an employee who is making a request for time off under the NJPFLA, and Mr. Doherty needs to know if the governing body desires to establish the policy that employees need to use two weeks of their sick, vacation, and personal days (if they have it) as part of the 6 weeks off under NJPFLA, or if the governing body desires to let them have the full 6 weeks off under FPLA without having to utilize any of their other time off first. The Committee advised that they would like to revisit this item at the May 28, 2009 meeting.

Time Clock

Mr. Doherty informed the Committee that Mrs. Nuss asked that this topic be discussed. Mr. Doherty took the liberty of asking the employees their feelings on a time clock. 8 said they liked the idea, 8 said they did not like the idea, and 4 said they were indifferent. The Committee advised that they would like to revisit this item at the May 28, 2009 meeting, but feels it should be an administrative decision.

Security Cameras at Woodbourne Park

Mr. Doherty reported that Mrs. Nuss asked that this topic be discussed. The Committee advised that they would like to revisit this item at the May 28, 2009 meeting.

ADMINISTRATOR'S REPORT – Continued

Office Hours

Mr. Doherty reported that he was asked to conduct a survey of the employees to see what they thought about the possibility of returning to a work week of 8:30 – 4:30, while keeping the half hour unpaid lunch (net effect: creating a 37.5 hour workweek). 15 employees said they liked the idea. 1 employee did not like the idea. 1 employee was indifferent. Mr. DeBoer explained to the public the background of this topic and stated that the Committee felt this was a good compromise for the employees. Mr. Doherty advised the governing body to take no action revising this municipal policy which may now be a negotiable item under collective bargaining, given the recent certification of a collective bargaining unit for white collar workers. The Committee agreed.

ATTORNEY'S REPORT

Mayor Space requested Mr. Garofalo present the Attorney's report. Mr. Garofalo asked for a brief executive session under attorney client privilege before Old Business.

COMMITTEE REPORTS

Mrs. Nuss informed the Committee that she attended a meeting presented by the County Sheriff's Department which educated members of the public regarding trends and practices involving youth-related drug consumption. Mrs. Nuss explained that this was a well presented and informative meeting and had an extra handout available for the public.

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 – Lake Neepaulin Dam Repairs". 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, the members of the governing body returned to open session and continued with the regular order of business.

OLD BUSINESS

Advisory Committee For Airport Study

Mr. DeBoer made a motion to accept the nominations of Mayor Space for individuals to serve on the Ad Hoc Advisory Committee for the Airport Study:

- a) Land Use Board Liaison: Angelo Cilarotto
- b) Recreation Commission Liaison: Greg Williams
- c) Chamber of Commerce Liaison: Tom Madsen
- d) County Government Liaison: Hal Wirths
- e) Fire Department Liaison: Chris Vander Groef
- f) First Aid Squad and Governing Body Liaison: Bill DeBoer
- g) FAA Liaison: Lori Ledebom; Alternate FAA Rep: Rick Harner.

Mrs. Nuss seconded the motion. Upon roll call,

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

OLD BUSINESS – Continued

Ordinance 2009-10: Recreational Vehicle Ordinance Amendment

Mrs. Nuss had some suggestions for changes to the size restrictions, but felt they could be addressed at another time.

Mrs. Nuss made a motion to introduce on first reading, Ordinance 2009-10 entitled “AN ORDINANCE AMENDING THE WANTAGE TOWNSHIP LAND USE REGULATIONS, SPECIFICALLY CHAPTER XIII, THE ZONING ORDINANCE, TO AMEND THE REGULATIONS FOR RECREATIONAL VEHICLES.” Final Hearing scheduled for June 4, 2009. Mr. DeBoer seconded the motion. Upon roll call,

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

Lake Neepaulin Dam Repair

A short discussion ensued regarding the size of the meeting room for the number of residents attending. It was decided that the room had sufficient capacity to accommodate the number of members from the public who were present.

Mr. Doherty outlined the Committee’s choices regarding repairs to Lake Neepaulin Dam.

1. The governing body could introduce a special assessment ordinance which would tax a certain group of people for 20 years to pay back the loan.
2. The governing body could co-sign the loan and opt to pay for the cost out of general taxation for \$13 per year, average assessment.
3. The governing body could rescind the ordinance and choose not to co-sign the loan.

Mr. Doherty observed that no matter what decision is made, there will most likely be a lawsuit. Mr. Doherty explained that the governing body had just entered into executive session to review the details of these three options with their attorney, to weigh the strengths and weaknesses of each position in terms of being able to make a decision in the best interests of the Wantage Township community.

Mr. Garofalo explained to the public that the Committee is facing a very difficult decision and quoted provisions under statute which states the circumstances being presented “shall require the local governing body to act as co-applicant”. Mr. Garofalo would defend the Township should they choose not to co-sign the loan, but would have a difficult case due to this wording. Mr. Garofalo further explained that if the repairs were not made and the State were required to remove the dam, the Wantage residents would wind up paying to reimburse the State for the removal costs. The attorney general will further file a judgment and place a lien on property owners.

Melissa Rockwell, Township Tax Assessor, stated that she was asked to calculate the amount of a special assessment based on a loan of \$1,000,000 at 2% interest over a 20 year repayment term. Ms. Rockwell estimated that 59 property owners have lakefront property and would pay \$140.05 per year. Owners of approximately 96 vacant lots would pay approximately \$42.02 per year. The remaining 563 other owners would pay \$77.03 per year. Ms. Rockwell stated that these numbers are based upon the maps originally filed for the Lake Neepaulin subdivision.

Mayor Space opened the meeting to the public. Several residents offered comments in opposition to being required to pay for the repair of the dam. Several residents expressed the position that it was not fair for them to be required to fix a dam for a lake that they do not use. Mr. Garofalo explained that who can use the lake would be irrelevant to a lawsuit, as that is not an issue the court will allow for consideration.

Eileen Born, attorney for Lake Neepaulin, stated that the cost of \$1,000,000 is just an estimate and the actual cost is not yet known. The DEP has been giving input into the repair study and explained that she had three experts whom she would like to bring before the Committee.

After continued discussion, it was decided that a special meeting will be held at one of the schools to hear these experts and have further dialogue before a decision is made.

NEW BUSINESS

2009 Wantage Township Municipal Budget: New Hearing Date

Mr. Doherty informed that due to an error in advertising the public hearing date, the public hearing and adoption of the 2009 Municipal Budget has been re-advertised for May 28, 2009.

Ordinance 2009-05: Sign Ordinance Amendment

Mrs. Nuss made a motion to adopt on final reading, Ordinance 2009-05 entitled "AN ORDINANCE AMENDING THE WANTAGE TOWNSHIP LAND USE REGULATIONS, SPECIFICALLY CHAPTER XIII, THE ZONING ORDINANCE, TO AMEND AND CONSOLIDATE THE REGULATIONS FOR SIGNS THROUGHOUT THE TOWNSHIP".

Mr. DeBoer seconded the motion.

Prior to final roll call vote, Mayor Space opened the meeting to the public. 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

Ordinance 2009-06: Road Trust Fund Amendment

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

Prior to final roll call vote, Mayor Space opened the meeting to the public. 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

Ordinance 2009-08: Vacate Clark Road

Mrs. Nuss made a motion to adopt on final reading, Ordinance 2009-08 entitled "AN ORDINANCE VACATING A PORTION OF A CERTAIN STREET WHICH IS DESIGNATED ON THE TAX MAP OF THE TOWNSHIP OF WANTAGE AS CLARK ROAD". Mr. DeBoer seconded the motion.

Prior to final roll call vote, Mayor Space opened the meeting to the public. 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

Ordinance 2009-09: Accept Clark Road

Mrs. Nuss made a motion to adopt on final reading, Ordinance 2009-09 entitled "AN ORDINANCE OF THE TOWNSHIP OF WANTAGE ACCEPTING THE STREET KNOWN AS CLARK ROAD". Mr. DeBoer seconded the motion.

Prior to final roll call vote, Mayor Space opened the meeting to the public. 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

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 April 9, 2009.

Mr s. 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.

OPEN PUBLIC SESSION – Continued

Karen Dispenziere, Joseph Drive, expressed concerns regarding a belief that certain residents of Joseph Drive were being singled out by Committeewoman Nuss for selective enforcement of municipal ordinances.

Mrs. Nuss explained that this was not true; that she was following up on a complaint and turned the information over to Mr. Doherty for handling. Mr. DeBoer and Mayor Space stated that it is commonplace for Committeepersons to personally investigate complaints from residents. Mayor Space expressed the belief that the concerns expressed about grass clippings in the street do not appear to be serious enough to warrant any action from the Township.

Various residents of Joseph Drive offered their views regarding the actions taken by Ms. Nuss.

Julia, a young resident from Lake Neepaulin, stated that the dam should be repaired to keep the Lake Neepaulin community together. Julia explained the many activities provided by the Friends of Lake Neepaulin that are available to all residents. Julia feels it is a safe and fun place for kids to gather and for the community to come out and help each other.

Various residents asked questions regarding how long it has been known that the dam needs to be repaired and others felt if all residents had to pay, they should have access to the lake.

Karen Merritt asked that adequate notice be given for the special meeting and no further discussion take place this evening, as there are residents who have left the meeting. Mr. Garofalo agreed with the sentiments being expressed and urged the members of the public to hold further comments regarding the Lake Neepaulin issue until the special meeting.

Bill Gettler, Gemmer Road, expressed his belief that several pages were missing from the copy of the Wantage Township budget he received. Mr. Gettler offered comments regarding High Point's public hearing on their school budget, offered comments regarding the DCA's fiscal report on the consolidation study, and expressed disagreement with the attorney's position regarding the loan for the dam repair.

A resident asked the procedure for maintaining lawns on foreclosed property. Christine Fiorenzo commented on a procedure where the lawns are burned and covered with a green material.

Craig Coykendall suggested the Wantage Middle School for the meeting for the dam repairs.

A resident inquired about information regarding gypsy moth spraying. Mr. Doherty informed her that information is available in his office.

A resident suggested high school community service to maintain lawns on foreclosed property. The resident was informed that there would be insurance and safety issues with children mowing lawns.

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

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.