

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 JUNE 4, 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.

APPLICATIONS

Mr. DeBoer made a motion to approve Raffle License RL09-19, to the Heritage & Agricultural Association to conduct an on premise 50/50 raffle on June 27, 2009.

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 May 2009
- Municipal Clerk Report for May 2009
- Registrar's Report for May 2009
- Board of Health Report for May 2009
- Construction Department Report for May 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 June 4, 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 approve Contractual Use Agreement with High Point Midget Football Club for seasonal dedicated use of Football Field #8 at Woodbourne Park, to be constructed entirely with funds from HPMFC.

Mrs. Nuss seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to request the Governor and the New Jersey State Legislature to amend the Open Public Records Act. Mr. DeBoer seconded the motion. Upon roll call,

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

OLD BUSINESS

SEED Corp. Proposal For Group Home: Housing Development Proposal for 2009

Mr. Garofalo explained that the COAH spending plan envisions endeavors such as this one and Township Planner, David Troast endorses this project.

PAGE TWO OF THE MINUTES OF JUNE 4, 2009

OLD BUSINESS

Mrs. Nuss made a motion to adopt the following resolution:

**TOWNSHIP OF WANTAGE RESOLUTION
ENDORING CAPITOL CARE INC. HOUSING DEVELOPMENT PROPOSAL 2009**

WHEREAS, Capitol Care Inc., located at 185 Route 183 in Stanhope, New Jersey, has submitted a Housing Development Proposal dated May 18, 2009 (hereafter referred to as the "Proposal") to the Mayor and Committee of the Township of Wantage for consideration of endorsement and approval, and

WHEREAS, the said Proposal is to acquire a single family home located at 174 Holland Road to be utilized as a group home for 4 adults with developmental disabilities, at which site Capitol Care Inc., shall provide management, supervision and support 24 hours a day, 7 days a week, and

WHEREAS, the said Proposal requests that the Mayor and Committee of the Township of Wantage approval a Partnership with Capitol Care inc., on this project, as well as agreement to utilize \$140,000 in municipal developer fees toward the development costs for the project which will maximize outside leveraging for the Project,

WHEREAS, the Township of Wantage's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, *et. seq.*) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, *et. seq.*); and

WHEREAS, the Township of find that endorsement and approval of this Proposal is in keeping with the goals of the Wantage Township Fair Share Plan,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Committee of the Township of Wantage in the County of Sussex, State of New Jersey, does hereby endorse and approve the a Housing Development Proposal of Capitol Care, Inc., dated May 18, 2009 and commits to the use of \$140,000 of funds from the Wantage Township Affordable Housing Trust Fund toward the development costs of this Project, subject to the approval and authorization of the use of these said funds by the Council on Affordable Housing.

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.

Ordinance To Rescind Ordinance 2008-16: Mr. Doherty informed that based upon the decision made at the June 1 meeting, Township Attorney Mike Garofalo has prepared a proposed ordinance to rescind the commitment to co-sign the loan with FOLN.

Mrs. Nuss made a motion to introduce on first reading, Ordinance 2009-16 entitled "AN ORDINANCE RESCINDING A SPECIAL TAX ASSESSMENT FOR THE LAKE NEPAULIN DAM RECONSTRUCTION". Final Hearing date will be scheduled for June 25, 2009. Mr. DeBoer seconded the motion. Upon roll call,

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

Application for Renewal of Municipal Consent for SECTV: Mr. Doherty asked the Committee to see letter dated May 29, 2009. Proposed public hearing date would be August 13 meeting. Proposed public notice dates published in NJ Herald would be 45 days prior on June 29 and 10 days prior on August 3. Mr. Doherty asked for confirmation from governing body for hearing date, and confirmation from attorney that publication dates are consistent with requirements of statute in this matter. The Committee agreed by consensus.

Proposed Bond Ordinance 2009-13: Mr. Doherty requested the consideration of the governing body to introduce a bond ordinance to replace a Fire Vehicle, to improve various roads, and to purchase a vehicle washing station in compliance with NJDEP storm water management requirements.

PAGE THREE OF THE MINUTES OF JUNE 4, 2009

Mr. DeBoer made a motion to introduce on first reading, Ordinance 2009-13 entitled "BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF WANTAGE, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,275,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,211,250 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF", and to approve the resolution for the accompanying Capital Budget Amendment. The Supplemental Debt Statement is on file in the Clerk's office. Final Hearing date will be scheduled for June 25, 2009. Mrs. Nuss seconded the motion. Upon roll call,

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

"Brine" Application

Mr. Doherty informed the Committee that there is a well-established system known as "Brine" application, where instead of waiting for a winter storm to start to send work crews out to spread salt and grits on the road, the Township can already have mixed a solution of salt and water called "brine", which could be spread on the roads ahead of the projected storm. The benefits include using much less salt than the amount used in straight salt spreading; the need for using grits almost disappears, which not only saves on the purchase cost of the grits, it also saves on the need to sweep up the grits in the springtime; and the ability to put down the brine solution ahead of the storm can be done during the regular work day, so considerable amounts of overtime can be avoided.

Mr. Doherty explained that proposed Ordinance 2009-14 is an amendment to an already-existing Bond Ordinance. In the existing Bond Ordinance from 2007, there exists more money allocated for the Municipal Roof Improvement project than will be needed, based on preliminary input from the Architect. Mr. Doherty proposed taking \$80,000 away from the Roof project, and re-assign it for use to purchase a Brine Making system and retrofitting more DPW trucks so they can spread the brine. Right now, five vehicles can do so. Mr. Doherty estimated that the Township will be able to reduce the annual snow removal budget from \$300,000 down to \$240,000. There would be a two-year payback on the initial investment, after which the Township would be realizing a minimum of 20% savings in the annual snow budget each year.

Proposed Amending Bond Ordinance 2009-14:

Mrs. Nuss made a motion to introduce on first reading, Ordinance 2009-14 entitled "BOND ORDINANCE AMENDING SECTION 3 OF BOND ORDINANCE NUMBERED 2007-08, AS AMENDED BY ORDINANCE NUMBERED 2007-12, OF THE TOWNSHIP OF WANTAGE, IN THE COUNTY OF SUSSEX, NEW JERSEY FINALLY ADOPTED MAY 10, 2007, AS AMENDED SEPTEMBER 27, 2007, IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT".

Final Hearing date will be scheduled for June 25, 2009.

Mr. DeBoer seconded the motion. Upon roll call,

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

Proposed Capital Ordinance 2009-15: to purchase a Construction Department vehicle and construct a garaging area for municipal vehicles. The Committee asked to hold off on the garaging section of this ordinance. Mr. Doherty stated that the sum within the proposed ordinance would therefore be reduced to \$10,000.

Mrs. Nuss made a motion to introduce on first reading, Ordinance 2009-15 entitled "ORDINANCE APPROPRIATING THE SUM OF \$10,000.00 FOR THE PURCHASE OF VEHICLE". Final Hearing date will be scheduled for June 25, 2009. Mr. DeBoer seconded the motion. Upon roll call,

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

ATTORNEY'S REPORT

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

Mr. Garofalo reported he will be meeting with Judge Bozonelis on June 18, 2009 to conduct a fairness hearing establishing that the Wantage Affordable Housing Plan filed in December 2008 does afford Wantage Township with a reasonable opportunity for the construction of affordable housing within the Township. If the judge agrees, the builder's remedy lawsuit with CJS will be over and the Township will receive substantive approval of its housing plan. At which point jurisdiction for Wantage's affordable housing will be with COAH.

COMMITTEE REPORTS

Mr. DeBoer reported that he has received many calls following the June 1 meeting regarding the Committee's decision not to co-sign the loan for the repairs to Lake Neepaulin. Mr. DeBoer explained that he would not like to see lake drained and expressed concerns that that Lake Neepaulin area would be compromised. Mr. DeBoer further reported that he has been in touch with John Richie of the NJDEP. Mr. DeBoer says he has been informed that the loan has not yet been approved and there are approximately 22 other municipalities faced with similar issues. Mr. DeBoer suggested that Chris Feoranzo, who is very active in the Wantage Community, get together with other interested parties to discuss alternatives to the special assessment in an effort to preserve Lake Neepaulin.

NEW BUSINESS

Ordinance 2009-10: Recreational Vehicle Zoning Amendment

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

Prior to final roll call vote, Mayor Space opened the meeting to the public. A resident asked for clarification on the term recreational vehicle and was informed that this includes collectors' vehicles and any cars, trucks, motor cycles or motorized vehicle used for recreational, hobby or investment purposes, specifically antique cars, military automobiles, collectors cars and collector motorcycles. Mr. Gettler expressed his concern that this ordinance was passed for one resident based upon previous conversations. Mr. Doherty stated that the ordinance was recommended by the Land Use Board as a town-wide regulation. Mr. Garofalo explained that the legality of an ordinance is not based upon whether it affects one person or one thousand people, and this is a valid ordinance. Mrs. Nuss expressed concern with the acreage limitation of this ordinance, but did not wish to delay adoption. Mr. DeBoer suggested that it would not be fair to single out property owners with smaller parcels. A resident asked for further clarification. Mr. Doherty explained that any more than two collector vehicles would have to be housed out of sight. A resident stating that he originated this request expressed concerns regarding clean breathing air when these vehicles are started. Mr. DeBoer informed that is an issue for the DEP. The resident explained that he would not have purchased his house if those vehicles were on it at the time he moved in and further complained that the army vehicles are being driven on the road without license plates. Mayor Space informed that that complaint was looked into and all vehicles at that sight were registered. Mr. Doherty explained that riding an unlicensed vehicle on a public road is a police matter. A resident asked what restrictions were put on the enclosed structure or garage required by this ordinance and feels a neighbor is unable to sell their property because of the number of vehicles outside in her neighborhood. The resident was informed that the structure would be a land use issue and any decreased value in property would be an issue for a tax appeal.

As there was no one who wished to comment on this ordinance, Mayor Space closed the meeting to the public. Upon roll call,

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

Ordinance 2009-11: No Passing Zone Along Route 23

Mr. DeBoer made a motion to introduce on first reading, Ordinance 2009-11 entitled "AN ORDINANCE ESTABLISHING A NO PASSING ZONE ALONG A PORTION OF STATE HIGHWAY NUMBER 23 WITHIN THE TOWNSHIP". Final Hearing date will be scheduled for June 25, 2009. Mayor Space seconded the motion. Upon roll call,

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

Ordinance 2009-12: Fee Schedule Amendment

Mr. DeBoer made a motion to introduce on first reading, Ordinance 2009-11 entitled "AN ORDINANCE AMENDING CHAPTER XXI, FEES, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WANTAGE.". Final Hearing date will be scheduled for June 25, 2009. Mrs. Nuss seconded the motion. 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 minutes of the meeting of the Wantage governing body held on May 28, 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.

Beth Rini, 61 South Shore Drive, informed the Committee that she has recently been told by a well drilling company that New York Ave and Union and Essex Roads would feel the most impact to their wells if the lake were drained and prices to drill new well are \$15,000 for 1,000 feet and \$10,000 for lesser depths.

William Gettler, Gemmer Road, thanked the Committee for reducing photocopy fees and voiced his feelings regarding a school teacher who is convicted of a crime, and still collecting a salary, Sussex Wantage School Superintendent Izbicki's salary increase, and FOLN's attorney Eileen Born.

Among the residents who voiced disappointment in the Committee's decision not to co-sign the loan for Friends of Lake Neepaulin were Tom and Betsy Jable, 142 North Shore Drive; Mundell Fisher, 111 South Shore Drive; Theresa Smith, 5 South Shore Drive; Joy Steinbacher, Elizabeth Shevlin, Pine Ridge Road; Sue Hildebrand, 120 North Shore Drive; Robert Heiden, Old Clove Road and Rebecca Fitzgerald, 58 North Shore Drive.

Mayor Space, Mrs. Nuss and Mr. DeBoer explained that this was a tough decision and it basically came down to the private ownership of Lake Neepaulin and the number of residents who were adamantly against a special assessment.

Christine Feoranzo advised the Committee that she would like to form some kind of Committee to look into other funding opportunities to help in the endeavor to save Lake Neepaulin.

Bill Gettler expressed the belief that the correct terminology is a special assessment as opposed to a special tax.

A resident asked who would be overseeing the Recreation Vehicle Ordinance passed this evening and was informed that would be the Wantage Township Zoning Officer effective upon publication of the final adoption notice.

PAGE FIVE OF THE MINUTES OF JUNE 4, 2009

Bob Heiden asked the Township to prepare a news release informing residents that just because the Committee decided not to co-sign the loan, that does not mean that the lake will be drained or it is still not a benefit to be a member of Lake Neepaulin.

Bill Williams, 11a South Shore Drive and Liz Sweeny expressed their concern for maintaining the beauty of Lake Neepaulin.

Maryanne Shevlin, 29 Clark Road asked that both sides of the Lake Neepaulin issue be respectful of each other.

Amy Toy and Mr. Nick Luciano expressed their gratitude that there will be no special assessment.

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, Mrs. Nuss moved to adjourn the meeting. Mr. DeBoer 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