

**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 25, 2009**

Mayor Parker Space called the regular meeting of the Mayor and Committee of the Township of Wantage to order, and requested the Deputy 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. Mr. DeBoer asked that the award of contract to Lil Cars be removed from the Consent Agenda and voted on separately. Ms. LaStarza informed the Committee that the resolution for bond reduction should read \$10,180 and not \$10,000. There being no other 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 filing of E-mail correspondence dated June 11, 2009 from Alexander Shpiruk, Greenville Road, requesting the governing body to not adopt proposed Ordinance 2009-11. 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 Raffle License RL09-20, to the Sussex Wantage Porpoises Parents Association to conduct off premise 50/50 raffle on December 31, 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 approve Raffle License RL09-21, to the Beemerville Fire Department Ladies Auxiliary to conduct an on premise 50/50 raffle on July 25, 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 approve submittal of grant application to New Jersey Department of Transportation for improvement at intersection of Newman Road, Newton Avenue and County Route 639. Mr. DeBoer seconded the motion. Upon roll call,
Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Mrs. Nuss made a motion to approve reduction of surety bond amounts Block 3 Lot 2.07 and Block 4 Lot 1.08 as follows: Reduction of Bond 105120564 from \$1,328,279.98 to 33,813.75 and Reduction of Bond 105120563 from \$ 612,828.90 to 10,180.00.
Mr. DeBoer seconded the motion. Upon roll call,
Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

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Mayor Space requested separate action on the proposed vehicle purchase that was removed from the consent agenda.

Mrs. Nuss made a motion to award a contract to Little Cars, 97 Route 23, Sussex, NJ 07461 in the amount of \$6,000 for the purchase of a Ford Taurus Sedan.

Mayor Space seconded the motion. Upon roll call,

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

OLD BUSINESS - None

ATTORNEY'S REPORT

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

Mr. Garofalo informed the Committee that the recent fairness hearing resulted in the end of CJS's builders remedy suit and deemed Wantage Township's Affordable Housing plan to be in compliance with the providing affordable housing within the Township. The NJ Council on Affordable Housing now has jurisdiction over Wantage Township's Affordable Housing Plan.

COMMITTEE REPORTS - None

NEW BUSINESS

Ordinance 2009-11: No Passing Zone Along Route 23

Mr. DeBoer made a motion to adopt on final reading, Ordinance 2009-11 entitled "AN ORDINANCE ESTABLISHING A NO PASSING ZONE ALONG A PORTION OF STATE HIGHWAY NUMBER 23 WITHIN THE TOWNSHIP". Mayor Space seconded the motion.

Prior to final roll call Mayor Space opened the meeting to the public for any comments regarding this ordinance.

Mr. Gettler, Gemmer Road, and Christine Feoranzo, 4 DeWitt Road, spoke in favor of leaving the passing zone as it is the only place to pass legally and both felt that those who pass illegally will continue to do so anywhere.

Gerald Shuart, 954 Route 23, informed the Committee that he started the petition. His wife, LuAnne, offered details regarding four recent accidents resulting in two fatalities. Mr. DeBoer explained that he was at the most recent fatality, which was a senseless tragedy, and agrees with any efforts to improve safety in the Township. Ms. Feoranzo asked if the Township could request greater state police patrol for speeders in that area. Mayor Space will reach out to the State Police with this request.

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

Ordinance 2009-12: Fee Schedule Amendment

Mrs. Nuss made a motion to adopt on final reading Ordinance 2009-12 entitled "AN ORDINANCE AMENDING CHAPTER XXI, FEES, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WANTAGE.". Mr. DeBoer seconded the motion.

Prior to final roll call Mayor Space opened the meeting to the public for any comments regarding this 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

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Bond Ordinance 2009-13: Fire Vehicle, Road Improvements and Vehicle Washing Station

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

Prior to final roll call Mayor Space opened the meeting to the public for any comments regarding this ordinance.

Mr. Gettler, Gemmer Road, voiced his concerns that he felt taxes were too high to adopt a bond ordinance at this time. Mr. Getter voiced his opinion that Mr. Doherty's tables regarding debt prepared for the budget were inaccurate. Mayor Space asked Michelle LaStarza, CFO if Mr. Doherty's numbers were accurate. Ms. LaStarza explained that Mr. Gettler misquoted what portion of debt Mr. Doherty's tables represented and that Mr. Doherty's numbers were 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

Ordinance 2009-14: Purchase of Brine Making System

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

Prior to final roll call Mayor Space opened the meeting to the public for any comments regarding this 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

Ordinance 2009-15: Purchase of Municipal Vehicle

Mrs. Nuss made a motion to adopt on final reading Ordinance 2009-15 entitled "ORDINANCE APPROPRIATING THE SUM OF \$10,000.00 FOR THE PURCHASE OF A VEHICLE". Mayor Space seconded the motion.

Prior to final roll call Mayor Space opened the meeting to the public for any comments regarding this ordinance.

Mr. Gettler, asked if a GPS would be installed in this vehicle. Mayor Space explained that this will not be looked into until preparation of the 2010 budget. Mrs. Nuss stated that she would like the GPS systems to be included in next year's budget.

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

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

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Ordinance 2009-16: Rescinding Ordinance – Lake Neepaulin Dam

Mrs. Nuss made a motion to adopt on final reading Ordinance 2009-16 entitled “AN ORDINANCE RESCINDING A SPECIAL TAX ASSESSMENT FOR THE LAKE NEEPAULIN DAM RECONSTRUCTION”. Mr. DeBoer seconded the motion.

Prior to final roll call Mayor Space opened the meeting to the public for any comments regarding this ordinance.

Mr. Garofalo reported that he was contacted by an attorney who claimed to be representing the Friends of Lake Neepaulin. If the Committee voted to rescind this ordinance this evening, the matter would be in the hands of the courts.

Frank Galligan, New York Avenue, spoke against the Committee’s decision to rescind the ordinance. Karen Merritt, Alpine Road, thanked the Committee for rescinding the ordinance and presented the Mayor with another petition. A few more residents spoke against the assessment and others spoke for the assessment. Mr. Caparuscio, 28 Arrowhead Drive stated that he does not want to see the Lake drained, but cannot afford the assessment. Other residents agreed with him. At various times throughout the meeting residents were asked to come into the meeting room from the hallway and a count was made to make sure that the room was not filled beyond capacity.

Members of the public repeatedly spoke without being recognized by the Mayor, and repeatedly spoke to each other rather than addressing the Mayor. Mayor Space called for order several times and issued warnings to the members of the public regarding their actions being out of order.

Since the public continued to address each other and ignored Mayor Space’s repeated attempts to have the public address the Committee, Mayor Space closed the meeting to the public and called for a roll call vote on the motion. Mr. Garofalo explained that this is within the Mayor’s authority as no new information was being offered by the public with respect to the proposed ordinance.

Upon roll call,

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

Amendment to Developer’s Agreement

Mr. DeBoer made a motion to approve amendment for the developer agreement with Mountain View Manor and Town Center at Wantage. Mrs. Nuss seconded the motion. Upon roll call,

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

Renewal of Liquor Licenses

Mr. DeBoer made a motion to renew Liquor Licenses for the 2009-10 Licensing Term.

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 Special Meeting of the Wantage governing body held on June 1, 2009, and the Regular session minutes of the meeting of the Wantage governing body held on June 4, 2009. Mr. DeBoer seconded the motion. Upon Roll call:

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

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OPEN PUBLIC SESSION

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

Mary Ellen Glanville, New York Ave, asked who would pay if the lake were drained. Mr. Garofalo explained that the State will take any collection action at their disposal to have the monies reimbursed. The State no allow the debt to go unpaid if the DEP drains Lake Neepaulin. Mr. Garofalo further explained that FOLN has retained a very competent and fair attorney. A judge would ultimately settle the issue of which persons Wantage Township will assess for any costs related to the rehabilitation or drainage of Lake Neepaulin. Mr. Garafalo further explained that a petition may show majority sentiment, but is not a legal instrument.

Various residents spoke for rehabilitation to Lake Neepaulin Dam, including Steve Decutis, South Shore Drive; Betsy and Tom Jable; Keith Bimbi, Elk Horn Drive; Bob Heiden, 32 Old Clove Road; Beth Rini, 51 South Shore Drive; Mundell Fisher, 11 South Shore Drive, Randy Shoer, 2 Lara Lane; Frances Frasier Smith; Peter Johr and Joy Steinbacher, 24 Hudson Avenue; citing the beauty and benefits of maintaining the Lake.

Various residents spoke against a special assessment, including Mr. Carroll, 42 Essex Road, Matt Toy 15 South Shore Drive; Marcy Lusch, 19 Alder Terrace; William Gettler, Gemmer Road; and George Appell, 10 Hillside Drive, citing the inability to afford the added expense and paying for something where they will receive no benefit as an assessment does not permit membership to the Lake.

Residents asked who was responsible for keeping the drains clear at Lake Neepaulin. Mayor Space explained that the Township Road Department is responsible.

Debra Guarino, South Shore Drive, stated that especially in these hard economic times, people should not be at each others throats and should attempt to get together to find a solution. Matt Toy explained that there is free money out there and by working together it can be found.

Mr. Gettler, Gemmer Road, explained his opinion that he recently won a court case and asked for the immediate dismissal of Kevin Kervatt, Ed Vander Berg, Jim Doherty, Mike Garofalo and the firm of Laddey, Clark and Ryan.

Mr. Garofalo explained that the case alleged that Wantage Township's ordinance was unconstitutional and the Judge found Wantage Township's ordinance to be constitutional.

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.

Christine Von Oesen, Deputy Clerk