

**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 SEPTEMBER 10, 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 and a requested a moment of silence in memory of those who perished September 11, 2001.

**CONSENT AGENDA**

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

Mr. Doherty requested that a proposed resolution for endorsement of a TWA Permit be removed from the consent agenda, as well as a proposed resolution for refund of escrow funds on properties owned by Crown Builders. Mayor Space so ordered these two proposed resolutions removed 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 for filing:

- Letter dated August 31, 2009 from Michael Krupa, expressing praise and appreciation for efforts of Animal Control Officer John Abate.
- Letter Dated August 25, 2009 from Franklin Borough Administrator Richard Wolak, thanking Wantage Township for assistance offered by Wantage Township DPW in dealing with effects of recent wind storm that impacted Franklin Borough.
- Letter dated August 31, 2009 from FEMA, inviting public comment on proposed update program for the National Flood Insurance Program maps.
- Copy of Letter dated August 25, 2009 from James Doherty to NJ Division of ABC, submitting Change of Corporate Structure notification on behalf of Liquor License 1924-33-005-004, Peasant LLC.

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:

- Raffle License BL09-26, to the Heritage & Agriculture Association Inc., to conduct on premise 50/50 raffle on December 5, 2009
- Raffle License BL09-27, to the Heritage & Agriculture Association Inc., to conduct off premise merchandise raffle on December 5, 2009
- Raffle License BL09-28, to the American Legion Post 213 Charles Auberger, to conduct on premise 50/50 raffle on October 10, 2009
- Raffle License BL09-29, to the American Legion Post 213 Charles Auberger, to conduct on premise merchandise raffle on October 10, 2009

Mr. DeBoer seconded the motion. Upon roll call, **Ayes:** DeBoer, Nuss, Space    **Nays:** None    **Absent:** None    **Abstain:** None

**CONSENT AGENDA, Continued**

**REPORTS**

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

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

Mr. DeBoer 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 September 3, 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 state compliance with requirements of Local Finance Board with respect to Report of Audit for calendar year 2008.

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 Bid from Clearwater Technology to provide Vehicle Wash Station in the amount of \$23,900 as the lowest bid submitted at bid opening held on August 27, 2009 (Certificate of Available Funds is on File in the Municipal Clerks Office).

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 Grant Amendment Agreement from the NJ Department of Community Affairs, increasing the approved Grant for the Consolidation Study from \$46,000 to \$61,200, and amending the Wantage Township Budget through a Chapter 159 Resolution.

Mrs. Nuss seconded the motion. Upon roll call,

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

Mr. DeBoer made a motion to endorse and approve the By Laws of the Sussex Wantage Municipal Alliance Coalition on Alcoholism and Drug Abuse as adopted by the Coalition on June 3, 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 Amendment #1 to the Budget of the Joint Consolidation Study Commission of Wantage Township and Sussex Borough, reflecting change in grant award from \$46,000 to \$61,200. 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 approval of Soil Removal License for the Bicsak site located at Block 11 Lot 5.01, subject to conditions of approval detailed by the Land Use Board Resolution of Approval. Mrs. Nuss seconded the motion. Upon roll call,

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

Mr. DeBoer made a motion to request Director of DLGS to approve a Dedicated Trust By Rider in connection with donations. Mrs. Nuss seconded the motion. Upon roll call,

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

**CONSENT AGENDA, Continued**

**RESOLUTIONS**

Mr. DeBoer made a motion to authorize the refund of \$1,080.45 to Michael & Lorraine Ricci for refund of tax overpayment associated with Block 79 Lot 1.

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 the refund of \$534.03 to Larry Smith for refund of tax overpayment associated with Block 117 Lot 14.02.

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 the refund of \$7,385.84 to Brach Eichler LLC and Ames Rubber for refund of 2008 state tax appeal associated with Block 7 Lot 7.03.

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 the refund of \$1,387.74 to First American for refund of tax overpayment associated with Block 2 Lot 10.03.

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 the refund of \$343.50 to Garry Haar for refund of escrow deposit LC-04-2009 associated with Block 33 Lot 3.

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 the refund of \$13.44 to Bonnie & Gregory Puzio for refund of escrow deposit LC-11-2008 associated with Block 158 Lot 1.12.

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 the refund of \$111.97 to Lela Wilson for refund of escrow deposit L-17-2005. 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 cancellation of \$279.00 from the escrow administrator account in the General Fund representing interest amounts erroneously recorded.

Mrs. Nuss seconded the motion. Upon roll call,

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

**The following items were pulled from the Consent Agenda**

A representative from Aqueonics, Inc., and James Prassas, the owner of Wantage Village Development located at McCoy's Corner, Route 656, which is a proposed age-restricted one-, two- and three-bedroom residential community, addressed the Committee and requested the governing body endorse a WQM-003 consent form. This form serves as public notice that a wastewater treatment plant to be located in the Wantage Village Development is going to be constructed as approved by the Land Use Board in January, 2007.

Mrs. Nuss asked if there was a major aquifer located on this property. James Prassas, Owner, stated that there was not, and that a water allocation would be purchased from Sussex Borough. Mr. DeBoer reminded the public that a part of this development would satisfy COAH obligations in Wantage Township.

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Mr. DeBoer made a motion as follows:

BE IT RESOLVED that the Township Committee of the Township of Wantage, hereby confirms authorization for the Wantage Township Administrator to sign the Statement of Consent By Governing Body of the WQM-003 Application Form for the project identified as Wantage Village Wastewater Treatment Plant, in support of a TWA Permit Application for Block 116, Lot 10.01 within the Township of Wantage.

as per recommendation of Township Engineer Harold Pellow.

Mrs. Nuss seconded the motion. Upon roll call,

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

Mr. Doherty asked the Committee to see a letter received by fax this evening from Belle Harbour Capital, LLC, asking that the funds to be released to Crown Builders be held as the owner of Crown Builders has filed for bankruptcy. Mr. Garofalo informed the Committee that Wantage Township has no legal authority to retain the money absent a court order. Mrs. Nuss recused herself from this matter.

Mr. DeBoer made a motion to authorize refund of soil and driveway permit application balances as follows:

WHEREAS, the Township Engineer has recommended that the Mayor and Committee of the Township of Wantage refund funds associated with soil erosion and sediment control bonds,

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Wantage, County of Sussex, does hereby authorize the following refund to Crown Builders.

Block 32 Lot 9.03	S-06-04	\$2,500.00
Block 32 Lot 9.03	D-06-07	\$4,174.87
Block 32 Lot 9.07	S-06-06	2,500.00
Block 32 Lot 9.07	D-06-09	2,365.00
Block 33 Lot 8	S-06-05	2,500.00
Block 33 Lot 8.07	S-07-08	2,500.00

This Resolution shall take effect immediately.

Mayor Space seconded the motion. Upon roll call,

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

Mrs. Nuss recused herself from this matter

**ADMINISTRATOR'S REPORT**

Mayor Space requested Mr. Doherty present the Administrator's report.

**Improvement to Berry Road, Deed of Drainage** Mr. Doherty informed the Committee that a conveyance of drainage easement is necessary for work to be completed on Berry Road.

Mr. DeBoer made a motion to accept conveyance of drainage easement from Omer and Gulden Silbahar, Block 131, Lot 4, Berry Road. Mrs. Nuss seconded the motion. Upon roll call,

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

**Report of Audit** Mr. Doherty informed the Committee that the report of audit for calendar year 2008 has been completed and congratulated the governing body and all department heads for ensuring a clean report from our auditor. Members of the governing body signed the Group Affidavit Form.

**Meeting Date for October** Mr. Doherty reminded the Governing Body that the second meeting in September has been cancelled due to anticipated lack of quorum. Similarly, the first meeting in October presently scheduled for October 8 appears to be problematic for a quorum. By consensus, it was agreed that the meeting will be rescheduled for October 15, 2009.

**Request For Executive Session** Mr. Doherty requested an executive session to discuss negotiations with employees for the upcoming calendar year.

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**Request for Employee Benefit Allowance** Mr. Doherty reported that Section VI of the Employee Handbook provides an employee benefit for “Additional Sick Leave” in the event that a full time permanent employee must undergo hospitalization and/or recuperation from major illness, if the employee has exhausted his/her existing sick leave bank. Court Administrator Catherine Nestel falls within the scope of this benefit and has requested additional sick leave from September 8, 2009 through October 30, 2009, which will cover the 8 week recovery estimate of the doctor for her situation.

Mrs. Nuss made a motion to authorize additional sick leave for Catherine Nestel in accordance with Section VI of the Employee Handbook as recommended by Mr. Doherty.

Mr. DeBoer seconded the motion. Upon roll call,

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

**Right To Farm Ordinance** Mr. Doherty reported that Donna Traylor and Susan Hough from the County Farmland Preservation office are requesting consideration by municipalities within the county to standardize all of the various municipal “Right To Farm” ordinances, and have provided a copy of Fredon’s ordinance as a suggested model ordinance. The Committee will review this ordinance for consideration at a future meeting.

**ATTORNEY’S REPORT**

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

Mr. Garofalo reported that he recently attended a League of Municipalities meeting where a case was discussed. A municipality which was fully COAH complaint denied a Land Use Board application which included COAH units since they had already filled their quota. The judge decided that the application was wrongfully denied. While comments at the League meeting seemed to convey a concern that the state is trying to force additional affordable housing upon municipalities, Mr. Garofalo feels that what the judge was trying to convey is that the municipality should not have denied the application solely on the basis of the inclusion of COAH units. Mr. Garofalo expects a resolution to be forthcoming from the League of Municipalities in this regard and cautioned the Committee to be mindful of the reasons an application is denied.

**COMMITTEE REPORTS**

Mrs. Nuss addressed the public in response to a letter she received from Mr. William Gettler, which references that realtors, specifically her husband, John Nuss, former Committee Member, benefits from the \$35.00 fee Wantage Township charges for a certificate of occupancy. Mrs. Nuss explained that the Township receives those funds, not the realtor; and that the requirements of that certificate actually result in additional work and cost to a realtor to schedule extra inspections.

**COMMITTEE REPORTS**

Mr. DeBoer informed the Committee that he met with the engineer regarding the repairs at August Lane. The DEP approval should not take as long as anticipated and the cost of repair should also be less than anticipated.

**OLD BUSINESS**

**Award of Bid: Fire Vehicle.** Mr. Doherty informed the Governing Body that Pierce Manufacturing provided the low bid for purchase of a Triple Combination Pumper at \$474,290, which includes a \$15,000 offset for trade (C.F.O, Certificate of Availability on file).

Mrs. Nuss made a motion to award a contract to Pierce Manufacturing, South Plainfield, NJ, in the amount of \$474,290.00. Mr. DeBoer seconded the motion. Upon roll call,

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

**NEW BUSINESS**

**Final Adoption of Ordinance 2009-17: Fire Prevention**

Mrs. Nuss made a motion to adopt on final reading an ordinance entitled "AN ORDINANCE TO AMEND CHAPTER IX OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WANTAGE ENTITLED "FIRE PREVENTION".

Prior to final roll call, Mayor Space opened the meeting to the public for any questions or comments regarding this ordinance. As there was no one who wished to comment, Mayor Space closed the meeting to the public. Mr. DeBoer seconded the motion. Upon roll call,

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

**Final Adoption of Ordinance 2009-18: Alarm Penalties**

Mr. DeBoer made motion to adopt on final reading an ordinance entitled "AN ORDINANCE TO AMEND A PORTION OF SECTION 4-9 OF CHAPTER IV OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WANTAGE ENTITLED "ALARM DEVICES".

Prior to final roll call, Mayor Space opened the meeting to the public for any questions or comments regarding this ordinance. As there was no one who wished to comment, Mayor Space closed the meeting to the public. Mrs. Nuss seconded the motion. Upon roll call,

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

**Introduction of Ordinance 2009-19: Amending Bond Ordinance**

Mrs. Nuss made a motion to introduce an ordinance entitled "BOND ORDINANCE AMENDING SECTION 3 AND SECTION 5(b) OF BOND ORDINANCE NUMBERED 2007-08 FINALLY ADOPTED MAY 10, 2007, AS AMENDED, OF THE TOWNSHIP OF WANTAGE, IN THE COUNTY OF SUSSEX, NEW JERSEY". Public Hearing date scheduled for the October 15, 2009. Mr. DeBoer seconded the motion. Upon roll call,

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

**Approval of Minutes**

Mrs. Nuss made motion to approve the Regular and Executive Session minutes of the meeting of the Mayor and Committee of the Township of Wantage held on August 13, 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.

Bill Gettler, Gemmer Road, voiced concerns regarding the property maintenance code, thanked the Committee members for meeting with him in this regard, and discussed the June 5 decision regarding his court case and asked if the Township was going to reimburse his legal fees.

Mr. DeBoer stated that the property maintenance code was originally put into place for the protection of people who may be living in undesirable conditions and he has never had a complaint regarding this ordinance other than from Mr. Gettler.

Mrs. Nuss stated that she knows of two lives that have been saved by this ordinance and agrees that its main purpose is for the safety of the public. Mr. Garofalo reminded Mr. Gettler that the suit was initiated by Mr. Gettler and not the Township of Wantage.

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A resident asked what type of wastewater treatment facility was going to be built at Wantage Village. The resident was informed that it would be similar to that currently located at Clove Hill Manor. Another resident asked if there would be any cost to the taxpayer. The resident was informed that the developer would pay the entire cost.

Mr. Gettler voiced his concerns and positions with regard to the Sussex Borough water supply, the consolidation issue and Lake Neepaulin.

Maggie Kolicko, August Lane, advised the Committee that in June she attended the Sussex County Arts and Heritage Council tour of County homes and gardens and reported that of the eight gardens toured three of them were located in Wantage Township.

Mr. Doherty acknowledged that Mr. Gettler is a "Master Gardener". Mr. Gettler informed the Committee that the Good Shepherd Church is looking for a grant to fund a Community Garden and if the grant is received, a waiver of fees may be requested at a future date. The Committee welcomed the concept of a Community Garden.

A resident asked Mayor Space to explain recent allegations that he had broken federal law. The Mayor explained his reasons for removing a "road kill" owl from an accident victim's truck. Mayor Space explained that he was helping a friend who had gone through some terrible personal tragedies, and would do it again if put in the same situation. Mayor Space explained that the charges were not criminal charges and explained that he would not plead guilty because doing so would penalize his hunting license over a matter that has nothing to do with hunting.

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