

**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 OCTOBER 15, 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."

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 the following applications:

- Raffle License BL09-30, to St. Monica's Roman Catholic Church, to conduct off premise 50/50 raffle on November 6, 2009
- Raffle License BL09-31, to St. Monica's Roman Catholic Church, to conduct on premise merchandise raffle on November 6, 2009
- Raffle License BL09-32, to Sussex Womens Club, to conduct on premise merchandise raffle on November 10, 2009
- Raffle License BL09-33, to Sussex Womens Club, to conduct on premise 50/50 raffle on November 10, 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 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
- Corrective Action Plan for 2008 Report of Audit from CFO

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 October 15, 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 submittal of the Corrective Action Plan for 2008 Report of Audit from CFO, to the New Jersey Local Finance Board in accordance with the requirements of statute. Mrs. Nuss seconded the motion. Upon roll call,

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

Mr. DeBoer made a motion to confirm contract to Pierce Manufacturing of South Plainfield, NJ for Triple Combination Pumper at \$474,290, including offset for trade in, credit for early payment of chassis upon construction, and award of Alternate Bid Items as listed in the bid document.

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 approve contract with Coded Systems Corporation for update to Township Code Book and On Line Code Book of Ordinances, in the amount of \$5,627.00.

Mrs. Nuss seconded the motion. Upon roll call,

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

Mr. DeBoer made a motion to confirm details of utilization of New Jersey Public Family Leave Act for employee Kristy Lockburner, as per memorandum of Administrator Jim Doherty dated 9/21/09.

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 \$93.74 to Armand Cayer associated with Block 151 Lot 24.04, for a land use application.

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 \$1,412.00 to Michael Burns & Tara Lutz associated with Block 148 Lot 1.08, for a land sale deposit.

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 \$3,010.00 to Manilal Kapadia associated with Block 7 Lots 13.01 and 16, for overpayment of rental/Housing Inspection fees for 2008 and 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 the refund of \$562.50 to WAWA, Inc. associated with escrow deposit LC-7-2005, for a completed land use application.

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 \$28,060.80 plus October interest to LGR Enterprises, LLC, associated with escrow deposits L-21-2003 and L-26-2005, for a completed land use application. 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 \$203.52 to Chase Home Finance LLC, associated with block 69.03 Lot 74, for a tax overpayment.

Mrs. Nuss seconded the motion. Upon roll call,

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

MAYOR'S APPOINTMENT

Mayor Space announced his Appointment of Karen Merritt to the Board of Recreation Commissioners, as per recommendation of Recreation Commission to fill the vacant seat previously held by Liz Nuss. As per Township Ordinance, this is a Mayoral appointment.

ADMINISTRATOR'S REPORT

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

Mr. Doherty reported that William Haggerty has, on behalf of Paul Bicsak, requested to initiate discussion with Hamburg Borough to request a water allocation for Block 11, Lot 5. The Committee asked Mr. Doherty to give their consent.

Airport Study: Mr. Doherty advised that the Airport Citizens Advisory Committee will be meeting on November 4 and will prepare a recommendation for the Governing Body's consideration on November 12. Paul Styger's sentencing is now re-scheduled for December. Some of the members of the Citizens Advisory Committee have expressed a desire to see what the outcome of the sentencing is before giving a definitive "yes" or "no" recommendation about whether to buy the airport.

ADMINISTRATOR'S REPORT, continued

Right To Farm Ordinance Amendment Request: Mr. Doherty advised that Donna Traylor and Susan Hough from the County Farmland Preservation office requested consideration of an amendment to the Right To Farm ordinance in Wantage Township to create a more-uniform, county-wide wording format for Right to Farm ordinances. Mr. Garofalo explained that it is acceptable if that is what the Committee wishes to do. The Committee asked that this matter be tabled until the next meeting, for further review and consideration.

Negotiations - Request For Executive Session: Mr. Doherty asked for an executive session to discuss employee negotiations for the upcoming calendar year.

Need for Guide Rails: Mr. Doherty asked the Committee to consider purchasing guide rails through the Morris County Cooperative Pricing Council in the amount of \$15,700 for Possum Glen Road and \$15,000 for Dyer Road.

Mrs. Nuss made a motion to purchase guide rails in the amount of \$15,700 for Possum Glen Road and \$15,000 for Dyer Road. Mr. DeBoer seconded the motion. Upon roll call,
Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Need for Part Time Seasonal DPW Employees: Mr. Doherty advised the Committee that with medical situations involving several existing full time DPW employees, it becomes necessary to hire several part time, seasonal DPW Laborers at \$18 per hour for service as snow plow operators "when needed". These individuals will only be utilized during snow response, not on any minimum hours-per-week basis. DPW supervisor Bob Wagner and Administrator Doherty recommend hiring: Darryl Caton, James Yurchak, and James Wagner for the DPW under the terms explained above.

Mr. DeBoer made a motion to authorize the hiring of Darryl Caton, James Yurchak, and James Wagner as part time, seasonal DPW Laborers at \$18 per hour.
Mrs. Nuss seconded the motion. Upon roll call,
Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

Consolidation Issue: Mr. Doherty advised that Commission chairman Earl Snook has inquired whether or not the Mayor and Committee of the Township of Wantage is inclined to issue a public statement regarding the Consolidation Vote on the November Ballot. Mrs. Nuss reviewed a draft "Open Public Letter" expressing the Committee's position regarding consolidation. Mr. DeBoer expressed his desire that the wording not influence the voters one way or another. Mrs. Nuss asked everyone to attend the public hearing on the Consolidation Study Commission's report on Monday October 19, 2009 at 7:00 pm in the High Point High School Auditorium. The members of the governing body agreed to review this draft letter during the course of the meeting.

ATTORNEY'S REPORT

Mayor Space requested Mr. Garofalo present the Attorney's asked the Committee to approve an assignment of a developer's agreement for Rolling Hills in Wantage.

Mrs. Nuss made a motion to approve an assignment of a developer's agreement for Rolling Hills in Wantage. Mr. DeBoer seconded the motion. Upon roll call,
Ayes: DeBoer, Nuss, Space **Nays:** None **Absent:** None **Abstain:** None

ENGINEER'S REPORT

Mayor Space requested Mr. Pellow present the Engineer's report.

ENGINEER'S REPORT, continued

Mr. Pellow presented to the Committee an update to Wantage Township's five year road improvement plan, as well as a response to a request for a 4-way stop intersection at Crigger & Neilson Roads. Mr. Pellow explained that he has not received all necessary paperwork for the soil removal license application of Roy Road LLC.

Mayor Space inquired about the paving on Route 628 opposite of Newman Road near Pidgeon Hill Road. Mr. Doherty explained that the County Engineer's office has reported that the rough pavement does help to slow down speeders, but the County will be watching the area very closely to make sure the surface is not more prone to icing.

Mr. Pellow also reported that the new football field for the High Point Midget Football Program is coming along nicely at Woodbourne Park, and will be ready for use next year.

COMMITTEE REPORTS

Clara Nuss thanked Christine Feoranzo for all her hard work on the Car Show and the Veteran's Memorial.

Mr. DeBoer asked all to attend the First Aid Squad Garage Sale this weekend, rain date, next weekend.

OLD BUSINESS

Community Garden: Rev. Elizabeth Ostuni was invited to address the Committee regarding plans for a Community Garden located at the Good Shepherd on Route 23 across from the Wantage Plaza, and asked for support from the Committee. The Mayor and Committee agreed that it was a great idea and would do whatever they could to help.

Petition of Concern: Mr. Doherty explained that residents of Rose Morrow Road and Lott Road have been expressing concern with activities of a business located within a residential area. Mr. Doherty reported this issue goes back to 1993 and Mr. Kervatt has addressed their most recent concerns. Of the list of 10 items only a few were issues the zoning officer could enforce, and Mr. Wiebel has been complying with each request presented.

NEW BUSINESS

Adoption of Ordinance 2009-19: Amending Bond Ordinance

Mr. DeBoer made a motion to adopt on final reading 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". Prior to final roll call, Mayor Space opened the meeting to the public. As there was no one who wished to comment on this ordinance, 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 2009-20: Municipal Consent for SECTV Franchise.

Mrs. Nuss made a motion to introduce an ordinance entitled "AN ORDINANCE GRANTING MUNICIPAL CONSENT TO THE ISSUANCE OF A FRANCHISE TO SERVICE ELECTRIC CABLE T.V. OF NEW JERSEY, INC., TO CONSTRUCT, OWN, OPERATE, EXTEND AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE TOWNSHIP OF WANTAGE, COUNTY OF SUSSEX, SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF SAID MUNICIPAL CONSENT AND PROVIDING FOR THE REGULATION AND USE OF SAID SYSTEM". Final hearing date set for October 29, 2009. Mr. DeBoer seconded the motion. Upon roll call,

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

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Introduction of Ordinance 2009-21: Amending Developer Fee Ordinance.

Mrs. Nuss made a motion to introduce an ordinance entitled "AN ORDINANCE AMENDING ORDINANCE 2008-18, ENTITLED "AN ORDINANCE CREATING DEVELOPMENT FEES IN THE TOWNSHIP OF WANTAGE, COUNTY OF SUSSEX, STATE OF NEW JERSEY".

Final hearing date set for November 12, 2009.

Mr. DeBoer seconded the motion. Upon roll call,

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

Approval of Minutes

Mr. DeBoer 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 September 10, 2009 and the Special Meeting held on October 5, 2009.

Mrs. 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.

Bill Gettler, Gemmer Road, spoke regarding the consolidation study, county equalization rates, Wantage Township minutes, and his litigation with Wantage Township, and requested that the employment of Mr. Garofalo, the law firm of Laddey Clark and Ryan, Mr. Doherty, Mr. Vander Berg and Mr. Kervatt be terminated immediately.

Joy Steinbacher, Lake Neepaulin, advised the Committee that the rumble strips on South Shore Drive are wearing out in Lake Neepaulin, and inquired if the Township could install speed bumps as was done along Newton Avenue. Ms. Steinbacher was informed that the speed bumps on Newton Avenue were installed within the borders of Sussex Borough. Mr. Doherty explained the historical potential drawbacks involved in utilizing speed bumps for traffic control, and explained that each request must be looked at for both effectiveness and cost efficiency. Ms. Steinbacher also asked that the Township consider a Community Center for teenagers currently using the Lake Neepaulin beach area as an assembly point.

Wayne Dunn, 19 Ann Marie Lane, member of the Consolidation Study Commission, asked the Committee to support the Commission's report in a resolution. The Committee thanked Mr. Dunn and the entire Commission for a job well done. The Governing body authorized Mr. Doherty to release the draft letter discussed from earlier this evening, which congratulates the Study Commission for their work but makes it clear that the Mayor and Committee of the Township of Wantage do not wish to influence the voters for or against consolidation.

Mr. Gettler spoke in opposition to Consolidation.

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

Mr. DeBoer 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. Mrs. Nuss 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. 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