

**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 DECEMBER 10, 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."

PRESENTATION

Representatives of High Point Regional High School Board of Education offered a presentation of the details of a proposed Referendum Election scheduled for January 26, 2010. Chuck Musilli, Ed Vander Berg and Linda Alvarez were present. Mr. Musilli explained the details of a \$13 million dollar project proposed for improvements to the high school. Mr. DeBoer asked if this project would result in increased taxes. Mr. Musilli stated that the total debt being retired is greater than new debt being issued, which would result in lower taxes for the Wantage taxpayers. Mr. Doherty applauded the Board of Education for long range planning, but asked that a newsletter be sent as early as possible, especially in this depressed economy. Mayor Space suggested a public hearing at High Point High School to answer any questions the public may have. The Committee thanked the Board of Education for an informative presentation.

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.

REPORTS

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

- Tax Collector Report for November 2009
- Municipal Clerk Report for November 2009
- Board of Health Report for November 2009
- Construction Department Report for November 2009
- Township Engineer 2009 Year-End Report
- Tax Sale Report of Tax Collector from December 1, 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 Payment of Bills for the meeting of December 10, 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 authorize the cancellation of taxes in the amount of \$416.30 for Block 156 Lot 19.01 and \$211.11 for Block 156 Lot 20.01 resulting from a state tax appeal.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to authorize the refund of \$1,925.10 to Herbert Sanford for a tax overpayment associated with Block 132.01 Lot 15.

Mr. DeBoer seconded the motion. Upon roll call,

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

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Mrs. Nuss made a motion to authorize the refund of \$1,385.32 to GMAC Mortgage for a tax overpayment associated with Block 52 Lot 9.06.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to authorize the refund of \$3,677.96 to Mattison & Gabriele Coykendall for a tax overpayment associated with Block 149 Lot 20.11.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to authorize the refund of \$2,034.80 to Eric Wood, Esq. for a tax overpayment associated with Block 133.05 Lot 17.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to authorize the refund of \$8,000.00 to Crusader Lien Services for a tax sale premium associated with Block 147 Lot 6.09.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to authorize the refund of \$3,000.00 to U.S. Bank for a tax sale premium associated with Block 52 Lot 4.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to authorize the refund of \$1,602.69 to Frankly Foods Group, LLC. for completed land use applications associated with Block 20 Lot 3.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to authorize the refund of \$31,240.00 to Quick Chek for a non-residential developer's fee associated with Block 3 Lot 2.09.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to renew contract with Knoll Properties to provide services for the Administration of Affordable Rental Housing Units for calendar year 2010, for a fee of \$2,000.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to accept, with regrets, the resignation of Joseph Greenaway from the Wantage Township Board of Health effective 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 authorize renewal of Kennel License for Jeffrey Davis of Gemmer Road, subject to Inspection by Sussex County Health Inspector.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to authorize Tax Assessor to correct an error in calculation of assessed value on Block 132.01 Lot 15 from the 2007 tax list.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to authorize Proposed Plan Endorsement Schedule of Township Planner David Troast. 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 oppose Assembly Bill A-3119, which would grant greater power to Local Unit Alignment Reorganization and Consolidation Commission, and impose financial penalties upon voters who disagree with the Commission's recommendations.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to authorize Renewal of 2010 Junkyard License for Beemerville Auto Wrecking, Inc., subject to payment of 2009 taxes.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to authorize Renewal of 2010 Junkyard License for Charles & Annette Meissner t/a Sussex Truck & Equipment. Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to authorize Change Order #1 to Contract with Owl Contracting for Improvements to Berry Road, reducing the contract amount by \$6,750.21.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to authorize Change Order #1 to Contract with Owl Contracting for Improvements to Holland Road, reducing the contract amount by \$8,227.25.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mrs. Nuss made a motion to authorize Amusement Device License for Friendly's Restaurant for the year 2010. 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.

Negotiations: Mr. Doherty requested an Executive Session to discuss status of negotiations with office staff union and to obtain direction from the governing body on formal responses to requests submitted.

Information: Mr. Doherty reported that Sussex Borough has requested a proposal for a Joint Public Works Department, starting July 1, 2010.

Mudtown Road Drainage Issue: Mr. Doherty reported that several property owners on Mudtown Road are involved in a private dispute regarding drainage, originating in rear-yards from springs located on private property. One solution would involve installing a catch basin and piping the water down to the street, where it would run along an existing street drainage ditch and empty into an existing drainage area. Mr. Doherty asked, at the resident's request, if the governing body was inclined to allow the DPW employees to provide manpower for this project if the property owners agreed to pay for materials. The Committee agreed by consensus not to allow our DPW workers to do work on private property.

Rome's Coastal Site Clean Up: Mr. Doherty reported that he NJDEP informs, by letter dated 12/3/09, that a clean up of the contamination at the Rome's Coastal Site will be undertaken using federal funds.

Permanent Bonding Option Versus Notes: Mr. Doherty requested the governing body offer direction on this topic for 2010. The Committee agreed by consensus to roll over the notes rather than go out for permanent bonding.

ATTORNEY'S REPORT

Mayor Space requested Mr. Garofalo present the Attorney's report. Mr. Garofalo reported on a recent decision in a Hackensack lawsuit where the judge found it unlawful for a municipality to decrease the salary of the Tax Collector, Tax Assessor, Clerk or Chief Finance Officer for any reason. Mr. Garofalo brought this up to emphasize the constraints a governing body must face when looking for budget reductions. Mr. Garofalo asked for a brief executive session regarding the pending litigation with Friends of Lake Neepaulin.

COMMITTEE REPORTS

Mrs. Nuss thanked Greg Williams, the Recreation Commission, and the Fire Department for the great work they performed on the tree lighting ceremony December 4, 2009. Mrs. Nuss presented Mayor Space with a plaque thanking him for his service as Mayor and response during the state of emergencies occurring during his tenure. The Committee and public thanked Mayor Space with a warm round of applause.

OLD BUSINESS

Proposed Group Home on Cemetery Road: SEED Corp. is pursuing the purchase of a Group Home in Wantage Township, a 4-bedroom single family home at 97 Cemetery Road. SEED inquires if Wantage Township has money available to help offset the purchase price, which would enable Wantage Township to attain COAH credits. Based on discussions with the Chief Finance Officer and Township Planner, Wantage Township is in a position to offer \$100,000 to SEED for this project. Thereafter, Wantage Township would not have enough money to assist in funding of any future Group Homes, at least for the foreseeable future. Taking this action is compliant with the Township's proposed Fair Share Plan and Spending Plan with COAH. Administrator recommends approval of this request by the governing body. SEED also requests consideration of a "Payment In Lieu of Taxation" agreement with Wantage Township for the Group Home on Armstrong Road and on Cemetery Road.

Mr. DeBoer made a motion to approve utilizing \$100,000.00 from the Affordable Housing Trust fund to help pay for the purchase of a Group Home in Wantage Township, a 4-bedroom single family home at 97 Cemetery Road and authorize Mr. Garofalo prepare accept a payment in lieu of taxation agreement for this property. Mrs. Nuss seconded the motion. Upon roll call,

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

NEW BUSINESS

Approval of Minutes

Mrs. Nuss made motion to approve the Regular minutes of the meeting of the Mayor and Committee of the Township of Wantage held on November 12, 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, spoke against the renovation for High Point Regional High School; brought up an issue regarding animal control in Montague Township and asked for a follow up to his presentation made last month. Mr. DeBoer assured Mr. Gettler that the land use board will request assurance from Sussex Borough that there will be sufficient water for any projects requiring water supply in Wantage Township. Mr. Doherty took down the information to investigate Mr. Gettler's issue with animal control. Mayor Space and Mr. Doherty explained to Mr. Gettler that Wantage Township has no jurisdiction regarding Sussex Borough's compliance with water permits.

Tom Zummo, resident, asked if he was going to receive approval for his soil removal permit this evening. Mr. Doherty explained that the Governing Body could not grant approval until Mr. Pellow reviewed his application, but could give conditional approval this evening.

OPEN PUBLIC SESSION

Mr. DeBoer made a motion to approve the soil removal permit for Roy Road, LLC, pending approval from Harold Pellow's office. Mrs. Nuss seconded the motion. Upon roll call,

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

Maggie Kolicko, August Lane, asked the Committee for information regarding a concept meeting with CJS Investments held at Harold Pellow's office. Mr. Garofalo explained that concept meetings are not subject to the open public meeting act and Mr. Pellow would not likely give out that information at this time. Mrs. Kolicko also asked if a new application from CJS would be influenced by the existing consent order. Mr. Garofalo explained that neither he nor the Governing Body could answer on behalf of the Land Use Board.

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 matters: "labor negotiations; pending litigation, Friends of Lake Neepaulin". 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. Boer 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.

As there was no further business to discuss, 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