

**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 10, 2010**

Mayor Clara Nuss 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 Nuss, Committee members DeBoer and Gaechter. The following member was absent: None

Also present Township Attorney, Michael Garofalo (as of approximately 7:20 pm)

Mayor Nuss 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 Nuss lead the assembly in the Salute to the Flag.

CONSENT AGENDA

Mayor Nuss 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 Nuss requested approval of the Consent Agenda.

APPLICATIONS

Mr. DeBoer moved to approve Raffle License RL10-12, to Friends of Lake Neepaulin, to hold a Calendar Raffle on various dates in August, September and October, 2010

Mr. Gaechter seconded the motion. Upon roll call,

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

REPORTS

Mr. DeBoer moved to approve filing the following reports:

 Clerks Report for the Month of May 2010

 Construction Department Report for the Month of May 2010

 Board of Health Report for the Month of May 2010

 Registrar's Report for the Month of May 2010

 Tax Collector's Report for the Month of May 2010

Mr. Gaechter seconded the motion. Upon roll call,

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

RESOLUTIONS

Mr. DeBoer moved to approve Payment of Bills for the meeting of June 10, 2010

Mr. Gaechter seconded the motion. Upon roll call,

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

Mr. DeBoer moved to authorize refund in the amount of \$30.00 to Kevin R. Enste, associated with Block 139 Lot 3.03, for the overpayment of a bulky waste permit sticker

Mr. Gaechter seconded the motion. Upon roll call,

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

Mr. DeBoer moved to authorize refund in the amount of \$6,051.78 to William & Dana Romash, associated with Block 15 Lot 10.03, for the release of a driveway bond

Mr. Gaechter seconded the motion. Upon roll call,

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

Mr. DeBoer moved to accept, with regrets, the resignation of William Crum from the position of Assistant Animal Control Officer effective May 31, 2010.

Mr. Gaechter seconded the motion. Upon roll call,

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

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Mr. DeBoer moved to approve Renewal of Various Liquor Licenses within Wantage Township for the licensing term 2010-2011, as follows:

TOWNSHIP OF WANTAGE RESOLUTION

Renewing Liquor Licenses for 2010-2011 Licensing Term

BE IT RESOLVED, that the Mayor and Committee of the Township of Wantage, in the County of Sussex, State of New Jersey, does hereby approve the renewal of the liquor licenses named below for the licensing term of July 1, 2010 through June 30, 2011:

PLENARY RETAIL CONSUMPTION LICENSES:

<u>License #</u>	<u>Licensee & Location:</u>	<u>Trading As:</u>
1924-33-001-005	Best of Sussex County 65 Route 639	Airport Pub & Package
1924-33-005-006	Peasant LLC 87 Route 23	Michael's
1924-33-006-006	Penne Vodka Inc. One Libertyville Road	Bella Vita Ristorante
1924-33-007-003	Presti Liquors LLC 289 Route 23	Sussex Queen Diner
1924-33-008-007	Jersey Innovative Investments, LLC 205 Route 23	Wantage Plaza Liquor Outlet

PLENARY RETAIL DISTRIBUTION LICENSE:

1924-44-011-003	HPlay Liquors LLC 83 Hamburg Ave, Route 23	Woody's Liquor Shop
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CLUB LICENSES:

1924-31-012-001	Pvt. Charles Auberger Post 213 American Legion 915 Route 23	American Legion Post 213
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Mr. Gaechter seconded the motion. Upon roll call,

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

ADMINISTRATOR'S REPORT

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

Open Space: Mr. Doherty reported the Open Space Advisory Committee has requested an opportunity to meet among themselves and discuss the concept regarding the future of the Open Space Tax for Wantage Township. As such, they request the governing body refrain from taking action or discussing the issue further until the meeting of June 24, 2010.

Future staffing - Construction: Mr. Doherty confirmed that he has provided Sussex Borough with notification of the termination of the Interlocal Construction Service, and is awaiting word regarding Sussex Borough's decision to either terminate effective September 1, or December 31. Mr. Doherty stated he anticipates having this information by the meeting of June 24. Mr. Doherty has provided Rice Notices to the employees of the Construction Department, inviting them to be present for discussion regarding future staffing of the Department, to be held at the June 24 meeting.

LOCAL PROPERTY TAX INDEX REPORT: Mr. Doherty presented a press release, regarding a State Report confirming that Wantage Township's local property tax index is one of the lowest in Sussex County.

ADMINISTRATOR'S REPORT, Continued

Request by Lusscroft for use of backhoe and operator: Mr. Doherty reported that Susann Gerber, Vice President of the Heritage & Agriculture Association, Inc. for Lusscroft, requests the use of a municipal backhoe and operator for about a half a day to move quarry process stone/gravel to where it is needed around the barns and in the stalls for firmer footing and drainage. Mr. Doherty asked the governing body their position with respect to this request.

The governing body decided to await input on this request from Township Attorney Garofalo, who was expected to join the meeting shortly.

COMMITTEE REPORTS

Mayor Nuss stated that Mrs. DeGroat had contacted her to express an interest in selling her property for open space preservation.

Mr. Doherty stated that Mrs. DeGroat had also contacted him; that this represents a parcel of land which has previously been considered for both farmland preservation and open space preservation; but that the Open Space Committee had concluded that the desired price by Mrs. DeGroat for the land does not match the level of inherent beneficial use as dedicated open space. Mr. Doherty stated that he has forwarded Mrs. DeGroat's renewed contact to the Open Space Committee.

OLD BUSINESS - None

NEW BUSINESS

Proposed Ordinance: Small Wind Energy Systems

The governing body reviewed a draft of a proposed Ordinance from the Land Use Board for the purpose of regulating Small Wind Energy Systems.

Mr. DeBoer moved to introduce Ordinance 2010-08, an ordinance entitled "AN ORDINANCE AMENDING CHAPTER 13 OF THE COMPREHENSIVE LAND USE ORDINANCE OF THE TOWNSHIP OF WANTAGE TO PERMIT AND REGULATE SMALL WIND ENERGY SYSTEMS." Mr. Gaechter seconded the motion. Upon roll call,

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

Approval of Minutes

Mr. Gaechter made a motion to approve the Regular and executive session minutes of the meeting of the Wantage governing body held on May 27, 2010.

Mr. DeBoer seconded the motion. Upon roll call,

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

OPEN PUBLIC SESSION

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

Christine Feoranzo, DeWitt Road, offered a written statement expressing her opinion and suggestion that "for the greater good of the community for flood control, fire suppression, protection of wells, municipal tax control, public recreation and to draw to a conclusion the decades long dispute of the ownership and maintenance of said properties that that the Township of Wantage invoke eminent domain and assume full authority and ownership of Lot 40 Block 69.01 & Lot 55 Block 69.02".

Mr. William Gettler, Gemmer Road, disagreed with Ms. Feoranzo's desire to take ownership of Lake Neepaulin; urged appealing Judge Bozonelis decision regarding the Lake Neepaulin Dam; expressed unhappiness and dissatisfaction with the job performance of Edward Vander berg; called for an investigation of Mr. Vander berg.

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Karen Merritt expressed her views regarding Lake Neepaulin, offering a brief history of various events and actions in its regard; suggested a need for the Township to take ownership of Lake Neepaulin.

As there was no one else who wished to address the Governing Body, Mayor Nuss closed the meeting to the public.

At this point, Township Attorney Michael Garofalo joined the meeting.

Mayor Nuss asked Mr. Garofalo if he had an Attorney's Report.

Mr. Garofalo stated that the only item pending at this point would be if the governing body expressed a desire for an update regarding the issue of the Lake Neepaulin Dam lawsuit and possible appeal options.

The governing body indicated a desire to discuss this in executive session.

Mr. Doherty explained the request from Lusscroft, and asked if there was any legal guidance regarding a request for use of public property and manpower on private property when it involves an inherently beneficial project such as Lusscroft.

Mr. Garofalo stated that there are many examples in New Jersey of municipalities making such a decision, so from a legal standpoint, agreeing to Lusscroft's request is defensible.

Mr. DeBoer stated that, while it may be legal, and while the Lusscroft project and land use is a wonderful addition to the Wantage Township community, nevertheless agreeing to this request would open the door for others to make similar requests, and there is no meaningful yardstick to determine when to say yes or when to say no. Mr. DeBoer suggested that, as much as he would like to be able to help, he cannot justify setting a precedent to say yes when in similar situations in the past, the governing body has said no to others who have made similar requests. Mayor Nuss and Mr. Gaechter agreed with Mr. DeBoer's sentiments.

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: "Attorney Client Privilege – Lake Neepaulin Dam". 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. Gaechter 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, Mr. DeBoer moved to adjourn the meeting.

Mr. Gaechter seconded the motion. Upon roll call,

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

Mayor Nuss declared this meeting to be adjourned.