

**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 JULY 8, 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

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.

Mr. DeBoer moved to approve Raffle License RL10-13, to Womans Club Sussex, to hold an off premise 50/50 Raffle on December 1, 2010.

The motion was seconded by Mr. Gaechter. Upon roll call,

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

Mr. DeBoer moved to approve the following Reports for filing:

- Clerks Report for the Month of June 2010
- Construction Department Report for the Month of June 2010
- Board of Health Report for the Month of June 2010
- Registrar's Report for the Month of June 2010
- Tax Collector's Report for the Month of June 2010

The motion was seconded by Mr. Gaechter. Upon roll call,

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

Mr. DeBoer moved to authorize Payment of Bills for the meeting of July 8, 2010

The motion was seconded by Mr. Gaechter. Upon roll call,

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

Mr. DeBoer moved to authorize refund in the amount of \$1,700.88 to Donald & Raijean Johannsen, associated with Block 140 Lot 32, for a 2010 tax overpayment

The motion was seconded by Mr. Gaechter. Upon roll call,

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

Mr. DeBoer moved to authorize refund in the amount of \$250.00 to Sussex Lodge #2288 BPOE, associated with Liquor License 2010-11, for a liquor license renewal fee overpayment

The motion was seconded by Mr. Gaechter. Upon roll call,

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

Mr. DeBoer moved to approve Renewal of Liquor Licenses for Tara Inn, LLC and Fireman Dan's within Wantage Township for the licensing term 2010-2011.

The motion was seconded by Mr. Gaechter. Upon roll call,

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

EXECUTIVE SESSION: Pending Litigation

Mr. DeBoer moved to enter into closed executive session to discuss matters of pending litigation, as per the following resolution:

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.

The motion was seconded by Mr. Gaechter. Upon roll call,

Ayes: DeBoer, Nuss, Gaechter **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.

ADMINISTRATOR'S REPORT

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

Mr. Doherty reported that CT Productions has received a Special Ruling from the Director of the Division of Alcoholic Beverage Control, which enables the governing body to give consideration of renewal for this license.

Mr. Gaechter moved to renew the liquor license of CT Productions, as follows:

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 license named below for the licensing term of July 1, 2010 through June 30, 2011:

<u>License #</u>	<u>Licensee & Location:</u>	<u>Trading As:</u>
1924-33-004-004	CT Productions LLC 1050 Route 23	Glen Brook Inn

The motion was seconded by Mr. DeBoer.

Upon roll call,

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

OPEN SPACE:

Mr. Doherty offered a summary of his understanding regarding the status of negotiations between Plagar Realty and Wantage Township regarding the possible preservation of Block 156 Lot 21.01 Q-Farm as dedicated open space.

General review and consideration of this matter took place among the members of the governing body, Mr. Doherty, and members of the Wantage Township Open Space Advisory Committee Douglas Ricker and Tom Davis.

After due consideration, Mr. DeBoer moved to authorize the use of \$200,000 from the Wantage Township Open Space Local Tax Fund for the purpose of supplementing an offer by the New Jersey Department of Environmental Protection Green Acres Program, for the open space preservation of Block 156 Lot 21.01 Q-Farm, with the following conditions:

1. The NJDEP shall be requested to preserve the opportunity for continued use of the property after preservation for farming to take place, as this is a current activity of the site and is in keeping with the heritage and priorities of Wantage Township;
2. The Wantage Township Open Space Advisory Committee is delegated the responsibility of determining whether or not Wantage Township should retain a partial ownership interest in the property upon its preservation, or if full title should be given to the State of New Jersey.

Mr. Gaechter seconded the motion. Upon roll call,

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

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Mr. Doherty inquired if the governing body desired to submit a Green Acres Local Assistance Program Grant Application, which would provide a reimbursement of up to 50% of the \$200,000 being used to purchase this property from State Green Acres funding, if the grant is awarded. Mr. Doherty stated that the deadline for submittal of applications is July 30, 2010. If the desire is to submit such an application, Mr. Doherty stated that it would be necessary for the governing body to hold a public hearing, and to advertise the hearing in the official newspaper at least 15 days prior to the hearing, which would mean that the said public hearing would need to be held at 7:00 p.m. on July 29, 2010, if it is desired.

The members of the governing body expressed consensus support for Mr. Doherty to advertise the public hearing as explained, for 7:00 p.m. on July 29, 2010.

FUTURE STAFFING - CONSTRUCTION

Mr. Doherty stated that, in follow up to discussions held at the previous meeting, it would be appropriate for the governing body to determine the future staffing of the Construction Department effective September 1, and requested an executive session for the purpose of discussing the options available, giving consideration to negotiations with other municipalities for a new shared construction department venture versus a Stand-alone department. Employees of the existing Construction Department were invited to participate in this discussion.

REQUEST FOR CONSIDERATION OF ROAD VACATION

Mr. Doherty requested the governing body give consideration to a letter dated June 21, 2010 from Alan Wolpert. Mr. Doherty explained that the governing body in 2008 chose to keep Black Dirt Road as an unimproved, abandoned-but-not-vacated public road on the basis of possibly needing the Right of Way at some point in the future. Mr. Doherty pointed out that the presence of wetlands may be problematic for any future desire for road improvements, and reports have been presented regarding access issues involving neighbors (quad riding, dirt bikes), which have been a point of contention between neighboring property owners in the past.

The members of the governing body expressed a desire to look into this matter, and requested Mr. Doherty to place this item on the agenda for the August 12, 2010 meeting for further consideration at that time.

ATTORNEY REPORT

Mr. Garofalo indicated that with the likely time element involved in discussion of the Construction Department staffing, he would forego an Attorney Report this evening.

COMMITTEE REPORTS

Mr. DeBoer stated that the State legislative bill being given consideration by Senator Oroho, which would make it an option rather than a requirement for a municipality to co-sign a loan application for dam repairs under the Dam Safety Act, is making progress. Mr. DeBoer stated that Senator Oroho specifically informed him that this bill has been sponsored in direct response to the request made by all of the members of the Mayor and Committee of the Township of Wantage. Mr. DeBoer thanked his fellow members on the governing body for coordinating this request to the Senator. Mr. DeBoer also mentioned that an effort is under way to attempt convincing the New Jersey Department of Environmental Protection to re-classify the Lake Neepaulin Dam, with a desire to relieve the pending emergency repair expectation of NJDEP for this dam.

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Mr. Gaechter expressed frustration and unhappiness with the requirements of Civil Service Commission, pointing out that the rules and regulations of Civil Service are preventing Wantage Township from making budgetary and staffing decision which would be in the best interests of the community, the taxpayers and the employees. Mr. Gaechter requested the Township Attorney to review the procedures necessary for placing a question on the ballot for the general public to consider the withdrawal of Wantage Township from Civil Service.

Mr. Garofalo stated that he would provide details regarding this matter at a future meeting.

NEW BUSINESS

Final Adoption: Ordinance 2010-07: Salaries

Mr. DeBoer moved to adopt on final reading, Ordinance 2010-07 entitled "ORDINANCE FIXING THE SALARIES OF OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF WANTAGE, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, FOR THE YEAR 2010". The motion was seconded by Mr. Gaechter.

Prior to final roll call vote, Mayor Nuss opened the meeting to the public for any questions or comments with respect to the proposed Ordinance.

William Gettler, Gemmer Road, expressed a desire to have the salary of the Administrator Clerk separated into two separate lines, because the Administrator position is non-tenured while the clerk position is tenured.

There being no one else desiring to address the governing body at this time, Mayor Nuss closed the meeting to the public and requested a roll call vote. Upon roll call,

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

Final Adoption: Ordinance 2010-08: Small Wind Energy Systems

Mr. DeBoer moved to adopt on final reading, Ordinance 2010-08 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." The motion was seconded by Mr. Gaechter.

Prior to final roll call vote, Mayor Nuss opened the meeting to the public for any questions or comments with respect to the proposed Ordinance.

Douglas Ricker, Beemer Road, expressed a concern regarding the level of regulation in the ordinance for the placement and location of wind energy systems, expressing a belief that the wind should be a determining factor regarding placement; expressed the issue of alternate power options provided by these systems; and expressed height regulation concerns.

Mr. Gaechter stated that he would make sure Mr. Ricker's observations and concerns were expressed to the Land Use Board.

Mr. Ronald Bassani, Roberts Way, suggested taking Mr. Ricker's input into account, and stated the need for extensive efforts at regulating these systems.

Mr. DeBoer and Mr. Gaechter stated the Land Use Board took as extensive measures as were available in this regard when drafting the proposed ordinance.

Christine Feoranzo inquired if the "strobing" effect of these systems were regulated or addressed in the ordinance.

Mr. Gaechter stated that this topic was not addressed, but that the set back requirements should take care of the concern.

Ordinance 2010-08 Final Adoption, Continued

Mr. Tom Davis, Walnut Street, inquired what standards were used to approve the application which was before the Land Use Board prior to the adoption of this ordinance

Mr. Gaechter and Mr. DeBoer explained that the applicant worked with the Land Use Board to follow the standards which are now found in the proposed ordinance. Mr. Garofalo stated the Land Use Board would have needed to address this as a variance application in the absence of a prevailing ordinance, and the said application would have been guided by the State of New Jersey's determination that these systems are "inherently beneficial" under state law.

Kathy Gorman, Fernwood Road, inquired if the application being discussed involved a property owner on Fernwood Road, and asked if the placement of the system was on the far side of the property, removed from the residential neighbors. Mr. Gaechter confirmed this to be accurate, but pointed out that the system would be visible from Woodbourne Park. Ms. Gorman stated that she had no problems with this particular application.

There being no one else desiring to address the governing body at this time, Mayor Nuss closed the meeting to the public and requested a roll call vote. Upon roll call,

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

Final Adoption: Ordinance 2010-09: Fees

Mr. DeBoer moved to adopt on final reading, Ordinance 2010-09 entitled "AN ORDINANCE AMENDING CHAPTER XXI, FEES, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WANTAGE." The motion was seconded by Mr. Gaechter.

Prior to final roll call vote, Mayor Nuss opened the meeting to the public for any questions or comments with respect to the proposed Ordinance.

William Gettler, Gemmer Road, expressed a desire to have the fees for photocopies be made retroactive to earlier times when the cost was 75 cents per page.

There being no one else desiring to address the governing body at this time, Mayor Nuss closed the meeting to the public and requested a roll call vote. Upon roll call,

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

Approval of Minutes

Mr. Gaechter moved to approve the Regular and executive session Minutes of the Meeting of June 24, 2010. The motion was seconded by Mr. DeBoer. Upon roll call,

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

OPEN PUBLIC SESSION

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

William Gettler, Gemmer Road, offered comments and observations regarding the Construction Department, suggested disbanding the Construction Department in favor of a shared service venture with another municipality, and expressed unhappiness with the Township's code inspectors.

Douglas Ricker, Beemer Road, indicated his support of wind generators being allowed on farmland preserved land; offered comments and observations regarding the Lake Neepaulin Dam issue, suggesting the Township should seek "friends of the court" as well as special legal counsel to handle an appeal.

Kathy Gorman, Fernwood Road, reported that she had visited Byram Township, provided them with a copy of the letter from the Office of Legislative Services regarding co-signing of loans for dam repairs, and ascertained that Byram is aware of the ramifications of the Judge Bozonelis decision in the Lake Neepaulin case.

OPEN PUBLIC SESSION, Continued

Nick Luciano expressed concern regarding the manner in which the Land Use Board handled an application by Sussex Rural Electric Cooperative regarding the placement of a substation, expressing concern that alternate locations were not considered. General discussion followed regarding procedures for addressing this concern. Mr. Luciano indicated he would be sending the Township a letter offering details of his concerns.

Mr. Gettler expressed his belief that Judge Bozonelis had misunderstood the status of the tax status for Friends of Lake Neepaulin. Mr. Garofalo stated that Judge Bozonelis' correct understanding of this topic was verified in a follow up telephone conversation among the Judge and attorneys involved in the case, prior to rendering his determination. Mr. Gettler offered his input regarding how he believed a special assessment should be handled, if one is implemented.

Mr. DeBoer made a motion to enter into executive session #2 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: Negotiations/Personnel involving the terms and conditions of specific employees of the Construction Department. 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.

Mayor Nuss re-opened the meeting to the public to provide an opportunity for a member of the public to offer his input.

Mr. Bob Kohle expressed a desire for the governing body to give full consideration to all options and details when making decisions regarding the future staffing of the Construction Department before deciding upon any layoffs, and expressed concern that the number of retirements within the Township not lead to the Governor calling for Wantage and Sussex to merge.

Mr. Doherty assured Mr. Kohle that the Governor does not have the ability to unilaterally order a merger.

Mayor Nuss closed the meeting to the public and the governing body returned to 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.