

**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 9, 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. Gaechter moved to approve Raffle License RL10-16, to American Legion Post 213, confirming permission for Off Premise Merchandise Raffle held on June 20, 2010.

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

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

Mr. Gaechter moved to approve Raffle License RL10-17, to Beemerville Fire Department, for On premise 50/50 Raffle to be held on October 16, October 23, November 12 and November 20, 2010. The motion was seconded by Mr. DeBoer. Upon roll call,

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

Mr. Gaechter moved to approve Raffle License RL10-18, to American Legion Post 213, for On premise 50/50 Raffle to be held on October 3, 2010. The motion was seconded by Mr. DeBoer. Upon roll call,

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

Mr. Gaechter moved to approve the following for filing:

Clerks Report for the Month of August 2010

Construction Department Report for the Month of August 2010

Board of Health Report for the Month of August 2010

Registrar's Report for the Month of August 2010

Tax Collector's Report for the Month of August 2010

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

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

Mr. Gaechter moved to approve Payment of Bills for the meeting of September 9, 2010

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

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

Mr. Gaechter moved to authorize refund for a tax overpayment on Block 113 Lot 1.04 to Robert J. Heiden, in the amount of \$1,263.60. The motion was seconded by Mr. DeBoer.

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.

Court Personnel

Mr. Doherty informed the governing body that a request was made by the attorney for Bicsak Brothers LLC, Mr. Thomas Collins, for consideration of introducing a proposed Zoning Ordinance amendment. Mr. Doherty suggested that, since the text of the ordinance has not been presented to the governing body for review, and since the entire Land Use Board has not yet endorsed the proposed ordinance, it would be appropriate to hold off consideration of introduction of such an ordinance until September 30 meeting. Mr. Garofalo agreed with Mr. Doherty's recommendation, and the governing body agreed by consensus to take no action at tonight's meeting with respect to the request from Mr. Collins.

Mr. Doherty explained that, with the governing body's decision on August 12 to re-hire John Wyckoff as a part time inspector for the Construction Department, it becomes necessary for audit purposes to amend the 2010 Salary Ordinance to reflect that action.

Mr. DeBoer moved to introduce Ordinance 2010-11, 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", with a final hearing date scheduled for September 30, 2010. Mr. Gaechter seconded the motion. Upon roll call, **Ayes:** DeBoer, Nuss, Gaechter **Nays:** None **Absent:** None **Abstain:** None

Request for Executive Session

Mr. Doherty reported that the Township Attorney has requested an executive session to discuss on going litigation involving the Lake Neepaulin Dam.

Court Personnel

Mr. Doherty offered his recommendation regarding a proposed retirement package for a Court employee, and requested the governing body provide authorization for him to take action for staffing the 2011 municipal court.

Mr. Gaechter moved to authorize and confirm a retirement package for Cheryl Fredericks consistent with the offer made to other employees in 2010, and authorized the Administrator to advertise through the Civil Service Commission for a 2011 full time Court Administrator and part time Clerk Typist for the Municipal Court. The motion was seconded by Mr. DeBoer. Upon roll call,

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

Mr. DeBoer inquired regarding the status of the continued participation of Sussex Borough in the court system. Mr. Doherty responded that he has received no notification from Sussex Borough that they will be withdrawing from the Shared Service arrangement, and therefore he is proceeding on the expectation of continued participation.

NJDCA Local Government Best Practices Survey – Impact on State Aid

Mr. Doherty reported that the New Jersey Department of Community Affairs has established a survey of 88 questions, with the number of "Yes" answers determining the percentage of Fourth Quarter State Aid to be released to a municipality. Mr. Doherty explained that the format and details of this survey are under scrutiny and review by the NJ League of Municipalities and the NJDCA, but given the impending deadline date of October 2010 for a survey response, Mr. Doherty stated that he needs governing body direction on several questions.

ADMINISTRATOR'S REPORT, continued

Mr. Doherty reported that one question on the survey asks "Do you require Elected Officials to attend basic courses on responsibilities and obligations ...?" Mr. Doherty indicated, if the governing body adopts a motion to this effect tonight, he can answer this question "yes".

Mr. DeBoer moved to adopt a resolution amending the Township's personnel policy so that newly elected officials are required to attend a basic course dealing with the responsibilities and obligations of a local elected official in the State of New Jersey. Mr. Gaechter seconded the motion. Upon roll call,

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

Mr. Doherty reported that another question inquires, "Has your municipality adopted an Absence From Meetings Policy?" Mr. Doherty indicated if the governing body adopts a policy by introducing an ordinance on September 9, he can answer "yes". Mr. Doherty distributed proposed Ordinance 2010-12, drafted by Mr. Garofalo, which would satisfy this requirement if so desired.

Mr. Gaechter moved to introduce Ordinance 2010-12, entitled "AN ORDINANCE TO AMEND CHAPTER II OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF WANTAGE, BEING THE ADMINISTRATION CHAPTER.", with a final hearing date scheduled for September 30, 2010. Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Doherty reported that another question inquires "Does your municipality provide annual Employment Practices Liability training for Elected Officials, Managers, Administrators, Department Heads and supervisors?" Mr. Doherty explained currently, Wantage Township provides such training to its Administrator, Department heads and supervisors through the Statewide Insurance Fund, but would require a confirmation from the governing body that they are willing to receive this training as well in order to answer "yes" to the question.

Mr. DeBoer moved to adopt a resolution amending the Township's personnel policy so that elected officials are included to receive annual Employment Practices Liability training. Mr. Gaechter seconded the motion. Upon roll call,

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

Mr. Doherty reported that another question inquires "Does your municipality limit health benefits to full time (35 hour or more), excluding from coverage all part-time employees, elected or appointed officials?" General discussion took place on this question. Mr. Doherty explained that, with 2010 amendments to State law, all new elected officials of Wantage Township would be excluded from medical benefit coverage unless they document working at least 35 hours a week for the Township throughout the year.

Mayor Nuss indicated a belief that it would be appropriate to maintain the existing policy of providing health benefits for existing elected officials of Wantage Township until such time as their term of office has ended. Mr. Gaechter expressed a desire to retain the existing policy as well. Mr. DeBoer indicated he would be willing to consider changing the current policy of the Township if additional monetary consideration were provided in the annual stipend for the governing body, which would wind up being a bottom line cost reduction in the budget compared to existing costs of medical benefit coverage. After review and consideration, the governing body chose to take no action at this time with respect to this issue.

ATTORNEY REPORT: None

COMMITTEE REPORTS: None

OLD BUSINESS: None

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NEW BUSINESS

Approval of Minutes

Mr. DeBoer moved to approve the Regular and executive session Minutes of the Meeting of August 12, 2010. The motion was seconded by Mr. Gaechter. Upon roll call,

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

Mr. Doherty reported that a request has been made by a member of the public for release of Executive Session minutes for the months of June, July and August, 2010. After review and consideration of the attorney's advice on this request, the governing body chose to take no action to release said minutes, thereby retaining them as closed executive session minutes.

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 an OPRA request he made, and reported that the court office of Judge Bozonelis had released to him a copy of a report that Wantage Township had declined to release. Mr. Gettler then offered his opinion regarding the contents of that report in his possession.

Mr. Garofalo explained that the report being discussed by Mr. Gettler was no longer on the table in the litigation settlement negotiations.

Rebecca Fitzgerald, on behalf of the High Point Midget Football program, informed of a Beefsteak Dinner fundraiser scheduled for October 1, inviting the governing body and the public to attend and support the event.

EXECUTIVE SESSION

Mr. DeBoer moved 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: On-going litigation involving the Lake Neepaulin Dam, and matters falling within the attorney-client privilege regarding said issue.

BE IT FURTHER RESOLVED, Minutes will be kept on file in the municipal clerk's office, and once the matter involving confidentiality of the above no longer requires 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, Mayor Nuss moved to reconvene the meeting in open session. Mr. Gaechter seconded the motion. Upon roll call,

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

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.

James R. Doherty, Administrator/Clerk