

**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 NOVEMBER 11, 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 led the assembly in the Salute to the Flag. After the Flag Salute, all persons present joined in a Moment of Silence in honor of America's veterans and those who have given their life to protect our country through their service in the armed forces.

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 the following for filing:

Clerks Report for the Month of October 2010

Construction Department Report for the Month of October 2010

Board of Health Report for the Month of October 2010

Registrar's Report for the Month of October 2010

Tax Collector's Report for the Month of October 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 Appropriations Transfer Resolution totaling \$79,770, dated November 11, 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 Payment of Bills for the meeting of November 11, 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 accept the completion of the Project entitled "Striping Crigger & Neilson Roads", as per recommendation of Township Engineer dated 11/2/2010.

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 refund on Block 152.05 Lot 10 to Lien times, LLC, in the amount of \$2,900 for a tax sale premium. 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 refund of various funds as follows:

- a. \$706.33 to William & Laura Hemmer for state tax appeal on Block 21 Lot 34.06
- b. \$1,700.73 to Joe Cabera et al, for state tax appeal on Block 21, Lot 34.24
- c. \$2,159.93 to Amy & Timothy Librizzi for tax overpayment on Block 135 Lot 6.22
- d. \$1,270.46 to Dodd & Kelly Mobius for tax overpayment on Block 23 Lot 6.03
- e. \$2,791.58 to the Estate of E. Marie Frank for tax overpayment on Bock 130 Lot 10

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

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

CONSENT AGENDA, Continued

Mr. DeBoer moved to confirm refund on Block 26 Lot 15 to Hendrik & Joan Klein, in the amount of \$164.88 for release of escrow on Land Use Application L-07-04.

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 Release of Driveway Bonds as follows:

- a. \$500 to Brink Road Builders for Driveway Bond D-06-14 on Block 132 Lot 14.08
- b. \$2,000 to Joseph Hayes for Driveway Bond D-06-13 on Block 33, Lot 23.01

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 Release and Reduction of various Bonds submitted by Quick Check Corporation, per recommendation of Township Engineer, as follows:

- a. Release Bond #105120563, \$10,180.00 balance.
- b. Release Bond #104942727, \$60,000.00 balance
- c. Reduce Bond #104990188: Release \$2,500.00, retain \$500.00

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

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

ADMINISTRATOR'S REPORT

Raffle Application/Request For Special Meeting: Mr. Doherty stated a local organization desired to hold a raffle in December, but based on their proposed drawing date, and given the requirements of state deadlines for submittal of/release of raffle licenses, it would be necessary for the governing body to hold a special meeting on Friday, November 19 for the purpose of considering approval of said license application. The governing body agreed by consensus to hold said meeting. Mr. Doherty mentioned that, for consideration and future reference, it is permissible for a governing body to delegate the power of approving raffle/bingo applications to the municipal clerk, which would avoid the need for such special meetings in the future. Such a decision would require an ordinance to enact.

Shared Service Ventures: Mr. Doherty asked if the governing body was prepared to offer consensus for pursuing proposed shared service ventures involving the municipal court and the Tax Collection department. Mr. Gaechter requested an opportunity to review and discuss the status of negotiations for these ventures, in closed executive session later in the meeting, prior to taking action on the matter.

Request for Consideration of 4-Way Stop Intersection: Mr. Doherty stated that a resident has requested the governing body establish a 4-way stop at the intersection of Holland and Decker Roads. Mr. Doherty suggested it might not be necessary to create a 4-way stop intersection if the property owners at those intersections were willing to trim back high grass and shrubbery which seems to be impeding sight distance, but if the governing body desired, he would ask the Township Engineer to investigate the intersection and offer a recommendation based on the Engineer's review. The members of the governing body decided to visit the said intersection and see conditions for themselves prior to offering any direction on this matter.

Request for Release of Bond: Quick Chek: Mr. Doherty stated that the principals of Quick Chek have requested the governing body release the balance on the remaining Bond covering assurances for future development of Clark Road. The members of the governing body chose to take no action on this request until such time as the Land Use Board and their professionals have an opportunity to offer their recommendation in its regard.

Request for Direction: 2011 Park Mowing/Maintenance (held from 10/28 meeting): The members of the governing body requested additional time to review options on this matter prior to discussion at a public meeting.

ADMINISTRATOR'S REPORT, Continued

Municipal Court Staffing for 2011: Mr. Doherty reported that the NJ Civil Service Commission has posted the Job Available notification for Municipal Court Administrator in Wantage Township.

Update on Promotion Exam in DPW: Mr. Doherty explained that one of the conditions Wantage Township agreed to, as part of the negotiations settlement with the DPW Union, was for Wantage Township to pursue an announcement through Civil Service for the promotion of up to three Laborers to the position of Road Repairer, at no change in salary. Wantage Township did make the said announcement in compliance with that agreement. Civil Service processed the application of the one employee who submitted the necessary paperwork for consideration, and has notified Wantage Township of the outcome of the promotion process. However, Civil Service has also informed Wantage Township that no action may be taken to actually promote this individual, because of a Special Reemployment List which has been generated involving the two employees who were laid off earlier this year.

Request of Acting Construction Official for discussion regarding Terms and conditions of his employment: Mr. Doherty explained that this employee has requested this discussion take place in closed executive session.

ATTORNEY REPORT:

Mr. Garofalo presented a proposed Consent Judgment for settlement of the Lake Neepaulin Dam litigation, for the consideration of the governing body. Mr. Garofalo explained that FOLN has made a request for including a provision which would attach a deed restriction on the Lake property and the beach property, for the purpose of preventing said lots from being developed upon at any point in the future.

General discussion took place regarding this proposal. Mayor Nuss stated that she saw no reason to include such a deed restriction because the beach lot could not be developed any way, given state regulations involving well, septic, and wetlands buffers. Mr. DeBoer and Mr. Gaechter used those same reasons to take the position that there was no harm in agreeing to the proposed stipulations.

After due discussion and consideration, Mr. DeBoer moved to authorize Mr. Garofalo to sign the Consent Judgment for settlement of the Lake Neepaulin Dam litigation on behalf of Wantage Township, including the provision for deed restrictions as requested by FOLN. Mr. Gaechter seconded the motion. Upon roll call,

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

COMMITTEE REPORTS:

Mayor Nuss asked if Mr. DeBoer or Mr. Gaechter had a Committee Report to offer.

Mr. Gaechter had no report to submit at this time.

Mr. DeBoer offered a motion to approve a resolution for Wantage Township to join the Sustainable Jersey certification program, as follows:

Mr. DeBoer's Committee Report, Continued:

WANTAGE TOWNSHIP Resolution Supporting Participation In the Sustainable Jersey™ Municipal Certification Program

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and
WHEREAS, Wantage Township strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, Wantage Township hereby acknowledges that the residents of Wantage Township desire a stable, sustainable future for themselves and future generations; and

WHEREAS, Wantage Township wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path Wantage Township is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of Wantage Township, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community;

NOW THEREFORE, BE IT RESOLVED, that to focus attention and effort within Wantage Township on matters of sustainability, the Mayor and Committee of the Township of Wantage wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED, by the Mayor and Committee of the Township of Wantage that we do hereby authorize Administrator James Doherty to serve as Wantage Township's agent for the Sustainable Jersey Municipal Certification process and authorize him to complete the Municipal Registration on behalf Wantage Township.

Mr. Gaechter seconded the motion. Upon roll call,

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

OLD BUSINESS: None

NEW BUSINESS

Introduction of Ordinance 2010-10: Black Dirt Road

Mr. DeBoer moved to introduce on first reading, Ordinance 2010-10 entitled "AN ORDINANCE TO VACATE A PORTION OF BLACK DIRT ROAD IN THE TOWNSHIP OF WANTAGE". Final Hearing scheduled for December 9, 2010.

Mr. Gaechter seconded the motion. Upon roll call,

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

Introduction of Ordinance 2010-15: Salaries for 2011

Mr. Gaechter moved to introduce on first reading, Ordinance 2010-15 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 2011". Final Hearing scheduled for December 9, 2010.

Mr. DeBoer seconded the motion. Upon roll call,

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

Introduction of Ordinance 2010-16: Stop Intersection

Mr. Gaechter moved to introduce on first reading, Ordinance 2010-16 entitled "AN ORDINANCE ESTABLISHING STOP INTERSECTION ON SNOVER ROAD WITHIN THE TOWNSHIP OF WANTAGE". Final Hearing scheduled for December 9, 2010. Mr. DeBoer seconded the motion. Upon roll call,

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

Approval of Minutes

Mr. DeBoer moved to approve the Minutes of the Meeting of October 28, 2010.

The motion was seconded by Mr. Gaechter. 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 thanked Mayor Nuss for remembering the Veterans and paying tribute to them. Mr. Gettler offered a story of personal experience he had as a Veteran.

Ms. Joy Steinbacher offered comments explaining FOLN's desire for a deed restriction on the beach property. Mayor Nuss and Ms. Steinbacher expressed their opinions and views on this issue.

Ms. Karen Merritt offered her view on the issue of the Consent Order.

Mr. Gaechter responded to Ms. Merritt's observations.

There being no one else present wishing to address the governing body, Mayor Nuss closed the meeting to the public.

CLOSED EXECUTIVE SESSION

Mr. DeBoer moved to adopt 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 matters:

- 1) Discussion of the terms and conditions of employment of the Assistant Construction Official.
- 2) Negotiations regarding potential shared service ventures for 2011.

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 session, the members of the governing body returned to open session and continued with the regular order of business.

Mr. DeBoer moved to authorize Mr. Doherty to proceed with formal offers to Stillwater Township for a 3-town court system, and Lafayette Township for a 2-town Tax Collection department, in accordance with the details discussed in closed executive session this evening.

Mr. Gaechter seconded the motion. Upon roll call,

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

Mr. Gaechter moved to approve the posting of a 4-day, 10-hour per day workweek for the Wantage Township Assistant Construction Official.

Mr. DeBoer seconded the motion. Upon roll call,

Ayes: DeBoer, Gaechter, Nuss **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