

**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 MARCH 25, 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.

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. Gaechter made a motion to approve the Membership Application for the Wantage Township Fire Department, for Griffin Adkins of 10 Northfield Drive in Wantage, for Beemerville Company #2. Mr. DeBoer seconded the motion. Upon roll call,
Ayes: DeBoer, Nuss, Gaechter **Nays:** None **Absent:** None **Abstain:** None

RESOLUTIONS

Mr. Gaechter made a motion to approve release of Letter of Credit for the project known as Mountain View Drive by LVAJ, as per representation from Township Engineer that the work covered by this Letter of Credit has been completed.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. DeBoer made a motion to approve Change Order No. 2 to the contract with Owl Contracting for Improvements to Holland Road and Berry Road, representing a net increase in contract amount of \$447.15 on the Holland Road project, and a \$913.95 reduction in the Berry Road project. 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.

911 DISPATCH CONSOLIDATION: Mr. Doherty reminded the Committee that they will need to present a position on this issue, when they are ready to do so.

NEGOTIATIONS: Mr. DeBoer will be the Governing Body representative on the Negotiating Committee. Mr. Doherty requested negotiation strategy be discussed during executive session.

PENDING LITIGATION: Mr. Doherty distributed information from Mr. Garofalo regarding the pending litigation with Friends of Lake Neepaulin.

Introduction of Ordinance 2010-05: Repair Loader

Mr. DeBoer made a motion to introduce on first reading; Ordinance 2010-05 entitled "AN ORDINANCE APPROPRIATING THE SUM OF \$8,000.00 FOR THE REPAIR OF DPW LOADER". Final Hearing scheduled for April 15, 2009.

Mr. Gaechter seconded the motion. Upon roll call,

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

ATTORNEY'S REPORT

Mayor Nuss requested Mr. Garofalo present the Attorney's report. Mr. Garofalo wanted to clarify that Ordinance 2010-03 – Outdoor Furnaces was introduced as an amendment to the zoning ordinance which would grandfather all existing outdoor furnaces and not a general ordinance which would require all outdoor furnaces to comply with the requirements. A brief discussion took place. Mr. DeBoer asked Mr. Doherty to find out how many outdoor furnaces currently exist in the Township. The Committee will discuss during the April 15 meeting.

Mr. Garofalo requested that discussion of pending litigation take place during executive session.

COMMITTEE REPORTS

Mr. DeBoer informed the Committee that the annual DWI drill at High Point Regional High School will take place on April 13, 2009. A helicopter from the State Police is usually used, but unavailable for this drill. Atlantic Health Systems will provide the helicopter, but requested a letter of permission to land at the high school from Wantage Township. Mr. DeBoer will have Dean Snook contact Mr. Doherty with details for preparing the permission.

Mr. DeBoer asked Mr. Doherty to do a comparison of our health care coverage and costs with that of the local teachers and some of the comparable local municipalities in our insurance fund.

Mr. Gaechter informed the Committee that the state has cut our aid substantially and stated that he took exception to the State Department of Community Affairs' comment that the cuts were directed where they could be better absorbed, disagreeing to the inference that Sussex County is in a better position to face a tax increase.

Mayor Nuss wished to publicly respond to a letter received from a resident. Mayor Nuss stated that these were her opinions only and not necessarily the opinion of the entire Committee. Mayor Nuss gave a background regarding the resident's concerns, specifically continued accusations of wrongdoing with regard to the Township's property maintenance ordinance, and stated a lawsuit is a public record and invited any interested parties to simply visit the court and read it. Mayor Nuss further stated that the ordinance was found to be constitutional; no employee has ever forced entry into a resident's home. Mayor Nuss stated that the letter received contained a number of incorrect and hurtful statements about past Mayors, Committeemen, Township employees and Township professionals, and has, herself, made legal inquiry as to whether it constitutes harassment and slander. Mayor Nuss stated that the Township has been forced to incur a considerable amount of taxpayer monies defending unfounded allegations and finds it inappropriate that Wantage Township and its employees are constantly threatened with allegations of having conducted or conspired to conduct criminal activity. Mayor Nuss stated that she hopes the author of this letter finds her statements an adequate response to his demand that she publicly address his letter.

Mr. DeBoer stated that her response was appropriate and accurate.

OLD BUSINESS

Bid Results: Mowing Maintenance of Municipal Parks

General discussion took place regarding the results of the Public Bid for Mowing Maintenance of Municipal Parks.

Mr. DeBoer made a motion to reject the bids of Andy-Matt, Inc. of Mine Hill, NJ and Pat Scanlan Landscaping of New City, NY for non-compliance.

Mr. Gaechter seconded the motion. Upon roll call,

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

PAGE THREE OF THE MINUTES OF MARCH 25, 2010

Mr. Doherty informed the Committee that if they award the low bid, saving the Township \$31,000 in 2010 and \$72,000 annually if the savings were realized for an entire year, he would also need a motion to implement a lay-off plan for the two laborers of the DPW Department with the least seniority, effective May 15, 2010. If the layoff approval from Civil Service provides for a later effective date of layoff, then the savings for 2010 would be adjusted.

Mr. DeBoer made a motion to award a contract to Green Leaf Landscape of Eatontown, NJ, in the amount of \$885 for one weekly mowing event and \$95.00 for additional mowing events requested in the same week. Mr. Gaechter seconded the motion. Upon roll call, **Ayes:** DeBoer, Nuss, Gaechter **Nays:** None **Absent:** None **Abstain:** None

Mr. DeBoer made a motion to authorize Administrator to implement a lay-off plan for the two least senior DPW laborers. Mr. Gaechter seconded the motion. Upon roll call, **Ayes:** DeBoer, Nuss, Gaechter **Nays:** None **Absent:** None **Abstain:** None

The Governing Body expressed regret that layoffs were necessary.

Budget Work Session

General discussion took place regarding the draft of the proposed 2010 municipal budget for Wantage Township. The Governing Body had no comments on the budget at this time.

Approval of Minutes

Mr. Gaechter made motion to approve the regular minutes of the meetings of the Wantage governing body held on March 11, 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.

Bill Gettler, Gemmer Road, thanked the Mayor for her reply. Mr. Gettler gave a history of Wantage Township's property maintenance code.

Karen Merritt, invited all to attend the Spring Fling on April 24, 2010 from 7:00 to midnight at \$27.50 per person, and that parties of 10 to 12 can request a table. She had tickets with her available for sale.

Pat Kelly, Beemer Church Road, explained a problem he was having with the Wantage Township Construction Office regarding his property. Mr. Doherty informed Mr. Kelly that the Governing Body was not the hearing agency for complaints against a Construction Code Official, and indeed, a governing body may not involve itself in a situation such as this because it would politicize the process of code enforcement. As such, Mr. Kelly needed to follow the established procedure under the law if he desired to appeal the Construction Official's position.

Anne Smulewicz, Route 23, expressed her belief that if there is a resident with a problem the Committee should try to fix it.

Mr. Gettler asked if Mr. Gaechter was receiving health benefits at this time. Mr. Gaechter stated that he is not.

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

PAGE FOUR OF THE MINUTES OF MARCH 25, 2010

Mr. Gaechter 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: "union negotiations and pending litigation involving the FOLN 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. 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, 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