

**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 APRIL 29, 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 members were 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 American 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 RL10-08, for Beemerville Fire Department Ladies Auxiliary, to hold an On-Premise Merchandise Raffle on June 4, 2010.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Gaechter moved to approve Raffle License RL10-09, for Beemerville Fire Department Ladies Auxiliary, to hold an On-Premise 50/50 Raffle on June 4, 2010

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Gaechter moved to approve Bingo License BL10-10, for Sussex Elks Lodge, to conduct Bingo on various dates during the months of May through August, 2010

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Gaechter moved to authorize refund in the amount of \$1,650.96 to Joyce Fitzgerald, associated with Block 32 Lot 9.02, for the refund of a tax overpayment

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Gaechter moved to authorize refund in the amount of \$1,038.28 to BAC Tax Service Corporation, associated with Block 87 Lot 8, for the refund of a tax overpayment

Mr. DeBoer seconded the motion. Upon roll call,

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

MAYOR'S PROCLAMATION

Mayor Nuss offered a Proclamation declaring May 1, 2010 "SILVER STAR BANNER DAY" in Wantage Township to honor the wounded and ill soldiers of the Township of Wantage and the United States of America, as follows:

Silver Star Banner Day Proclamation

WHEREAS, the Township of Wantage has always honored the sacrifice of the men and women in the Armed Forces and

WHEREAS, The Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designing and manufacturing a Silver Star Banner and Flag and

WHEREAS, to date The Silver Star Families of America has freely given thousands of Silver Star Banners to wounded Veterans and their families, and

WHEREAS, the members of The Silver Star Families of America have worked tirelessly to provide the wounded Veterans of this Country with Silver Star Banners, Flags and care packages, and

WHEREAS, The Silver Star Families of America's sole mission is that every time someone sees a Silver Star Banner in a window or a Silver Star Flag flying, that people remember the sacrifice made by the Veterans of the United States Armed Forces for this Township, State and Nation and

WHEREAS, the people and Mayor of Wantage Township wish that the sacrifice of so many in our Armed Forces never be forgotten,

NOW THEREFORE, I, Clara Nuss, MAYOR OF THE TOWNSHIP OF WANTAGE, NEW JERSEY do hereby proclaim my appreciation of The Silver Star Families of America and honor their commitment to our wounded Armed Forces members.

I hereby declare May 1st "SILVER STAR BANNER DAY" the permanent and official day to honor the wounded and ill Soldiers of the Township of Wantage and the United States of America.

ADMINISTRATOR'S REPORT

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

Mr. Doherty informed that Gloria Li Trenta had submitted her resignation from the Board of Health, after 30 years of service.

Mr. Gaechter moved to accept, with regrets, the resignation of Gloria Li Trenta from the Board of Health. Mr. DeBoer seconded the motion. Upon roll call,

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

The governing body agreed by consensus to present Ms. Li Trenta with a token of the governing body's appreciation for her years of service. Mr. Doherty stated he would present this to Ms. Li Trenta through the Board of Health secretary.

Mr. Doherty informed that Melissa Caton had submitted her resignation from the position of part time Clerk typist with the Fire Prevention Bureau, effective July 1, 2010.

Mr. DeBoer moved to accept, with regrets, the resignation of Melissa Caton from the part time Clerk Typist of the Fire Prevention Bureau, effective July 1, 2010. Mr. Gaechter seconded the motion. Upon roll call,

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

Mr. Doherty reported that, with the appointment of Maggie Kolicko to the Land Use Board, the Plan Endorsement Citizen Advisory Committee needs another citizen named who is not otherwise appointed to any other board or commission of the Township. Diane Snure recommends Mr. Robb Thompson to fill that seat. Ms. Snure informs that Mr. Thompson is willing to serve.

The governing body agreed to give consideration to this matter. No action was taken at this time.

NEGOTIATIONS: Mr. Doherty requested an executive session to discuss status of negotiations with DPW and Office Staff employees.

SCHOOL BUDGET DEFEAT REVIEW

Mr. Doherty reported that a Special meeting with High Point Regional High School is scheduled for May 3, and a special meeting with Sussex Wantage Board of Education and Sussex Borough scheduled for May 12.

Mr. Doherty encouraged discussion of the governing body's position, and offered suggestions for establishing a rationale to decide upon an amount of Sussex-Wantage School budget tax levy to be reduced, and amount of HPRHS tax levy to be reduced, and consideration of reaching out directly to Teacher Union to request a pay freeze. Mr. Doherty reminded the governing body that a consensus of all governing bodies involved in a school budget review would be necessary by May 19, or else the matter would be submitted to the County School Superintendent for further adjudication.

Mr. DeBoer stated that he was not prepared this evening to decide upon a position with respect to any tax levy cuts, as he has just received the high school's defeated budget package, and there is considerable material to review from both the Sussex-Wantage Board of Education and the High School Board of Education. Mr. DeBoer stated that he would have questions that need answering before he would be able to arrive at a dollar figure.

Mr. Gaechter agreed that more time was needed to review all of the material, and to obtain answers to questions.

Mayor Nuss expressed a belief that considerable savings might be achieved if the schools were to pursue a "K – 12" regionalization, but that she agreed the current year school budget needs additional review before a decision is made on cuts.

OPEN SESSION: School Budget Review

Mayor Nuss opened the meeting to the public at this time, for any comments with respect to the defeated school budgets issue.

Jennie Craig, Ryan Road, announced the formation of a group of Sussex Wantage High Point Parents for Education, to keep open the lines of communication among all stakeholders in the community, and try to find realistic solutions to the challenges of funding the education process.

Mr. DeBoer asked if Ms. Craig had any suggestions on possible cuts to be made. Ms. Craig stated that the group has some ideas, and would be willing to share those ideas with the governing body as the review process develops.

William Gettler, Gemmer Road, offered suggestions regarding reductions in the school tax levy, expressed his position with respect to courtesy busing, expressing his belief that the Sussex-Wantage school budget should be reduced by at least one million dollars, and the High School budget should be reduced \$612,000 and an additional \$750,000.

Art Jacobs, Beemer Church Road, expressed his position with respect to courtesy busing, suggested a need to review each line item of the defeated school budgets; suggested reviewing bus routes as an area for potential savings; suggested reductions in the administration at Sussex-Wantage school district; suggested reviewing the employee benefits package to seek savings; suggested reductions in the buildings and grounds section of the school budget; requested consideration of a reduction between \$750,000 – one million dollars.

Kathy Compa, Joseph Drive, stated that she was speaking this evening as a private citizen; commended the governing body for their decision to take time to review the budget before taking any action on the budget; expressed her position with respect to savings that have been accomplished by employee negotiation settlements and their impact on the school budget.

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SCHOOL BUDGET DEFEAT REVIEW, continued

Mr. DeBoer stated that, since Ms. Compa is on the Sussex Wantage Board of Education, does she have any suggestions regarding whether or not the school administration is top-heavy, or any other suggestions for cuts.

Ms. Compa declined to participate in the discussion as a board member.

Ann Smulewicz, Route 23, expressed her belief that a need exists to address the majority's desire to make cuts in the school budget, and expressed disappointment with the High Point Board of Education.

Joy Steinbacher, Lake Neepaulin, asked if the figures were known as to how much money a teacher pay freeze would save.

Mayor Nuss and Mr. Gaechter said the figures were similar for both the Sussex-Wantage budget and the High Point budget, in the range of \$400,000 - \$450,000.

Mr. Jacobs expressed rebuttal comments to Ms. Compa's position regarding teacher salaries and negotiations.

Diane Snure, Mt. Salem Road, expressed her position on teacher benefits, negotiations, and pay increases.

Rich Dispenziere, Joseph Drive, expressed his position with respect to the salary levels of teachers and their impact on the school budget.

Rudy Solar, Mt. Salem Road, expressed observations regarding the poor situation of the current economy and its impact on employment in the private sector.

Ms. Craig reiterated her belief that there is a need to address action "going forward", and to refrain from discussions about what was or was not done in the past, as that discussion will not produce any meaningful results to the issue being discussed.

Bob Heiden, Old Clove Road, expressed concern with cuts on the welfare of the children.

Mr. DeBoer inquired if there were a standard class size offered as a recommendation by the State of New Jersey. Mr. Heiden offered to get information in response to Mr. DeBoer's inquiry from Dr. Izbicki.

Debbie Disanza, Lillian Court, expressed the belief that additional cuts beyond those already made by the Board of Education would lead to undesirable consequences.

Ron Bassani, Roberts Way, offered his position with respect to the difficulty involved in having the governing body review the school budget and come up with proposed cuts in such a short period of time; suggested putting the onus on the Board of Education to identify areas that could be cut.

A resident expressed her opinion that the cuts which are already proposed for the school budget as it was presented to the voters is alarming; expressed concerns with staffing levels of teachers and class size concerns; suggested there be no further cuts.

Jim Paladino, Central School Road, suggested the Township should address concerns with the New Jersey State Government in Trenton as a means of dealing with the problems of the funding system for education in the State.

Mr. Gettler offered his position with respect to class sizes; student population decreases; and tax increases.

ATTORNEY'S REPORT

Mayor Nuss requested Mr. Garofalo present the Attorney's report. Mr. Garofalo had nothing new to report.

Mr. Garofalo requested a brief executive session to report on the status of on going litigation.

COMMITTEE REPORTS

Mr. DeBoer announced the First Aid Squad would be holding a fund raising car wash event on May 8, and encouraged citizens to support the fund raising effort.

OLD BUSINESS: None

NEW BUSINESS

Final Adoption of Ordinance 2010-06: Salaries

Mr. DeBoer made a motion to adopt on final reading, Ordinance 2010-06 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". Mr. Gaechter seconded the motion.

Mayor Nuss opened the meeting to the public for any questions or comments with respect to the proposed ordinance. There being no one present wishing to speak on this ordinance, Mayor Nuss closed the meeting to the public and requested a roll call vote. Upon roll call,

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

Final Adoption of Ordinance 2010-04: Cap Waiver

Mr. Gaechter made a motion to adopt on final reading, Ordinance 2010-04 entitled "CY 2010 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)". Mr. DeBoer seconded the motion.

Mayor Nuss opened the meeting to the public for any questions or comments with respect to the proposed ordinance.

Rich Dispenziere, Joseph Drive, requested an explanation of the details of this proposed ordinance.

Mr. Doherty explained that the ordinance represented a planning tool for next year's budget by creating a budget cap "bank", preserving the Township's ability to budget in 2011 in case any unavoidable, emergency increases in expense may rise above the existing allowance for budget cap. The ordinance has no affect on this year's budget, since the spending plan proposed by the governing body for 2010 represents a reduction of more than \$170,000 compared to the 2009 spending plan.

Mr. Dispenziere inquired whether it was possible to utilize budget surplus next year to offset any unknown emergencies. Mr. Doherty responded that the depleted condition of the municipal surplus made that option unavailable. Mr. Dispenziere asked if delinquent taxpayers were contributing to the reduction in the surplus. Mr. Doherty explained that delinquent taxpayers are an issue which must be dealt with in each year's budget, but that the gap between those who are delinquent in their current taxes and those who are paying off prior year delinquencies is increasing because of the poor economy and increases in foreclosures.

There being no one else wishing to speak on this ordinance, Mayor Nuss closed the meeting to the public and requested a roll call vote. Upon roll call,

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

Final Adoption of Ordinance 2010-03: Outdoor Furnaces

At this time, the governing body gave consideration to the status of Ordinance 2010-03 entitled "AN ORDINANCE AMENDING CHAPTER XIII OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WANTAGE TO REGULATE OUTDOOR FURNACES AND BOILERS, BEING THE ZONING ORDINANCE."

Mr. DeBoer stated that the Land Use Board would be presenting various suggested changes to this proposed Ordinance, and suggested the issue be tabled.

After general discussion, consensus was reached to open the meeting to the public to hear any questions or comments with respect to the ordinance which was advertised, and then to consider a motion for defeating the proposed ordinance, which would allow the issue to be reconsidered with a clean slate, once a new draft was presented by the Land Use Board.

Mayor Nuss opened the meeting to the public for any questions or comments with respect to this proposed Ordinance.

Billie Aikens, Mt. Salem Road, expressed support for regulations on outdoor furnaces, based on her experience with neighbors utilizing these furnaces.

Rocky DeLuca, Courtright Road, expressed support for regulations on outdoor furnaces based on his experience with neighbors utilizing these furnaces.

Cheryl Soldano, Rockport Road, spoke in opposition to outdoor furnace regulations based on her personal experience in operating said furnaces.

Paul Kimble, Mt. View Drive, spoke in opposition to outdoor furnace regulations.

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

Mr. DeBoer moved to defeat Ordinance 2010-03 entitled "AN ORDINANCE AMENDING CHAPTER XIII OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WANTAGE TO REGULATE OUTDOOR FURNACES AND BOILERS, BEING THE ZONING ORDINANCE." Mr. Gaechter seconded the motion. Upon roll call, **Ayes:** DeBoer, Gaechter, Nuss, **Nays:** None **Absent:** None **Abstain:** None

Mayor Nuss declared this ordinance to be defeated.

Approval of Minutes

Mr. Gaechter moved to approve the Regular and executive session Minutes of the Meeting of April 15, 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, expressed the belief that the Township had revised its budget since it was introduced, and asked if it was necessary for the Township to re-advertise the budget.

Mr. Garofalo responded no.

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OPEN PUBLIC SESSION, continued

Mr. Gettler expressed a belief that additional information should be included in the municipal budget regarding the calculation of the reserve for uncollected taxes; objected to the change made in the municipal budget from last year with regard to the display of the anticipated tax levy of the county and school budgets; expressed his position with respect to the staffing of the Construction Department in light of the reduction in fee revenues; expressed a desire to see a zero tax increase.

Mr. William Haggerty, Attorney, spoke on behalf of a request by Bicsak Brothers Realty to pursue the purchase at auction of sewer allocation from Hardyston Township; explained that the auction must be conducted in this instance with Wantage Township acting as the "purchaser", because of the terms established by Hardyston Township for the auction; proposing to develop a written contract between his clients and Wantage Township in which the Township would act as the surrogate for his client in the purchase of the sewer allocation, with all funds involved being paid by his client.

General discussion took place at this time regarding the details of this proposed course of action. Discussion included comments and questions by Mr. DeBoer and Mr. Garofalo, and answers by Mr. Haggerty and Engineer Owen Dykstra.

After due deliberation, Mr. DeBoer moved to adopt the following resolution, with Mr. Gaechter offering a second to the motion:

WHEREAS, The Hardyston Township Municipal Utilities Authority ("HTMUA") has authorized the auction of 65,000 gallons per day ("gpd") of sewer allocation at the Upper Wallkill Valley Water Pollution Control Facilities of the Sussex County Municipal Utilities Authority, and

WHEREAS, The auction will take place at the Hardyston Township Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey 07419 on Friday, April 30, 2010 at 4:00 p.m., and

WHEREAS, A bidder must be the owner of real property located within the Hardyston Township sewer service area; and/or a "Participant," of the Upper Wallkill System of the Sussex County Municipal Utilities Authority ("SCMUA"), and

WHEREAS, The Township of Wantage is a Participant of the Upper Wallkill System of the Sussex County Municipal Utilities Authority ("SCMUA"), and

WHEREAS, Bicsak Brothers Realty LLC desires to participate in this auction, with the Township of Wantage Township acting as the surrogate bidder on the said sewer allocation at the auction, and

WHEREAS, Bicsak Brothers Realty LLC is willing to provide all funds necessary to secure the purchase of any and all sewer allocation successfully bid upon at the said auction, and

WHEREAS, Bicsak Brothers Realty LLC is willing to comply with all terms and conditions outlined by Hardyston Township for the purchase of this sewer allocation at said auction, and

WHEREAS, Bicsak Brothers Realty LLC is willing to enter into a signed contractual agreement with Wantage Township to verify their representations as outlined in this resolution, said contractual agreement having been reviewed and agreed to in principal by the Township Attorney as of this date,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee of the Township of Wantage does hereby authorize James R. Doherty, Administrator Clerk, to attend the said auction of Sewer allocation at Hardyston Township identified above, and act to purchase sewer allocation on behalf of Bicsak Brothers Realty in accordance with the details identified in this resolution.

Upon Roll Call,

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

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OPEN PUBLIC SESSION, continued

Steve Phillips, Neilson Road, presented a petition signed by various residents of Neilson Road and Card Road, expressing concern with the speed of vehicles traveling on Neilson Road, and requesting consideration of a reduced speed limit.

Mr. DeBoer and Mr. Garofalo explained that there is a detailed process required for adoption of a speed limit ordinance, including the cost of an engineer's study report. Mr. DeBoer inquired if additional warning signage would be an acceptable alternative to the cost involved in pursuing a speed limit change.

Mr. Phillips indicated a belief that any action would be welcome, at this point.

Giselle Smisko, Neilson Road, inquired if it would be possible to post "Keep Kids Alive, Drive 25" signs on the road.

After general discussion, it was agreed that the Township would investigate the purchase of said signs.

Frank Calzetta, Neilson Road, spoke in support of speed limit regulations for Neilson Road.

There being no one else wishing to address the governing body at this time, Mayor Nuss closed the meeting to the public and the governing body returned to the regular order of business.

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: "negotiations", and on-going litigation involving the Friends of Lake Neepaulin. 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. Gaechter moved to adjourn the meeting. Mr. DeBoer 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