

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 MAY 27, 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."

YOUTH IN GOVERNMENT PROGRAM

Sussex Middle School students conducted a meeting acting as various members of the Government for Wantage Township and Sussex Borough. Ashley Craig and Alison Masson led the assembly in the Salute to the Flag.

Mayor Nuss opened the floor to the Wantage Township Governing Body, the Sussex Borough Council, the Teachers who coordinate the Youth in Government Program, and the Sussex-Wantage School Administration, who offered statements of thanks and appreciation to the student participants.

Mayor Nuss and Mayor Parrott provided certificates of commendation to the student government members and students Ashley Hohman, James Lee, Emily Kazmierski, Rebecca Somma, Missy Furman, Becky Rome, David Torres, Patrick McGuinness, Sam Fundell, Karin Destillo, , Sofie Khan, Erica Sisco, Krystal Norman, Gabby Gennetelli, Rebecca Matthews, Megan Gallichio, Steven DiMondica, Jhair Olivares, Shawn McHugh, IanVancarpels, Brandon Webster, Evan Ziegler, Brien Alvino, Trevor Floyd, Brian Perez, Ashley Ferraro, Emmi Uchida, John Derin, Dylan Clark, Tyler Havens, C.J. Regavich, Kenny Clink, Brian Nye, Ashlyn Nye, Christina Makris, Breanna Haudek, Crystal Romyns, Amanda Campbell, Brianna Fahey, Alison Masson, Jane Fowler, Danielle Hall, Heather Sholz, Julie McBride, and Tim Mitchell.

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.

RESOLUTIONS

Mr. Gaechter made a motion to authorize temporary emergency road closure of Decker Road from County Route 519 to Holland Road, and Holland Road from Decker Road to County Route 519, on July 18, 2010 from 7:45 a.m. to 10:45 a.m., to accommodate a 5K Walk/Run Event being held by the Beemerville Fire Department; fire police for traffic control, and detour signs will be provided by the Fire Department. Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Gaechter made a motion to accept, with regrets, the resignation of Michelle La Starza from the position of Recording Secretary effective June 1, 2010.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Gaechter made a motion to award Contract to Tilcon New York in the amount of \$58,012.65 under the Morris County Cooperative Pricing Council Bid Award, to pave Carly Drive. Mr. DeBoer seconded the motion. Upon roll call,

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

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Mr. Gaechter made a motion to confirm approval of the collective bargaining agreements with the United Public Service Employees Union covering White collar and Blue Collar employees of Wantage Township for the years 2010 and 2011, effective May 20, 2010 and retroactive to January 1, 2010.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Gaechter made a motion to authorize refund of escrow deposit L-1-2009 in the amount of \$85.65 to Richard & Gail Havens associated with Block 1.02 Lot 13.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Gaechter made a motion to authorize refund of tax overpayment in the amount of \$2,271.91 to Anthony Schermer & C. Crissey associated with Block 13 Lot 2.16.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Gaechter made a motion to authorize refund of building permits BP10-216 and 217 in the amount of \$146.00 to Qualified Tank Services associated with Block 1.02 Lot 13.

Mr. DeBoer 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.

Open Space: Mr. Doherty outlined options regarding the Open Space Trust Fund, as follows:

Wantage has a Local Open Space Trust Fund. There is \$378,158.60 in that trust fund. This trust fund was created by referendum approval in November 2006. Each year since then, the Township has collected money from the taxpayers under a dedicated tax levy for local open space preservation. The current open space tax approval will end on December 31, 2016. Several efforts have been undertaken in the last three years to secure open space preservation using these funds. In each negotiation, the property owner involved ultimately expressed a desire to sell the property above a figure acceptable to the Township. The Township has no imminent potential partners for open space preservation right now. One individual – Plagar Realty – wishes for the Township to re-consider partnering with the NJDEP to purchase the Sytsema farm property at a price of just over \$1.1 million. The Township portion of such a deal would use up all, or at least most, of the existing \$378K on this one site. Wantage Township already decided to terminate negotiations with Plagar when this appraisal value was established, back in 2009. Based on the economy, the governing body is proposing to collect no open space funds this year. It is unlikely that the Township will be in any better financial condition next year either, so it is likely the open space trust fund will go unfunded for two years in a row. The Wantage open space tax was put in place during a stronger economy, when it makes sense to plan for the future and make investments. However, for the past three years, the economy has been in a very severe recession, and the likelihood of being able to make any meaningful use of these tax funds does not appear to exist for the foreseeable future. Although it has never been done in the State of New Jersey, it is possible to "uncreate" the local open space tax approval, if the governing body puts another question on the ballot for this November's election to eliminate the local open space tax levy and trust fund, in which case with the voters' approval, the governing body could return the \$378,158 to the taxpayers over the next three years. There is likely to be opposition to this proposal from the Open Space Advisory Committee, who will no doubt lobby the governing body to continue supporting the open space local tax levy and honor the terms of the 2006 referendum. The governing body may also hear from other local, county and state organizations that support open space preservation. Therefore, before making a decision, I recommend you invite the Open Space Committee to your next meeting, to discuss their input and give further consideration after hearing their views. If you decide to proceed with this option, you can express your continued endorsement of the philosophy of open space planning, but take the position that the local tax levy should be revisited with another referendum question once the economy recovers ... in the mean time, we are in an emergency and we need to do everything possible to bring tax relief to the taxpayers. And ultimately, you can take the position that you are "leaving it up to the voters" to decide. If the voters choose to continue support for the local open space tax levy, then it will be so; if the voters choose to remove the local open space tax, then that is the expressed will of the public. Please advise if you wish to proceed with this course of action. If you wish to get a question on the ballot for this November's election, you will need to authorize me to send the question to the County Clerk no later than Friday, August 20, 2010.

The governing body asked Mr. Doherty to invite the Open Space Advisory Committee to the next meeting to discuss this issue further.

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Shared Services: Mr. Doherty offered the following analysis:

A traditional shared service arrangement relies on two municipalities, one of which is too small to warrant stand-alone staffing for necessary public service, while the other municipality is large enough to warrant full time employees who can take on additional workload during the cycles of increased/decreased work assignments through the year. For ten years, Wantage Township has been able to provide Sussex Borough with service in the areas of Construction, Zoning, Fire Prevention, Housing, and Property Maintenance, such that both municipalities have been able to realize cost savings compared to both towns doing this work independently. It is unrealistic, however, to expect that every shared service arrangement will be a "forever" situation. As with business dealings in the private sector, it is reasonable to expect that, when circumstances warrant it, a merger may occur, or the dissolution of a previous merger may occur. Over time, the cost effectiveness of a shared service arrangement erodes. As Wantage Township salaries and benefits have risen over the course of ten years, it becomes realistic to expect that other communities who do not have the constrictions of civil service regulations and union contract requirements would be able to hire new employees at "start up" salaries and benefits, and thereby provide cost options less expensive for Sussex Borough compared to Wantage Township. It is only natural and expected that Sussex Borough would seek to gain the best price possible for service delivery. By the same token, it is not the purpose of shared service arrangements to exist solely for the purpose of perpetuating employment positions. If a shared service arrangement reaches the point at which there is no longer a reasonable expectation of cost benefit for the taxpayers, then there is no reason to keep the shared service arrangement running. It is my considered opinion that the Shared Construction Department of Wantage Township and Sussex Borough has reached the break-even point for taxpayer benefit, and I believe there is no longer a valid business justification for maintaining this shared arrangement after the year 2010.

Mr. Doherty requested an executive session to discuss the legal implications of terminating the shared service agreement with Sussex Borough for Construction, Zoning, Fire Prevention, Housing and Property Maintenance; and negotiations with existing employees under the allowable provisions of civil service regulations and union contracts.

PUBLIC HEARING: 2010 WANTAGE TOWNSHIP MUNICIPAL BUDGET

Administrator, Jim Doherty, offered a presentation of analysis for the proposed 2010 Wantage Township Municipal Budget and further reductions being considered for amendment this evening as well.

Mayor Nuss opened the meeting to the public for any questions or comments related to the proposed Wantage Township Municipal Budget.

Bill Gettler, Gemmer Road, spoke regarding his concerns with the Construction Department budget and shared service agreement with Sussex Borough. Rich Dispenziere, Joseph Drive, asked for a clarification on the reserve for uncollected taxes. Mr. Doherty addressed his concerns. Karen Dispenziere, Joseph Drive, voiced her opinion that the Governing Body did not follow the same rules as they expected the schools' to follow in cutting their budget. Mayor Nuss, Mr. Gaechter and Mr. DeBoer made a comparison of the school versus municipal budget and the reasons the municipality is unable to cut the reserve for uncollected taxes, a major portion of the municipal tax rate. Jenny Craig thanked Mayor Nuss and the Committee for their handling of the Sussex/Wantage School Budget reduction and for supporting the children. Anne Smulewicz stated that delinquent taxpayers are required to pay interest on those balances.

There being no one else from the public with questions or comments regarding the 2010 Municipal Budget, Mayor Nuss closed the public hearing.

Mr. Gaechter made a motion to approve a resolution amending the 2010 Municipal Budget.

Mr. DeBoer seconded the motion. Upon roll call,

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

ATTORNEY'S REPORT

Mayor Nuss requested Mr. Garofalo present the Attorney's report. Mr. Garofalo requested an executive session to discuss the Lake Neepaulin Litigation.

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COMMITTEE REPORTS - None

OLD BUSINESS - None

NEW BUSINESS

Approval of Minutes

Mr. Gaechter made a motion to approve the Regular and executive session minutes of the meeting of the Wantage governing body held on May 13, 2010, the Minutes of the Special Meeting of May 12, 2010 and the Minutes of the Special Meeting of May 17, 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.

Residents who spoke in favor of appealing the judge's decision regarding the Lake Neepaulin Dam repairs were Karen Merritt, Kathy Gorman, Bill Gettler, Pat Valentine, Ann Perry, Doreen Zelasko Williams, Nick Luciano, Rocco Russo, Christine Feoranzo, Greg Williams and Susan Murrell; citing reasons including setting a precedent to enforce a decision made by a governing body on behalf of its citizens, the fact that all of Wantage Township is not allowed access to the lake, and the idea that the Township is paying for an improvement to private property.

Residents who opposed any action which would appeal the judge's decision regarding the Lake Neepaulin Dam repairs were Elizabeth Rini, Tom Jable, Joy Steinbacher, Miriam Shevlin, Bob Maikis, Mondell Fisher, William Hotalen, Elizabeth Shevlin and a Sussex Borough resident; citing reasons including decreased property values, well impairment, costs associated with demolition if the dam is to be condemned by the State DEP, some residents stating that the cost should be borne by the entire Township.

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

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: "Pending litigation – Lake Neepaulin Dam and attorney client privilege/employee negotiations, terminating shared service agreements". 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.

Mr. DeBoer made a motion to approve Mr. Doherty negotiating a retirement agreement with Edward Vander Berg effective September 1, 2010. Mr. Gaechter seconded the motion.

Upon roll call,

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

Mayor Nuss informed the public that in an effort to be fair to both sides of the Lake Neepaulin Dam Repair issue, no decision will be made until the Governing Body has looked at all possible options regarding appeal.

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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