

**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 DECEMBER 9, 2010**

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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.

Mr. Gaechter asked Mr. Doherty to offer some details regarding the proposed purchase of a new copier. Mr. Doherty explained that the main photocopy machine used by all municipal departments has reached the end of its useful life; the automatic feed and sorting mechanisms are routinely jamming, and the quality of copy has become compromised. The Finance department conducted a competitive quotation process to replace the unit, and the best offer was received as shown on the consent agenda Item #11. Mr. Doherty explained that the cost would be borne by the Recycling Grant and the Clean Communities Grant, thereby avoiding any need to use Wantage tax dollars for the purchase.

There being no one other comment on the proposed Consent Agenda, Mayor Nuss requested approval of the Consent Agenda.

Mr. Gaechter moved to approve the following for filing:

Clerks Report for the Month of November 2010  
Construction Department Report for the Month of November 2010  
Board of Health Report for the Month of November 2010  
Registrar's Report for the Month of November 2010  
Tax Collector's Report for the Month of November 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 Appropriations Transfer Resolution dated December 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 approve the Payment of Bills for the meeting of December 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 of various funds as follows:

- a. \$250.00 to Dennis Smith for tax overpayment, Block 42, Lot 16.
- b. \$250.00 to James & Beverly Vieldhouse for tax overpayment Block 30, Lot 3.03.
- c. \$125.00 to Charles Fessler & Stacia Russian for tax overpayment Block 146, Lot 4.05.
- d. \$148.14 to Audry & Ralph R. Martin Jr. for tax overpayment, Block 108, Lot 31.
- e. \$422.22 to the Klara L. Bastys for tax overpayment, Block 69.03, Lot 74.
- f. \$2,053.24 to Lien Times for tax overpayment Block 12.01 Lot 10.02.

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

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

**PAGE TWO OF THE MINUTES OF DECEMBER 9, 2010**

**CONSENT AGENDA, continued**

Mr. Gaechter moved to authorize refund of \$81.51 to James Naisby for Land Use Application L-09-14, Block 152, Lots 6.03 & 6.04.

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 of \$2,500.00 to Robert McEwan for driveway bond D-09-03, Block 15 Lot 10.04 and apply to driveway bond for Block 15 Lot 10.05.

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 of various funds as follows:

- a. \$2,000.00 for driveway bond D-09-02, Block 21 Lot 34.16
- b. \$2,500.00 for driveway bond D-08-08, Block 21 Lot 34.05
- c. \$2,500.00 for driveway bond D-08-04, Block 21 Lot 34.14
- d. \$2,500.00 for driveway bond D-07-17, Block 21.01 Lot 11
- e. \$2,500.00 for driveway bond D-07-18, Block 21 Lot 33.20
- f. \$2,500.00 for driveway bond D-07-20, Block 21 Lot 34.15
- g. \$2,500.00 for soil erosion bond S-08-04, Block 21 Lot 34.14
- h. \$2,500.00 for soil erosion bond S-07-19, Block 21.01 Lot 11
- i. \$2,500.00 for soil erosion bond S-07-20, Block 21 Lot 33.20
- j. \$2,500.00 for soil erosion bond S-07-23, Block 21 Lot 34.15

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 acceptance of Project entitled Resurfacing of Carly Drive, per recommendation of Township Engineer dated November 16, 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 of various funds to Ryan Homes as follows:

1. \$2,000.00 for driveway bond D-10-01, Block 21 Lot 7
2. \$1,500.00 for soil erosion bond S-10-02, Block 21 Lot 34.01

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

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

Mr. Gaechter moved to acknowledge and endorse action taken by the Township Administrator to make Tri-Co Federal Union available to provide financial services for Township employees and their families, at no cost to the municipality.

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 renewal of 2011 Kennel License for Jeffrey Davis at 23 Gemmer Road. 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 Purchase of One (1) Canon IR3245i Copier / Printer / Scanner at a price of \$6,303.00 from Océ North America.

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

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

**PAGE THREE OF THE MINUTES OF DECEMBER 9, 2010**

**ADMINISTRATOR'S REPORT**

**2011 Park Mowing/Maintenance:** Mr. Doherty reminded the governing body that he would need their direction, regarding this topic, no later than January 28, 2011.

**Minor change to Proposed Ordinance 2010-15 (2011 Salaries):** Mr. Doherty informed that the line item in Ordinance 2010-15 which shows a 2011 salary for "Clara Nuss" should be changed to read "Ronald Bassani". Mr. Doherty reported that Township Attorney Michael Garofalo informs this is a minor change which does not affect the validity and intent of the original ordinance, and as such there is no need to republish the ordinance when enacting this minor change.

**Year End Meeting:** Mr. Doherty informed that the Township will need a year-end meeting to finalize 2010 bill payments, to consider hiring individuals for the positions of Court Administrator and Clerk Typist, and hold public hearings on Ordinances introduced this evening. Mr. Doherty suggested holding this special meeting on December 30, 2010 at 9:00 a.m. The members of the governing body expressed consensus with this suggestion.

**January Meeting With High Point High School Representatives:** Mr. Doherty informed that HPRHS representatives have requested a courtesy meeting with the governing body to offer preliminary review of 2011 school budget picture. They will be present at the January 27, 2011 meeting.

**Request for 4-Way Stop on Holland & Decker:** Mr. Doherty reminded the governing body that this resident request was held from the November meeting so the governing body could conduct a sight visit and ascertain the need for consideration of this request. After general review and discussion, consensus was expressed that there did not appear to be sufficient justification to create a 4-way stop intersection at this location.

**Request for Fire Department Ordinance amendment:** Mr. Doherty reported that the Fire Department has been working on a draft for a proposed amendment to the Ordinance which creates the Wantage Fire Department. They have now completed their review, have presented their proposed amendment, and have asked if it is possible to adopt this ordinance before the end of the year, so they may implement the Chain of command structure shown therein for the 2011 officers. Mr. Doherty informed the Fire chief that it is possible to adopt the ordinance in 2010, but whether or not the governing body does so is up to the governing body, if they feel comfortable receiving the draft with such short notice. Mr. Doherty explained that the proposed change involves consolidating the chain of command: taking the current 3 positions of Deputy Chief, Assistant Chief #1 and Assistant Chief #2, and replacing them with two positions of 1st Deputy Chief and 2nd Deputy Chief. By eliminating one of the "deputy/assistant" positions, the road to the top is made easier for individuals working their way up to the Chief's position, and it makes the command structure less cluttered.

Mr. DeBoer moved to introduce on first reading, Ordinance 2010-18 entitled "AN ORDINANCE TO AMEND SECTION 2-8 OF CHAPTER II OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WANTAGE, ENTITLED "FIRE DEPARTMENT", with a final hearing date scheduled for December 30, 2010.

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

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

**ATTORNEY REPORT:** No report was offered for this evening's meeting.

**PAGE FOUR OF THE MINUTES OF DECEMBER 9, 2010**

**COMMITTEE REPORTS:**

Mr. DeBoer expressed concern with the reported infestation of bed bugs at the Sussex Motel, stating his belief that situations such as this are why the Township adopted its property maintenance code.

A member of the public attempted to interrupt the meeting at this time. Mayor Nuss and Mr. DeBoer informed the person that he was out of order, as the meeting was not open to the public.

Mayor Nuss offered words of thanks and appreciation to the members of the governing body and the Township Administrator for working with her these past three years to serve the Wantage Township public, and thanked the public for their cooperation and assistance.

**NEW BUSINESS**

**Final Adoption of Ordinance 2010-10: Black Dirt Road**

Mr. DeBoer moved to adopt on final reading, Ordinance 2010-10 entitled "AN ORDINANCE TO VACATE A PORTION OF BLACK DIRT ROAD IN THE TOWNSHIP OF WANTAGE". Mr. Gaechter seconded the motion.

PRIOR TO FINAL ROLL CALL VOTE, Mayor Nuss open the meeting to the public for any questions or comments regarding this proposed ordinance.

William Gettler, Gemmer Road, suggested that wording within the ordinance was not accurate, as poles cannot be located under ground as the wording in the text of the ordinance is written.

Township Attorney Mr. Garofalo explained that, while he understands and agrees with Mr. Gettler's observation, the wording within the ordinance is specifically required by statute.

There being no one else wishing to address the governing body at this time, Mayor Nuss requested a roll call vote on the proposed Ordinance. Upon roll call,

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

**Final Adoption of Ordinance 2010-15: Salaries for 2011**

Mr. DeBoer moved to adopt on final 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", with the minor change being made to include the name of Ronald Bassani rather than Clara Nuss within the text of the ordinance. Mr. Gaechter seconded the motion.

PRIOR TO FINAL ROLL CALL VOTE, Mayor Nuss opened the meeting to the public for any questions or comments regarding this proposed ordinance.

William Gettler, Gemmer Road, expressed the opinion that the salary amounts for the Administrator Clerk should be broken out into two separate line items, and inquired regarding what the percentage breakout is for the Administrator salary versus the Clerk Salary.

Mr. Doherty explained that the percentage breakdown is 55% Administrator, 45% Clerk.

Mr. Gettler expressed the opinion that Wantage Township does not need an Administrator and should realize tax savings by vacating the position.

There being no one else wishing to address the governing body at this time, Mayor Nuss requested a roll call vote on the proposed Ordinance. Upon roll call,

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

**NEW BUSINESS, continued**

**Final Adoption of Ordinance 2010-16: Stop Intersection**

Mr. Gaechter moved to adopt on final reading, Ordinance 2010-16 entitled “AN ORDINANCE ESTABLISHING STOP INTERSECTION ON SNOVER ROAD WITHIN THE TOWNSHIP OF WANTAGE”. Mr. DeBoer seconded the motion.

PRIOR TO FINAL ROLL CALL VOTE, Mayor Nuss opened the meeting to the public for any questions or comments regarding this proposed ordinance. There being no one else wishing to address the governing body at this time, Mayor Nuss requested a roll call vote on the proposed Ordinance. Upon roll call,

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

**Introduction of Ordinance 2010-17: Capital Ordinance – DPW Equipment**

Mr. DeBoer moved to introduce on first reading, Ordinance 2010-17 entitled “ORDINANCE APPROPRIATING THE SUM OF \$7,000.00 FOR THE PURCHASE OF BRINE SPREADERS”, with a Final Hearing scheduled for December 30, 2010.

Mr. Gaechter seconded the motion. Upon roll call,

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

**Status of Negotiations: 3-Town Court:** Mr. Doherty explained that there had been tentative plans to introduce an ordinance this evening which would have created a three town court system of Wantage Township, Sussex Borough and Stillwater Township, but at their meeting of December 7, Stillwater did not take action to introduce an enabling ordinance. While the negotiations process is still open on this possibility, Mr. Doherty reported that there was no reason for Wantage Township to take action until such time that Stillwater confirms their desire to move forward. Until that time, the current two-town court system of Wantage Township and Sussex Borough would continue.

**Approval of Minutes**

Mr. Gaechter moved to approve the Regular and Executive Session Minutes of the Meeting of November 11, 2010, and the minutes of the Special Meeting held on November 19, 2010. Mr. DeBoer seconded the motion. 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 offered an opinion of disagreement with Mr. DeBoer’s earlier comments regarding the Property Maintenance Code and the Sussex Motel.

Mr. Gettler also offered observations regarding the Tax Equalization Table for 2011.

Mr. Gettler indicated that the Sussex County Freeholders have committed to achieving a “Hard 2%” tax cap on the 2011 budget, and asked if Wantage Township intended to do the same.

Mr. Doherty responded that he was preparing the budget for consideration of the governing body for compliance with the 2% cap as required by state statute, but not a hard 2% cap. Mr. Doherty informed the governing body that a hard 2% cap goal would very likely involve employee layoffs.

**PAGE SIX OF THE MINUTES OF DECEMBER 9, 2010**

**OPEN PUBLIC SESSION, Continued**

Mr. Gettler offered opinions regarding the position of Sussex County Clerk.

Mr. Gettler offered expressions of concern regarding the enforcement of property maintenance and zoning on a property located on Route 23.

The members of the governing body informed Mr. Gettler he should report his concerns to the appropriate municipal department and an appropriate inspection would be performed.

Mr. Emil Conforth spoke with regard to concerns about activities involving truckloads of topsoil being delivered to property next to his. Mr. Conforth presented concerns that the soil was being transported from a site which is registered with the New Jersey Department of Environmental Protection as a contaminated site. Mr. Conforth expressed concerns with activities taking place on this site.

Mr. Doherty stated that Mr. Conforth had taken the correct steps by reporting his concerns to the New Jersey Department of Environmental Protection and the Sussex County Health Department.

Mr. DeBoer reported that the property being discussed has an application before the Land Use Board, and a site visit is scheduled for this site in the near future. Mr. DeBoer suggested allowing the process to proceed at the board level in order to address the use concerns.

Mr. Garofalo offered to contact the property owner and see if he would be willing to cease trucking any additional soil onto the site until the concern regarding contamination could be definitively answered.

Mr. Gettler expressed his unhappiness with the application of the 4-minute speaking rule for the public portion of Wantage Township meetings.

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

Mr. DeBoer presented Mayor Nuss with a Plaque of Appreciation for her service as Committeewoman and Mayor of Wantage Township. All persons present offered Ms. Nuss a round of applause for her record of service to the Wantage Township community.

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.

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James R. Doherty, Administrator/Clerk