

**MINUTES FOR THE REGULAR MEETING OF THE MAYOR AND COMMITTEE OF
THE TOWNSHIP OF WANTAGE, HELD AT THE WANTAGE TOWNSHIP MUNICIPAL
BUILDING, 888 STATE HIGHWAY ROUTE 23, WANTAGE, N.J.,
ON FEBRUARY 24, 2011**

Mayor DeBoer called the meeting to order, and requested the Clerk to call the roll. Upon roll call, the following members of the governing body were present: Mayor DeBoer, Committeeman Gaechter, Committeeman Bassani, and Township Attorney Michael Garofalo. The following member was absent: None.

Mayor DeBoer 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."

FLAG SALUTE

Mayor DeBoer invited all persons present to participate in the Pledge of Allegiance to the United States Flag.

CONSENT AGENDA

Mayor DeBoer 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 DeBoer requested approval of the Consent Agenda.

Mr. Gaechter moved to approve the following for filing:

- Letter dated February 16, 2011 from Stillwater Township Clerk Judith Fisher, enclosing copy of Stillwater Township Ordinance 2011-02, creating a 3-town court System for Wantage Township, Stillwater Township, and Sussex Borough.

Mr. Bassani seconded the motion. Upon roll call,

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

Mr. Gaechter moved to approve the following:

- Bingo License BL 11-02 to Sussex Elks Lodge #2288, to conduct Bingo games on various dates between March and May, 2011.
- Raffle License RL 11-03 to High Point Regional High School Booster Club, to conduct and On Premise Merchandise Raffle (Tricky Tray) on April 15, 2011 at High Point High School.
- Raffle License RL 11-04 to High Point Regional High School Booster Club, to conduct and On Premise 50/50 Raffle on April 15, 2011 at High Point High School.
- Raffle License RL 11-05 to Beemerville Fire Department Ladies Auxiliary, to conduct and On Premise Merchandise Raffle on April 1, 2011 at Beemerville Firehouse.
- Raffle License RL 11-06 to Beemerville Fire Department Ladies Auxiliary, to conduct and On Premise 50/50 Raffle on April 1, 2011 at Beemerville Firehouse.
- Raffle License RL 11-07 to Sussex Wantage PTO, to conduct and On Premise Merchandise Raffle on April 29, 2011 at High Point High School.
- Raffle License RL 11-08 to Sussex Wantage PTO, to conduct and On Premise 50/50 Raffle on April 29, 2011 at High Point High School.

Mr. Bassani seconded the motion. Upon roll call,

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

Mr. Gaechter moved to authorize the refund of:

- \$13,100.00 to Lien Times for Tax Sale Premium, Block 138 Lot 6.08
- \$ 2,006.99 to Harmut Huschens for Tax Overpayment, Block 125 Lot 17.15
- \$ 1,575.50 to William S. Winters for Tax Court Judgment Block 121 Lot 15.35

Mr. Bassani seconded the motion. Upon roll call,

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

Mr. Gaechter moved to authorize the refund of \$13,668.20 to Joseph & Susan Maggio for Road Bond on Block 15 Lot 10. Mr. Bassani seconded the motion. Upon roll call,

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

Mr. Gaechter moved to grant permission to Beemerville Fire Department for use of municipal public roads to hold a 5K Walk/Run on Decker Road and Holland Road on June 5, 2011 from 7:45 am to 10:45 am. Mr. Bassani seconded the motion. Upon roll call,

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

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Administrator's Report

PathStone Senior Employment: Mr. Doherty presented an opportunity for entering into an agreement with PathStone, an organization funded through the National Council on Aging, to place a senior citizen in part time employment with Wantage Township where the salary will be funded by PathStone. Mr. Doherty stated that there is currently a senior citizen of Wantage who volunteers at the Dog Pound and who would benefit from this arrangement. The governing body expressed consensus for Mr. Doherty to proceed with this agreement.

2011 Field Maintenance: Mr. Doherty presented the results of the Request For Proposals to perform the 2011 Field Maintenance Contract at Wantage Township parks, dated 2/23/11.

Mr. Gaechter moved to reject all proposals submitted in accordance with Item #2 entitled "Information For Quoters" within the RFP Packet, as such action is deemed to be in the best interests of the municipality. Mr. Bassani seconded the motion. Upon roll call,
Ayes: Gaechter, Bassani, DeBoer Nays: None Absent: None Abstain: None

Mr. Bassani moved to award the 2011 Field Maintenance Contract to Farmside Landscape and Design, in the amount of \$12,050. Mr. Gaechter seconded the motion. Upon roll call,
Ayes: Gaechter, Bassani, DeBoer Nays: None Absent: None Abstain: None

Meeting Schedule in April: Mr. Doherty reported that Mayor DeBoer requested consideration FOR changing the second meeting in April. General review and consideration took place, after which the governing body decided to keep the existing meeting schedule in place, with the planned public hearing on the municipal budget to be scheduled for May 12, 2011.

Budget Status: Mr. Doherty asked if the members of the governing body desired to hold another budget preparation meeting. After due consideration, it was agreed to hold a special meeting for budget preparation on Monday, March 7 at 9:00 a.m.

Completion of Funding for Improvements on Newton Ave and Newman Rd: Mr. Doherty presented a proposed resolution for use of money from the Road Trust Fund to secure the balance of required funding for road improvement projects planned for 2011.

Mr. Gaechter moved to adopt the following resolution:

WHEREAS, the Township of Wantage requires \$470,621 to complete the Improvement Project for Intersection of Newman/Route 639 and the Project for Improvement of Newton Avenue, and
WHEREAS, between State Grants awarded and local funding authorized, there is currently \$460,621 available for the completion of said projects, and

WHEREAS, in accordance with existing Township Ordinance, several applicants contribute funds to the Road Improvement Trust Fund for the future improvement of roads within Wantage Township, and

WHEREAS, it is the desire of Wantage Township to utilize a portion of the funds in the Road Trust Fund in order to complete the funding of the projects identified above,

NOW, THEREFORE, BE IT RESOLVED, that the Chief Finance Officer is hereby authorized to utilize the following funds for the Improvement Project for the Intersection of Newman Road and Route 639, and the Project for Improvement of Newton Avenue:

Coffey, Block 116 Lot 4.01: \$2500 placed in Road Trust fund for Improvements to Newman Road

Tarrats, Block 45 Lot 17.11: \$2500 placed in Road Trust fund for Improvements to Newman Road

Tarrats, Block 45 Lot 17.12: \$2500 placed in Road Trust fund for Improvements to Neepaulin Drive

Tarrats, Block 45 Lot 17.13: \$2500 placed in Road Trust fund for Improvements to Newman Road

Total Sum Utilized from Wantage Township Road Trust Fund: \$10,000.00

Mr. Bassani seconded the motion. Upon roll call,

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

Wastewater Management Plan/Sewer Service Areas: Mr. Doherty reported he has invited Harold Pellow to attend the April 7 meeting, along with various parties with property along the Route 23 corridor who have made overtures of interest regarding Sewer Service Area inclusion.

Attorney's Report

Mr. Garofalo stated that he would be addressing New Business Item #1, and would offer his report on that matter at that point in the meeting.

Township Committee Member Reports

Mayor DeBoer reported that he attended a meeting with representatives of the Wantage Fire Department and Sussex Fire Department, along with Sussex Borough Mayor Chris Parrott, for general discussions involving fire department matters. Mayor DeBoer stated his expectation that there would be more to report in the near future.

Mr. Gaechter offered an observation that the Governor's proposed state budget calls for increased aid to school districts, but flat aid for municipalities with the amount provided from 2010. Mr. Gaechter expressed the belief that additional the restoration of state aid/tax relief for the property taxpayers of New Jersey would have been appropriate for State consideration.

Mr. Bassani expressed a desire to review the details of the Property Maintenance Ordinance of Wantage, stating that he would offer suggestions for changes if such were deemed appropriate for consideration after his review was completed.

General discussion took place at this time regarding the goals, fees and inspection procedures of the Wantage Township property maintenance code.

Mr. Gaechter moved to adopt the following **RESOLUTION OF THE TOWNSHIP OF WANTAGE, COUNTY OF SUSSEX OPPOSING ASSEMBLY BILL A-2095 AND SENATE BILL S-818 WHICH REVISE REQUIREMENTS FOR MEDICAL SERVICE DELIVERY**

WHEREAS, Assembly Bill A-2095 and Senate Bill S-818 are currently undergoing an examination by both State legislative bodies; and

WHEREAS, the intent of A-2095 and S-818 is to regulate the emergency medical services system, referred to as inefficient and lacking in accountability by the sponsors of this legislation; and

WHEREAS, upon reading the proposed sweeping reform measures, It is apparent that these bills, while seemingly beneficial, set forth a number of requirements that will have a deleterious impact on New Jersey Municipalities and volunteer rescue squads; and

WHEREAS, set forth below are issues raised in the bill:

1. Qualification and training levels that will discourage and/or overly burden volunteer rescue squad members, reducing volunteer participation in rescue squads;
2. Creation of a new Office of Emergency Services in the Department of Health with all costs associated in appointing and maintaining a new bureaucracy;
3. The requirement that two (2) emergency medical technicians ride in every ambulance at all times, again burdening volunteer rescue squads leading to their demise;
4. Creation of a new State Fund and directing the assessment and collection of fees (taxes) in support of same;
5. Establishment of the titles of State Medical Director for Emergency Medical Services and three regional medical directors who will undoubtedly require appropriate staff to support said titles; and
6. By default, municipalities in the absence of viable volunteer rescue squads shall remain responsible for providing Basic Life Support services through the hiring of personnel or by contracting with a service provider (area hospital) to provide ambulance support; and

WHEREAS, the unspoken consequence of said legislation will be the end of volunteer rescue squads across New Jersey; and

WHEREAS, State government, as a result of this legislation, will expand its bureaucracy at a time when the citizens wish to see State government reduced; and

WHEREAS, the cost to provide Basic Life Support Services will increase dramatically as a result of the loss of volunteers and volunteer rescue squads.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee in the Township of Wantage in the County of Sussex and State of New Jersey as follows:

1. The Township of Wantage stands firmly opposed to this legislation as the requirements therein will dramatically increase the cost of emergency medical services to our citizens in the form of taxes, fees, and service charges; and
2. The Township of Wantage calls upon its legislative delegation to vote against this legislation and, in the event that same is adopted, Governor Christie is respectfully requested to veto the legislation; and

BE IT FURTHER RESOLVED, that copies of this resolution shall be sent to Governor Chris Christie, Senator Stephen Oroho, Assemblyman Gary Chiusano, Assemblywoman Alison McHose, all Sussex County Municipalities, and the New Jersey State League of Municipalities.

Mr. Bassani seconded the motion. Upon roll call,

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

OLD BUSINESS:

Energy Efficiency Grant Eligibility

After due review and consideration, the members of the governing body expressed consensus agreement for Mr. Gaechter and Mr. Doherty to meet with representatives of the Sussex Wantage School Administration and the High Point High School Administration, and ascertain which school system should receive the Township's \$50,000 Grant eligibility for Energy Efficiency Grant applications, and report back to the governing body at the next meeting with their determination.

NEW BUSINESS:

Letter dated 2/14/11 from Attorney Michael Gaus regarding Eric Turnquist, Land Use Board Application L-4-2009:

Mr. Garofalo offered a review of the request being made in the letter dated 2/14/11 from Attorney Michael Gaus regarding Eric Turnquist, Land Use Board Application L-4-2009. Mr. Garofalo explained that the main point of discussion and request involved a decision by the Wantage Land Use Board to deny the applicant's request for the Township to assume ownership of a detention basin. The applicant desires the Wantage governing body to take action for the purpose of accepting the said detention basin, which would essentially override the Land Use Board's position. Mr. Garofalo stated that the applicant desires an audience before the governing body to discuss and explain the request. Mr. Garofalo explained that the letter includes a reference to the possibility that the applicant would pursue a Builder's Remedy Lawsuit against the Township if his desires are not satisfied in this matter. Mr. Garofalo offered a summary of the history of the Township's actions with respect to COAH and Affordable Housing plan, and the current status of both in the State of New Jersey.

Mr. Garofalo offered the opinion that the governing body had three options in front of them:

- 1) Uphold the position of the Land Use Board, in which case there would be no reason to hold an audience with the applicant regarding this request
- 2) Take ownership of the detention basin as per the request being made
- 3) The Land Use Board could re-open the hearing on this application for further consideration of the applicant's presentation of new information and requests not present at the time of the original application. Mr. Garofalo pointed out that this option was merely an observation, as the governing body has no jurisdiction to determine whether or not a Land Use Board application would be re-opened.

After due review and consideration, the members of the governing body expressed their desire to not accept ownership of the subject detention basin. Mr. Garofalo stated he would inform the applicant's attorney there was no need for an audience before the governing body to discuss this matter.

Approval of Minutes

Mr. Bassani moved to approve the minutes of the meeting of the Wantage governing body held on February 10, 2011. Mr. Gaechter seconded the motion, citing a correction to reflect his presence at the meeting for the initial roll call. Upon roll call,

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

OPEN PUBLIC SESSION

Mayor DeBoer opened the meeting to the public at this time, for any questions or comments involving the good and welfare of the community.

William Gettler, Gemmer Road, stated that a certified copy of the Township's property maintenance code he received in February of 2011 was not consistent with a certified copy he received of this document in 2009. Mr. Gettler questioned the validity of the Township's property maintenance code. General discussion took place regarding this issue.

Mr. Gettler stated it appeared to him that the Township Attorney had not taken an Oath of Office at the 2011 Organization Meeting. Mr. Garofalo offered clarification regarding the Oath of Office procedures for municipal government, explaining that a municipal attorney holds a position, not an office, and as such, while it may be ceremonially customary to see attorneys taking oaths of office at times, there is no legal obligation established for this to take place. Mr. Garofalo also explained that it is not necessary for a person to take an oath of office at a public meeting, nor is there a clear statutory delineation to establish that an oath of office must be orally given as opposed to simply being signed and filed.

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Ann Smulewicz, 108 Route 23, requested further details regarding the proposed meeting being held on March 15 regarding Wastewater Management Plans. Mr. Doherty explained that the meeting was being held by the New Jersey Department of Environmental Protection, offering further details regarding time and location.

Ms. Smulewicz offered comments of support for Mr. Gettler, expressing the belief that Mr. Gettler was deserving of respect from public officials, and offering observations of her past interactions with various municipal officials. General discussion took place regarding Ms. Smulewicz's comments.

Kathy Gorman, Fernwood Road, expressed concern regarding the status of property maintenance at 37 Fernwood Road. Mr. Doherty agreed to report these concerns for inspection under the property maintenance code.

There being no one else present wishing to address the governing body at this time, Mayor DeBoer closed the meeting to the public.

ADJOURNMENT

There being no further items for the attention of the governing body, Mr. Gaechter moved to adjourn the meeting. Mr. Bassani seconded the motion. Upon Roll call,

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

Mayor DeBoer declared this meeting adjourned.

James R. Doherty, Administrator Clerk