

**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 MAY 14, 2015.**

Mayor Gaechter called the meeting to order, and requested the Clerk call the roll. Upon roll call, the following members of the governing body were present: Mayor William Gaechter, Committeeman Ronald Bassani, Committeeman Jon Morris. Absent: None.

Mayor Gaechter 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 and certified by the Clerk."

Mayor Gaechter invited all those present to join in the Salute to the Flag.

**CONSENT AGENDA:**

Mayor Gaechter requested that the governing body review and approve the Consent Agenda.

**REPORTS**

Mr. Bassani moved to approve the following reports for filing:

- Municipal Clerk Report for April 2015
- Registrar Report for April 2015
- Tax Collector Report for April 2015
- Board of Health Report for April 2015
- Land Use Board Report for April 2015
- Zoning/Property Maintenance Report for April 2015

Mr. Morris seconded the motion. Upon roll call,

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

**RESOLUTIONS**

Mr. Bassani moved to authorize the refund of:

- \$726.81 to Rose Caterlin for Block 19 Lot 11 for tax sale certificate 08-06
- \$295,039.26 to US Bank for Block 18 Lot 5 for tax sale certificate 10-10
- \$44,337.14 to US Bank for Block 18 Lot 13 for tax sale certificate 11-04
- \$178,367.08 to Propel Financial for Block 18 Lots 5, 5.01, 5.02 and 13 for tax sale certificates 08-02,08-03,08-04 and 08-05
- \$32,507.17 to US Bank for Block 15.10 Lot 14 for tax sale certificate 12-06
- \$2,100.00 to US Bank for Block 15.10 Lot 14 for tax sale premium

Mr. Bassani moved to authorize the refund of \$5,000.00 to Laveny, Selvaggi, Abromitis & Cohen for Block 54 Lot 14, state tax appeal, and \$2,000.00 to Laveny, Selvaggi, Abromitis & Cohen for Block 54 Lot 8.01, state tax appeal. Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to authorize the refund of \$3,367.50 to New Singular Wireless PCS,LLC for land use application L-13-08 for a completed Land Use Application.

Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to authorize the refund of \$1,000.00 to Tennessee Gas Pipeline for E-12-04, and \$10,347.33 plus April Interest to Tennessee Gas Pipeline for E-12-05, for a completed escrow deposit.

Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to accept, with regret, the resignation of Tanya Chiofalo from the Recreation Commission. Mr. Morris seconded the motion. Upon roll call,

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

**PAGE TWO OF THE MINUTES OF MAY 14, 2015**

**CONSENT AGENDA, Continued**

Mr. Bassani moved to authorize amendment to the 2015 Wantage Township Budget through a Chapter 159 Resolution, as follows:

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount, and, WHEREAS, the Township of Wantage has received notification from the State of New Jersey Clean Communities Program, that \$43,351.89 is now available for the 2015 Clean Communities Grant, The Township of Wantage wishes to amend its 2015 Municipal Budget to include this amount as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee of the Township of Wantage, in the County of Sussex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the amount of \$43,351.00, which is now available as a revenue from: Miscellaneous Revenues

Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

Clean Communities Grant

BE IT FURTHER RESOLVED, that a like sum of \$43,351.00 be and the same is hereby appropriated under the caption of:

(A) Operations Excluded from "CAPS"

Public and Private Programs Offset By Revenues

Clean Communities Grant

BE IT FURTHER RESOLVED, that the Clerk forward two copies of this resolution to the Director of the Division of Local Government Services.

Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to authorize Discharge of Small Cities Loan Mortgage to Thomas and Patricia Prout, as follows:

WHEREAS, the Township of Wantage (the "Township") made a Small Cities Loan (the "Loan") to Thomas Prout and Patricia Prout (the "Prouts") on or about April 12, 1990 in the amount of Nine Thousand Eight Hundred Thirty-Nine (\$9,839.00) Dollars; and

WHEREAS, the Loan was evidenced by a Promissory Note made by the Prouts in favor of the Township and

WHEREAS, the Loan was secured by a second mortgage (the "Second Mortgage") on the premises located at 12 Sunrise Drive (the "Property") owned by the Prouts; and

WHEREAS, on several occasions, at the request of the Prouts, the Township agreed to subordinate the Second Mortgage to the lien of primary financing for the property; and

WHEREAS, as a result of a scrivener's error in a Postponement of Mortgage (the "Postponement"), the Second Mortgage evidencing this lieu of the Small Cities Loan was not properly subordinated to new primary financing; and

WHEREAS, a foreclosure action has been commenced against the Property by the primary lender; and

WHEREAS, the lender insuring title for the primary mortgage has asserted that it will move in a court action to declare that the lien of the Second Mortgage is subordinate to the new primary financing because the Township had knowledge of the new primary financing and had agreed to subordinate the mortgage notwithstanding the scrivener's error; and

WHEREAS, there is a likelihood that the holder of the primary loan mortgage would be successful in a court action; and

WHEREAS, the title company has offered to pay the Township the sum of Four Thousand Five Hundred (\$4,500.00) Dollars for the Township to execute a Discharge of the Small Cities Mortgage; and

WHEREAS, the Township Committee believes that the possibility of success and the cost of litigation would result in costs to the Township with low likelihood of recovery.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Wantage, Sussex County as follows:

1. The Township shall release the lien of the Second Cites Mortgage against the property located at 12 Sunrise Drive, Wantage, New Jersey upon the payment of the sum of Four Thousand Five Hundred (\$4,500.00) Dollars by Fidelity National Title Insurance Company.

2. The Mayor, the Township Clerk/Administrator and the Township Attorney and all other officers of the Township are authorized to take such actions and execute such agreements approved by the Township Attorney as may be necessary to enter into a settlement agreement with the primary lender and the title insurance company and to discharge the Second Mortgage securing the Small Cities Loan of record.

3. This Resolution shall take effect immediately or as otherwise provided by law.

Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to authorize Discharge of Small Cities Loan Mortgage to Stanley and Suzanne Murrell regarding loan in the amount of \$8,525 dated May 8, 1990.

Mr. Morris seconded the motion. Upon roll call,

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

**ADMINISTRATOR'S REPORT:**

Mr. Doherty asked the governing body if they were ready to discuss the concerns expressed by Mr. Jeff Hull regarding his report of debris accumulating at the township drain located at his 59 Crigger Road property.

Mr. Bassani requested an opportunity to conduct a site visit prior to discussion of this topic. Mr. Doherty said he would await Mr. Bassani's notification that the site visit had been conducted, at which point he would place this matter for further consideration at the next available meeting.

Mr. Doherty requested the governing body enter into Executive Session to review status of negotiations with employee unions.

Mr. Doherty reminded the governing body and the public that Wantage Day is scheduled for May 30, and Youth In Government Day is scheduled for May 28.

Mr. Doherty presented a request from Lusscroft Farms for a waiver of the One Day Food Handling Permit fees for their special "Medicine Wheel" event being held this weekend.

Mr. Bassani moved to waive the one day food handling permit fees for the Lusscroft Medicine Wheel event, as per the Administrator's recommendation.

Mr. Morris seconded the motion. Upon roll call,

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

**COMMITTEE MEMBER REPORT**

Mayor Gaechter stated that he had spoken with resident Joe Retz regarding several concerns expressed by Mr. Retz, involving property maintenance on various properties. Mayor Gaechter reported that he has discussed these concerns with Zoning Officer Patrick Stefanelli who will review the matter further.

**OLD BUSINESS:**

**Redevelopment Plan Revision**

Mayor Gaechter explained the recommendation of the Land Use Board for taking action on this matter.

Mr. Morris moved to adopt the following resolution: RESOLUTION OF THE MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WANTAGE AUTHORIZING AND DIRECTING THE LAND USE BOARD OF THE TOWNSHIP OF WANTAGE TO EXAMINE WHETHER CERTAIN LANDS, IN PARTICULAR, BLOCK 18, LOT 40 AND LOT 41, LOCATED AT 438 ROUTE 23 And ROUTE 23 IN THE TOWNSHIP OF WANTAGE, NEW JERSEY, SHOULD BE DETERMINED TO BE AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.

WHEREAS, the Township of Wantage (the "Township") has identified certain properties located at (i) 438 Route 23 and (ii) Route 23, specifically Lot 40 and Lot 41 in Block 18, as delineated on the tax map attached hereto and made part of this Resolution, to be considered for designation as an area "in need of redevelopment", pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, etc.; and

WHEREAS, before an area may be declared in need of redevelopment, it is legally necessary for the adoption of a Resolution authorizing the Land Use Board of the Township to undertake a preliminary study to determine whether the proposed area meets the criteria for designation as a redevelopment area pursuant to N.J.S.A. 40A: 12A-6; and

WHEREAS, the Township previously referred adjacent properties known and designated as Lot 43 in Block 18 and Lot in Block 18.01 to the Land Use Board for examination as to whether they may be deemed as "An Area in Need of Redevelopment"; and

**Redevelopment Plan Revision, continued**

WHEREAS, the Township desires that the Land Use Board to undertake an examination as to whether Lot 40 and Lot 41 in Block 18 may also be deemed "an area in need of redevelopment"; and

WHEREAS, if the area is determined to be an area in need of redevelopment, it shall be a non-condemnation redevelopment area,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee, that:

1. The Land Use Board is hereby directed and authorized to examine whether the lands located at 438 Route 23 and at Route 23, comprising Block 18, Lot 40 and Lot 41 as delineated on the tax map attached hereto and made a part of this Resolution, should be determined "an area in need of redevelopment" pursuant to N.J.S.A. 40A: 12A-3; and
2. The Township shall be authorized to use all those powers provided by law for use in a redevelopment area other than the use of eminent domain; and
3. The Land Use Board is hereby directed to make its determination after giving public notice as prescribed by law and conducting a public hearing as provided in N.J.S.A. 40A: 12A-6.b; and
4. The public notice shall comply with the requirements of N.J.S.A. 40A: 12A-6.b(2) and (3) and the hearing procedures shall comply with the requirements of N.J.S.A. 40A: 12A-6.b(4); and
5. Before the public hearing, the Land Use Board shall prepare a map showing the boundaries of the proposed non-condemnation redevelopment area and the location of the various parcels of property included therein. A statement setting forth the basis of the investigation and the Land Use Board's findings shall be appended to the map; and
6. Pursuant to N.J.S.A. 40A:12A-6.a, the Mayor and Committee hereby assign to the Land Use Board the conduct of the investigation and the public hearing, which shall comply in all respects with the requirements of N.J.S.A. 40A: 12A-6.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Mr. Bassani seconded the motion. Upon roll call,

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

**Tax Assessor Report on Special Assessment for Volcanic Hill Road:**

Mr. Bassani moved to accept the Tax Assessor Report on Special Assessment for Volcanic Hill Road. Mr. Morris seconded the motion. . Upon roll call,

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

**NEW BUSINESS:**

**Approval of Minutes:** The governing body agreed with the Administrator's suggestion to hold action on approval of the April 30 minutes until the next meeting.

**OPEN PUBLIC SESSION:**

Mayor Gaechter opened the meeting to the public for any questions or comments at this time.

Ann Smulewicz, Route 23, complimented News Reporter Vera Olinski for the photograph of the governing body she took at the last meeting.

Joseph Retz asked for a clarification regarding information presented by Jackie Espinoza, of New Jersey Power and Light, at the last meeting. Mayor Gaechter and Mr. Bassani offered that clarification. Mr. Retz requested confirmation that no new power lines or grids were being proposed for Wantage. Mayor Gaechter and Mr. Bassani offered that confirmation.

Mr. Retz questioned the Township's fees charged for well and septic permits. Mr. Doherty said he would review the concern raised and report back.

**OPEN PUBLIC SESSION, Continued**

Kathy Gorman, Fernwood Road, expressed concerns and observations regarding the potential impact that a Shop Rite would have on the existing A&P.

Peter Johr, South Shore Drive, asked when the governing body would be addressing Use Rules for Lake Neepaulin. Mayor Gaechter indicated the likelihood that this would be addressed at the next meeting of the governing body.

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

**EXECUTIVE SESSION**

Mayor Gaechter requested a Motion to close the meeting to the public and go into executive session to discuss employee negotiations, 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 negotiations involving the collective bargaining units of Wantage Township.

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.

Motion made by Mr. Bassani, Second my Mr. Morris.

Upon Roll Call:

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

After meeting in closed session, Mayor Gaechter requested a Motion to return to open session and continue with the regular order of business. Motion by Mr. Bassani, Second by Mr. Morris.

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

Mr. Doherty stated the governing body reviewed the status of negotiations in closed session, and there was no action proposed in that regard at this time.

There being no further proposed action before the governing body for consideration, Mayor Gaechter requested a Motion to adjourn the meeting.

Motion by Mr. Bassani, Second by Mr. Morris

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

Respectfully Submitted,

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James R. Doherty,  
Administrator Clerk