

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 JULY 9, 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, and 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.

Mr. Bassani moved to authorize Approval For Filing the Following Reports:

- Tax Collector Report for June 2015
- Municipal Clerk Report for June 2015
- Board of Health Report for June 2015
- Registrar Report for June 2015
- Zoning/Code Enforcement Report for June 2015

Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to authorize approval of the Bill List for the meeting of July 9, 2015

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 \$2,552.00 to Clove Manor HOA, Block 57 Lot 4.01 for land use application L-11-02 for a completed escrow application.

Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to authorize conditional renewal of Soil Removal License for calendar year 2015 to Bicsak Sand & Gravel, subject to receiving report of compliance with municipal requirements from the Township Engineer. Mr. Morris seconded the motion. Upon roll call,

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

ADMINISTRATOR'S REPORT:

Construction of Docks on the Lake: Mr. Doherty reported that he is following up on this issue, seeking input from other municipalities. Mr. Doherty believes the Township may be looking at a small amendment to its zoning ordinance. Mr. Doherty stated he will most likely recommend the Township follow Hardyston's lead in how they handle this issue, as they are the Wantage lead agency for construction code enforcement. Once Mr. Doherty stated that once he has their input and response, he'll share same with the governing body.

2014 Report of Audit: Mr. Doherty reported that the Township has received the 2014 Report of Audit from the Auditors. The "Comments and Recommendations" section of the report says "No Recommendations," meaning Wantage has received a spotless "keep up the good work" conclusion from the Auditor. Mr. Doherty offered congratulations to CFO Michelle La Starza as well as all Department Heads for maintaining the highest standards of fiscal integrity and performance on behalf of the Township.

Road Opening Permit Request: Elizabethtown Gas Company and resident John Card request a waiver of the 5 year moratorium against road disturbance for newly paved roads on Newton Avenue, which was repaved two years ago. Mr. Card desires service from Elizabethtown Gas, but in order to receive same, the gas line needs to be extended down Newton Avenue to his property.

Mr. Morris moved to grant this waiver. Mr. Bassani seconded the motion. Upon roll call,

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

PAGE TWO OF THE MINUTES OF JULY 9, 2015

Administrator Report, Continued

Negotiations: Mr. Doherty stated that Risk Management Consultant Frank Covelli would not be able to be present this evening to discuss municipal strategy involving health insurance benefits, so Mr. Doherty suggested postponing this conversation until the August 13 meeting.

Recommendation to Fill Opening in DPW: Mr. Doherty presented the recommendation of the DPW Supervisor for filling a vacancy in the position of Laborer for the Public Works Department.

Mr. Morris moved to hire Michael Psaroudis of Geraldine Drive in Wantage, to a full time position as DPW Laborer at a starting salary of \$14.25 per hour, starting July 20, 2015.

Mr. Bassani seconded the motion. Upon roll call,

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

Board of Health Fees: Mr. Doherty reviewed his report and recommendations on the topic of possible amendments to the Fee Schedule for Health services. Mr. Doherty pointed out that since this fee schedule ordinance was adopted by the Board of Health, an autonomous entity with their own ordinance power, the governing body should alert the Board of Health to the Administrator's recommendations, and that the governing body should recommend that the Board of Health consider amending BOH Ordinance 2006-01 to reflect the adjusted fees being proposed. The governing body expressed consensus with Mr. Doherty's recommendations.

Swimming At Lake Neepaulin: Mr. Doherty reported that in the course of dealing with testing procedures of the water quality at Lake Neepaulin, the County Health Department has informed Wantage Township of a position being taken by the State Health Department, which would impact the Township's "Swim At Own Risk" policy for public swimming at Lake Neepaulin. Mr. Doherty requested an executive session for the purpose of discussing this matter with the municipal attorney under the exclusion allowable for attorney-client privilege.

Redevelopment Plan Resolution: Mr. Doherty presented a proposed resolution prepared by the municipal attorney for consideration of adoption by the governing body.

Mr. Morris moved to adopt the following resolution:

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WANTAGE, IN THE COUNTY OF SUSSEX, NEW JERSEY, DETERMINING THAT THE PROPERTIES CONSISTING OF BLOCK 18, LOTS 40, 41 AND 42 AND BLOCK 18.01, LOT 1, WANTAGE TOWNSHIP, ARE A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT

WHEREAS, on October 23, 2014 and May 14, 2015, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-6(a), the Township Committee of the Township of Wantage (the "Township") adopted Resolutions requesting the Wantage Township Land Use Board (which Board is a nine-member planning board as authorized by N.J.S.A. 40:55D-25(c)) to conduct a preliminary investigation of Block 18, Lots 40, 41 and 43 and Block 18.01, Lot 1, ("Delineated Area"), located in Wantage Township, Sussex County, New Jersey, to determine whether this area or portion thereof may be determined to be a non-condemnation redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-3 & 5 and applicable law;

WHEREAS, the Land Use Board has conducted a preliminary investigation of the area in accordance with the guidelines set forth in N.J.S.A. 40A:12A-6 to determine whether Delineated Area is an "area in need of redevelopment" according to the criteria set forth in N.J.S.A. 40A:12A-3 & 5; and

WHEREAS, pursuant to the requirements set forth in N.J.S.A. 40A:12A-6, the Land Use Board caused notice of the public hearing on whether these properties were an "area in need of redevelopment" to be published in The New Jersey Herald and caused a copy of the notice to be mailed, via certified mail, at least 10 days before the date set for the hearing to the last owner of the properties within the Delineated Area according to the assessment records of the Township; and

WHEREAS, on May 26, 2015, the Land Use Board conducted a public hearing pursuant to N.J.S.A. 40A:12A-6(b) during which it considered a report from Kenneth P. Nelson, PP, of The Nelson Consulting Group entitled "A Preliminary Investigation Regarding the Designation of a Proposed Area in Need of Redevelopment Known as the Route 23 Redevelopment Area" dated April 30, 2015, the testimony of Mr. Nelson and comments from the other Board professionals and comments and testimony of members of the public in attendance at the hearing; and

WHEREAS, after considering said report, comments and testimony, the Land Use Board made certain findings as set forth in great detail in its Resolution Recommending Route 23 Southbound Corridor as a Non-Condensation Redevelopment Area memorialized by the Land Use Board on June 16, 2015 and recommended to the governing body of the Township of Wantage that the Delineated Area be determined to be an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5 and be designated a "Non-Condensation Redevelopment Area" for the reasons set forth in said Resolution; and

WHEREAS, the governing body of Wantage Township has reviewed and considered the Land Use Board's findings and recommendations as set forth in its Resolution.

Administrator Report, Continued

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Wantage that:

1. Block 18, Lots 40, 41 and 43 and Block 18.01, Lot 1 (“Delineated Area”), located in Wantage Township, Sussex County, New Jersey be and are hereby determined to be an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-1, et seq. and designated a “Non-Condemnation Redevelopment Area” and, as such, 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.
2. The Wantage Township Clerk shall forthwith transmit a copy of this Resolution to the Commissioner of Community Affairs for review in accordance with N.J.S.A. 40A:12A-6(c).
3. The Wantage Township Clerk shall cause notice of this determination to be served, within 10 days after the adoption of this Resolution, upon all record owners of properties located within the Delineated Area, those whose names are listed on the tax assessor’s records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of determination may be sent. The notice shall include a statement that a property owner who receives notice and who does not file a legal challenge to the redevelopment determination affecting his or her property within 45 days of receipt of such notice shall thereafter be barred from filing such a challenge.
4. This Resolution shall take effect immediately.

Mr. Bassani seconded the motion. Upon roll call,

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

ATTORNEY REPORT:

Mr. Kienz reported progress on the efforts to seek a declaratory judgment which would demonstrate municipal compliance with Mount Laurel obligations for affordable housing,

Mr. Kienz also reported on his office’s actions in response to an attempt to subpoena the Township Tax Collector as a part of a neighbor-vs-neighbor lawsuit. Mr. Kienz reported he is working with the parties to provide whatever municipal documents they need, without having the Collector appear in court, as this attempt to subpoena the Collector’s presence in a courtroom is not valid.

COMMITTEE REPORTS:

Mr. Bassani reported that he attended an impromptu “Welcome Back” get together for Recreation President Greg Williams, who has returned to Wantage from his deployment to Afghanistan as an active member of the armed forces. Mr. Bassani expressed his appreciation for Mr. Williams’ service to our country and stated he looked forward to working once again with Greg on Recreation matters for the community.

Mr. Bassani reported the Township has received a Green Acres matching grant of \$550,000 from the Department of Environmental Protection and the Garden State Preservation Trust. This funding is contingent upon the passage of a legislative appropriation. Mr. Bassani stated the Open Space Committee would be working on using these funds to assist their efforts in open space acquisition negotiations, and congratulated the Open Space Committee on achieving this grant award.

Mayor Gaechter echoed Mr. Bassani’s best wishes to Greg Williams upon his return to Wantage.

Mr. Morris recalled to the attention of the governing body, the discussion held at the prior meeting regarding SCMUA-Walkkill River Wildlife Management Group Watershed Director Nathaniel Sajdak, and asked for a clarification regarding who, specifically, was charged with the responsibility of following up with Mr. Sajdak to discuss potential funding programs and other relevant opportunities which may be available. By consensus, the governing body agreed that Township Engineer Harold Pellow had volunteered to reach out to Mr. Sajdak.

Mr. Morris also mentioned that Emergency Management Director Joe Konopinski and Fire Chief Larry Bono were moving forward with contacting various vendors for new specifications dealing with purchase of a fire vehicle.

OLD BUSINESS:

Fiore Drainage Issue: Mr. Doherty reported that Judy Fiore of 102 South Shore Drive was unable to attend this evening's meeting. Mr. Doherty updated the governing body on strategies and costs for dealing with the drainage concerns at this location, and discussed the extents of municipal involvement with the matter, suggesting that the improvements to the drainage ditch leading down from the property above the Fiore site may be the extent of municipal involvement. The governing body expressed a desire to see the cost impact of that particular part of the project. Mr. Doherty agreed to obtain that cost break down from Mr. Pellow. No action was taken at this time.

NEW BUSINESS:

Final Adoption: Ordinance 2015-07 (Salaries)

Mr. Bassani moved to adopt on Final Reading, Ordinance 2015-07, 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 2015" Mr. Morris seconded the motion. Prior to final roll call, Mayor Gaechter opened the meeting to the public for any questions or comments with respect to this proposed Ordinance.

Mr. William Gettler, Gemmer Road, inquired regarding the salary line items for both a part time and full time employee. Mr. Doherty responded to the inquiry.

There being no one else wishing to address the governing body on this matter, Mayor Gaechter requested a roll call vote. Upon roll call,

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

Final Adoption: Ordinance 2015-08 (Capital Improvement - Drainage)

Mr. Bassani moved to adopt on Final Reading, Ordinance 2015-08, entitled "ORDINANCE APPROPRIATING THE SUM OF \$32,000 FOR THE IMPROVEMENTS TO DRAINAGE" Mr. Morris seconded the motion. Prior to final roll call, Mayor Gaechter opened the meeting to the public for any questions or comments with respect to this proposed Ordinance.

There being no one wishing to address the governing body on this matter, Mayor Gaechter requested a roll call vote. Upon roll call,

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

Approval of Minutes

Mr. Bassani moved to approve the minutes of the Regular Meeting of the Wantage Township governing body held on June 25, 2015. Mr. Morris seconded the motion. Upon roll call,

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

Liquor License Transfer Application

Mr. Doherty presented an explanation regarding a proposed person-to-person transfer of liquor license 1924-33-003, from Areteo LLC to The Stuffed Olive, LLC. Mr. Doherty stated the Township has not yet received the tax clearance from the NJ Division of Taxation which would allow this application to be considered.

The governing body agreed by consensus to table this matter until the August 13 meeting.

Liquor License Renewal

Mr. Bassani moved to adopt the following resolution:

Resolution Renewing Liquor Licenses for 2015 - 2016 Licensing Term

BE IT RESOLVED, that the Mayor and Committee of the Township of Wantage, in the County of Sussex, State of New Jersey, does hereby approve the renewal of the liquor licenses named below for the licensing term of July 1, 2015 through June 30, 2016:

PLENARY RETAIL CONSUMPTION LICENSES:

<u>License #</u>	<u>Licensee & Location:</u>	<u>Trading As:</u>
1924-33-001-007	Askivar Liquors Wantage LLC 65 Route 639	Airport Pub & Package
1924-33-002-004	Douglas J. Thomson 447 Route 284	Cabin Fever
1924-33-003-008	Areteo LLC One Libertyville Road	The Stuffed Olive
1924-33-005-008	Celines Kitchen LLC 87 Route 23	DJ's 23 Pub & Grill
1924-33-006-006	Penne Vodka Inc. Inactive	n/a
1924-33-007-003	Presti Liquor LLC 289 Route 23	Sussex Queen Diner
1924-33-008-008	Jersey Innovative Investments LLC 205 Route 23	Wantage Plaza Liquor Outlet

PLENARY RETAIL DISTRIBUTION LICENSES:

1924-44-011-003	HPlay Liquors, LLC 83 Hamburg Ave, Route 23	Woody's Liquor Shop
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Mr. Morris seconded the motion. Upon roll call,

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

EXECUTIVE SESSION

Mr. Bassani moved to enter into closed 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 matters involving attorney client privilege regarding the applicability of Chapter IX, Public Recreational Bathing, of the New Jersey State Sanitary Code, to Ordinance 2015-06 of the Township of Wantage.

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. Morris seconded the motion. Upon roll call,

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

The governing body entered into closed session at this time. After meeting in closed session, the members of the governing body returned to open session and continued with the regular order of business.

Mr. Doherty explained the topic of discussion in this closed session. Mr. Doherty explained that it was his intention to have clarified at the previous meeting, after the adoption of Ordinance 2015-06, his recommendation that there be no swimming permitted at Lake Neepaulin until water testing procedures were completed to ensure the public's safety. However, he failed to make that request prior to the end of the meeting. In the interest of public safety, the Mayor issued a proclamation using his powers of emergency management, declaring that there would be no swimming at Lake Neepaulin until further notice. Parallel with this action, the Township received communication from the Sussex County Health Department that suggested the Township's policy for "Swim At Own Risk" would actually place the Township under the requirements listed in State regulations for public bathing beaches.

PAGE SIX OF THE MINUTES OF JULY 9, 2015

Mr. Doherty explained that the governing body has requested clear written documentation from the State Health Department to justify this interpretation, and to address the apparent discrepancy between the enforcement of their interpretation at the state level versus the local level, since "Swim At Own Risk" is an existing policy at a number of State Parks and State Beaches. To date, that documentation has not been submitted, so the governing body believes it is best to keep the Mayor's proclamation of No Swimming in effect until further notice, to protect every one's best interests until this issue can be resolved.

OPEN PUBLIC SESSION:

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

Kathy Gorman, Fernwood Road, offered wording from state regulations on the subject of Swim At Own Risk, suggesting that there are two conflicting laws in effect regarding the interpretation of this issue, between the Land Owner Liability Act and the Public Recreational Bathing Regulations. Mayor Gaechter agreed with this observation. General discussion took place with Mr. Kienz, Mr. Doherty and the members of the governing body regarding the efforts of the Township to seek verification and clarification on this issue.

Joe Retz, Libertyville Road, asked for a clarification of the recommendations made by Mr. Doherty for adjusting the fees for Well Permits. Mayor Gaechter responded. Mr. Retz expressed unhappiness with the extent of time it would take for the Board of Health to address this recommendation, as they were not scheduled to meet again until September. Mr. Retz asked if the Township would be making adjustments to the fees being charged for these permits pending action by the Board of Health, or offering refunds for permit fees previously charged. Mayor Gaechter and Mr. Doherty answered no, because there is a presumption of validity for the existing ordinances on the books at the time these applications are, or were, filed. Mr. Retz expressed extreme displeasure with this position.

William Gettler, Gemmer Road, stated that his presentation would far exceed the four minute limit of public comment. Mayor Gaechter stated that Mr. Gettler would need to contain his comments within the four minute time frame. Mr. Gettler expressed vociferous unhappiness with this requirement.

Ann Smulewicz, Route 23, inquired as to what happened to create a situation of such unpleasantness at this meeting, which had been going so well. Mr. Doherty suggested the fault for that was not with the people sitting on the dais.

Mayor Gaechter inquired if Mr. Gettler would like to have another shot at making his presentation, asking that he make an effort to stay as close to the 4 minute limitation as possible.

Mr. Gettler offered a presentation regarding his research and interpretation into the subject of farmland assessment, offering input on changes that he believes should be incorporated into the Township's procedures for calculating that said assessment.

Mayor Gaechter stated that it bothers him when situations of disrespect and contentiousness occur within the Wantage community and at public meetings. Mayor Gaechter stated that "we're all neighbors" and "we're all in this together," and that people will disagree with each other from time to time, but at the end, they should be able to agree to disagree, and do so in a fair-minded way, not a disrespectful way. Mayor Gaechter stated that he understands Mr. Gettler's personality, and was sorry that Mr. Gettler became so agitated with the Mayor's requirement that he stay within the four minute limit for public comments. Mayor Gaechter stated, as an observation for the future, that Mr. Gettler's presentation took up 14 minutes, and the Mayor understood the point of that presentation after only five minutes. Mayor Gaechter suggested it was unnecessary to offer such detailed facts and figures within the public comment portion, and it would be preferable to present such background detail as part of a written presentation rather than to prolong the public comment period.

Mr. Gettler offered further comment on his efforts to undertake research into his presentation.

Open Session, Continued

Douglas Ricker, Beemer Road, offered his opinions on the topics of farmland assessment, Lake Neepaulin, and declining property values. Mr. Ricker stated his agreement with Mr. Gettler's comments.

Mr. Ricker entered into a discussion with the members of the governing body and Mr. Doherty, regarding two Township-owned lots that are land locked, being without any access to a public street. Mr. Ricker suggested action should be pursued to create a right of way, or verify that a right of way exists on one of these properties, located in the Rockport/Unionville Road area. General discussion ensued. No action took place.

Mr. Bassani inquired if Mr. Ricker and/or Mr. Gettler had attempted to pursue a tax appeal of their farmland assessed property based on the details presented this evening. Mr. Bassani suggested that whether it involves farmland assessed property or non-farmland assessed property, a mechanism exists for pursuing the claim that an adjustment in assessed value should be made.

General discussion took place between Mr. Bassani and Mr. Ricker regarding Mr. Bassani's suggestion. Mr. Ricker indicated his intention to submit an appeal based on the details presented by Mr. Gettler.

Mr. Gettler offered his understanding of the details of the land locked status of the property lot previously mentioned by Mr. Ricker.

Mr. Gettler stated his belief that 814 property owners should not have to submit a tax appeal to have his proposal implemented. Mr. Bassani clarified that such was not his suggestion; rather he was asking a specific question regarding Mr. Ricker's intentions as to his own property assessment status.

Mrs. Smulewicz commended the Mayor for his efforts, and expressed support for being able to exceed the 4 minute time frame for comment,

Karen Merritt inquired regarding the definition of "site value." Mr. Bassani suggested asking the Tax Assessor.

Mr. Ricker offered comments regarding the 4 minute limit on public comment.

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, to adjourn. Upon roll call,
Ayes: Bassani, Morris, Gaechter Nays: None Absent: None Abstain: None

Mayor Gaechter declared the meeting to be adjourned.

Respectfully Submitted,

James R. Doherty, Administrator Clerk