

**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 OCTOBER 29, 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 Payment of Bills for the meeting of October 29, 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:

\$13,924.30 to US Bank for Block 69.02 Lot 51 for tax sale certificate 13-29

\$ 8,100.00 to US Bank for Block 69.02 Lot 51 for tax sale premium certificate 13-29

\$ 4,522.36 to Bali Management LLC, Block 69.02 Lot 51 for tax sale certificate 12-21

Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to authorize Requesting the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2015 Wantage Municipal Budget, in the amount of \$5,750.00, which is now available as revenue with Prior Written Consent for Shared Service Agreements Offset with Appropriations for CFO/Finance Andover Borough

Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to Confirm the automatic renewal provision for the year 2016 in the 2015 contract with Erik Enterprises to provide snow plowing services in Lake Windsor at a rate of \$76.28 per hour. Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to authorize the Mayor to sign the Fuel Dispensing Shared Services Agreement between the Township of Wantage and the Borough of Sussex.

Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to authorize Change Order #1 to the contract entitled "Milling and Resurfacing Neepaulin Drive & South Shore Drive in Lake Neepaulin," representing a contract reduction in the amount of \$21,074.71, as per recommendation of Township Engineer Harold Pellow. Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to authorize Change Order #1 to the contract entitled "Milling and Resurfacing Lower Unionville Road – Section I," representing a contract reduction in the amount of \$7,856.61, as per recommendation of Township Engineer Harold Pellow.

Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to authorize Change Order #1 to the contract entitled "Milling and Paving Pidgeon Hill Road – Sections II and III," representing a contract reduction in the amount of \$6,226.20, as per recommendation of Township Engineer Harold Pellow.

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 Township Lakes**

The members of the governing body requested this topic be tabled to the future.

**First Aid Squad CPR Demonstration**

Mr. Doherty reported, following up on Mayor Gaechter’s request, that representatives of the Wantage Township First Aid Squad will be present at the November 12, 2015 meeting of the governing body to offer a demonstration of their new CPR machine.

**Negotiations with Sussex Borough: Request for Executive Session**

Mr. Doherty requested an executive session to discuss details of negotiations with Sussex Borough regarding negotiations for a potential Payment In Lieu of Taxation program under the Redevelopment Plan statutory provisions.

**Services of Planner as part of COAH Legal Motion**

Mr. Doherty reported that Ken Nelson has submitted a proposal to Wantage Township, covering his planning services related to the Township’s efforts to pursue court certification in connection with its anticipated affordable housing obligations. The total amount of cost is estimated to be between \$10,500 and \$18,000. Wantage does not have this amount of extra money in its 2015 budget. At best, the Township has \$6,000 available to pay for said services in calendar year 2015, and then the governing body can budget additional money for 2016.

Mr. Bassani moved to approve the proposal of Ken Nelson to provide planning services as explained above for an amount not to exceed \$6,000 in calendar year 2015.

Mr. Morris seconded the motion. Upon roll call,

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

**Authorization of Replacement Deed**

Mr. Doherty presented a proposed resolution entitled “RESOLUTION AUTHORIZING EXECUTION OF REPLACEMENT DEED TO CONVEY TITLE TO PROPERTY LOCATED AT 30 COURTRIGHT ROAD AND 33 COURTRIGHT ROAD,” for the consideration of the governing body.

Mr. Morris moved to adopt the following resolution:

**RESOLUTION AUTHORIZING EXECUTION OF REPLACEMENT DEED TO CONVEY TITLE TO PROPERTY LOCATED AT 30 COURTRIGHT ROAD AND 33 COURTRIGHT ROAD.**

WHEREAS, in settlement of a certain litigation between the Township of Wantage and Adam Muzer, the Township agreed to convey title to property known and designated as Lot 2.10 in Block 146 and Lot 6.10 in Block 147, as the same are designated and shown on the Tax Map of the Township of Wantage, to Adam Muzer; and

WHEREAS, a Deed dated March 15, 2013 was delivered to Adam Muzer to convey title to the parcels, but was lost or inadvertently misplaced and not recorded by Mr. Muzer in the Office of the Clerk of Sussex County; and

WHEREAS, the Township has agreed to provide a replacement deed;

NOW THEREFORE, be it resolved by the Township Committee of the Township of Wantage, County of Sussex, State of New Jersey as follows:

1. That the Mayor and Administrator/Clerk are authorized to execute a replacement Deed substantially in the format attached hereto as Exhibit A to transfer any right, title and interest the Township has to the aforementioned property to Adam Muzer.

2. That the Mayor, or other appropriate official of the Municipality, on behalf of the Municipality is hereby authorized and directed to execute any and all documents to implement this Resolution and the Clerk of the Municipality directed to attest to same.

3. Adam Muzer will be responsible for paying the Township’s costs in preparing the replacement Deed in the amount of \$300.00 and all recording costs.

4. That this Resolution shall take effect immediately or as otherwise provided by law.

Mr. Bassani seconded the motion. Upon roll call,

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

**Recommendation to Join Cooperative Pricing Council**

General discussion took place among the members of the governing body and Fire Chief Larry Bono, regarding the Fire Department’s proposed course of action for pursuing the purchase of a fire vehicle, and their request for the Township to join the Houston-Gavelston Area Council.

**PAGE 3 OF THE MINUTES OF OCTOBER 29, 2015**

Mr. Bassani moved to join the Houston-Galveston Area Council, as follows:

WHEREAS, H-GAC is a regional planning commission and political subdivision of the State of Texas operating under Chapter 391, Texas Local Government Code; and

WHEREAS, pursuant to the Act, H-GAC is authorized to contract with eligible entities to perform governmental functions and services, including the purchase of goods and services; and

WHEREAS, in reliance on such authority, H-GAC has instituted a cooperative purchasing program under which it contracts with eligible entities under the Act; and

WHEREAS, Wantage Township is an eligible entity under the Act,

NOW, THEREFORE, Wantage Township (identified as the "End User") does hereby authorize the following contract:

**ARTICLE 1: LEGAL AUTHORITY**

The End User represents and warrants to H-GAC that (1) it is eligible to contract with H-GAC under the Act because it is one of the following: a local government, as defined in the Act (a county, a municipality, a special district, or other political subdivision of the State of Texas or any other state), or a combination of two or more of those entities, a state agency (an agency of the State of Texas as defined in Section 771.002 of the Texas Government Code, or a similar agency of another state), or a non-profit corporation created and operated to provide one or more governmental functions and services, and (2) it possesses adequate legal authority to enter into this Contract.

**ARTICLE 2: APPLICABLE LAWS**

H-GAC and the End User agree to conduct all activities under this Contract in accordance with all applicable rules, regulations, and ordinances and laws in effect or promulgated during the term of this Contract.

**ARTICLE 3: WHOLE AGREEMENT**

This Contract and any attachments, as provided herein, constitute the complete contract between the parties hereto, and supersede any and all oral and written agreements between the parties relating to matters herein.

**ARTICLE 4: PERFORMANCE PERIOD**

The period of this Contract shall be for the balance of the fiscal year of the End User, which began January 1, 2015 and ends December 31, 2015. This Contract shall thereafter automatically be renewed annually for each succeeding fiscal year, provided that such renewal shall not have the effect of extending the period in which the End User may make any payment due an H-GAC contractor beyond the fiscal year in which such obligation was incurred under this Contract.

**ARTICLE 5: SCOPE OF SERVICES**

The End User appoints H-GAC its true and lawful purchasing agent for the purchase of certain products and services through the H-GAC Cooperative Purchasing Program. End User will access the Program through HGACBuy.com and by submission of any duly executed purchase order, in the form prescribed by H-GAC to a contractor having a valid contract with H-GAC. All purchases hereunder shall be in accordance with specifications and contract terms and pricing established by H-GAC. Ownership (title) to products purchased through H-GAC shall transfer directly from the contractor to the End User.

**ARTICLE 6: PAYMENTS**

H-GAC will confirm each order and issue notice to contractor to proceed. Upon delivery of goods or services purchased, and presentation of a properly documented invoice, the End User shall promptly, and in any case within thirty (30) days, pay H-GAC's contractor the full amount of the invoice. All payments for goods or services will be made from current revenues available to the paying party. In no event shall H-GAC have any financial liability to the End User for any goods or services End User procures from an H-GAC contractor.

**ARTICLE 7: CHANGES AND AMENDMENTS**

This Contract may be amended only by a written amendment executed by both parties, except that any alterations, additions, or deletions to the terms of this Contract which are required by changes in Federal and State law or regulations are automatically incorporated into this Contract without written amendment hereto and shall become effective on the date designated by such law or regulation.

H-GAC reserves the right to make changes in the scope of products and services offered through the H-GAC Cooperative Purchasing Program to be performed hereunder.

**ARTICLE 8: TERMINATION PROCEDURES**

H-GAC or the End User may cancel this Contract at any time upon thirty (30) days written notice by certified mail to the other party to this Contract. The obligations of the End User, including its obligation to pay H-GAC's contractor for all costs incurred under this Contract prior to such notice shall survive such cancellation, as well as any other obligation incurred under this Contract, until performed or discharged by the End User.

**ARTICLE 9: SEVERABILITY**

All parties agree that should any provision of this Contract be determined to be invalid or unenforceable, such determination shall not affect any other term of this Contract, which shall continue in full force and effect.

**ARTICLE 10: FORCE MAJEURE**

To the extent that either party to this Contract shall be wholly or partially prevented from the performance within the term specified of any obligation or duty placed on such party by reason of or through strikes, stoppage of labor, riot, fire, flood, acts of war, insurrection, accident, order of any court, act of God, or specific cause reasonably beyond the party's control and not attributable to its neglect or nonfeasance, in such event, the time for the performance of such obligation or duty shall be suspended until such disability to perform is removed; provided, however, force majeure shall not excuse an obligation solely to pay funds. Determination of force majeure shall rest solely with H-GAC.

**ARTICLE 11: VENUE**

Disputes between procuring party and Vendor are to be resolved in accord with the law and venue rules of the State of purchase.

Mr. Morris seconded the motion. Upon roll call,

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

**PAGE 4 OF THE MINUTES OF OCTOBER 29, 2015**

**Fiore Drainage Problem**

Mr. Doherty reported the required easement in order to proceed with the Township's project to address the drainage concerns of Ms. Fiore on South Shore Drive has been promised.

Mr. Morris moved to authorize Wantage Excavating to undertake the drainage improvement project at 102 South Shore Drive in accordance with their proposal dated 7/27/15, in the amount of \$9,900.

Mr. Bassani seconded the motion. Upon roll call,

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

**ATTORNEY REPORT:** none

**COMMITTEE REPORTS:**

Mr. Bassani moved to accept the Grant from the New Jersey Green Acres Program for Open Space Preservation in Wantage Township, being Green Acres Project Number 1924-10-015 in the amount of \$550,000.

Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani offered his appreciation for the efforts of the Open Space Advisory Committee in securing this grant.

Mr. Bassani reported that he and Open Space Chairman Tom Davis met earlier today with representatives of The Land Conservancy and the Sussex County Open Space Committee, and received update reports on the status of open space activities and uses for Green Acres funding.

Mayor Gaechter offered his congratulations to Mr. Bassani and Mr. Davis for all of their efforts and accomplishments on behalf of open space preservation in Wantage Township.

Mr. Bassani reported that one of the uses of Green Acres funding can be to pay for half the costs of demolition of structures that are present on property to be preserved as open space.

Mr. Bassani moved to adopt the RESOLUTION AUTHORIZING THE FILING OF LIEN AGAINST PROPERTY LOCATED IN THE TOWNSHIP OF WANTAGE TO RECOVER CLEANUP COSTS INCURRED BY THE TOWNSHIP OF WANTAGE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 8-2.1 OF THE CODE OF THE TOWNSHIP OF WANTAGE AND N.J.S.A. 40:48-2.14.

WHEREAS, pursuant to N.J.S.A. 40:48-2.14 and Wantage Code Section 8-2.1, the Construction Code Official of the Municipality or his designee is authorized to serve notices to abate nuisances including, but not limited to: brush, weeds, ragweed, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris; and

WHEREAS, pursuant to N.J.S.A. 40:48-2.14 and Wantage Code Section 8-2.1, the Construction Code Official of the Municipality or his designee is further authorized to direct the removal of such nuisances from property after notice of abatement is served and the mandatory compliance period has expired; and

WHEREAS, pursuant to N.J.S.A. 40:48-2.14 and Wantage Code Section 8-2.1, a the Construction Code Official of the Municipality or his designee is further authorized to certify the amount of the cost to abate the nuisances from the property; and

WHEREAS, pursuant to N.J.S.A. 40:48-2.14 and Wantage Code Section 8-2.1, the amount certified by the Construction Code Official shall be a lien against said property; and

WHEREAS, the Township has, in accordance with the procedures defined above, removed nuisances from premises known and designated as Lot 11 in Block 64 in the Township of Wantage, also known as 6 Bergen Avenue; and

WHEREAS, the Construction Code Official has certified that the sum of \$1,200.00 was incurred in the removal of the nuisances at the property.

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

1. The Mayor and Township Committee authorize the filing of a lien against the above-referenced property, in the amount certified by the Construction Code Official, to recoup cleanup costs incurred by the Township of Wantage in accordance with the provisions of N.J.S.A. 40:48-2.14 and Wantage Code Section 8-2.1

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

1. The Mayor is authorized to take execute any and all related documents, subject to the review of counsel to effectuate the liens.

2. 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

**COMMITTEE REPORTS, Continued**

Mayor Gaechter offered comments regarding the Rails to Trails program and suggested this may be a course of action for Wantage to pursue in the future. General discussion took place regarding this suggestion.

Mayor Gaechter offered a “Welcome” to ACME Supermarket, which has replaced the A&P in Wantage.

Mr. Morris reported that the First Aid Squad would be holding a fund drive/Membership Drive on November 15, and they would like to set up an inflatable children’s attraction in the parking lot as part of that event. The governing body agreed by consensus they had no problem with this suggestion.

In follow up to a conversation at the previous meeting, involving what resources are available in the event of an emergency involving a power outage, Mr. Morris reported that Beemerville FD has an emergency generator, and Colesville FD is in the process of obtaining one through a grant. Also, both Quick Chek and Lukoil have emergency generators present.

Mr. Morris introduced members of the Sussex Fire Department, being Chief Jake Little, Erik Thompson, and Mike Clark, who spoke of the proposed route and details of the 2016 County Firemen’s Parade, which will be hosted by the Sussex Fire Department.

General discussion took place of this event. Wantage Fire Chief Larry Bono stated that his department fully supports the Sussex Fire Department in this proposed event.

The members of the governing body expressed their support for this event, and requested the clerk to prepare a resolution and letter of support to be adopted at the next meeting.

Mayor Gaechter stated that Bill DeBoer has requested an opportunity to demonstrate a new CPR machine that the Wantage First Aid Squad has obtained, and that this demonstration will take place at a meeting in the near future.

**OLD BUSINESS:** none

**NEW BUSINESS:**

**Final Adoption: Ordinance 2015-11 (Salaries)**

Mr. Bassani moved to adopt on Final Reading, Ordinance 2015-11, 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 regarding said Ordinance.

Kathy Gorman inquired regarding the Zoning Officer position. Mayor Gaechter responded.

Ann Smulewicz offered her opinion in opposition to any salary raises.

No one else wished to speak at this time.

Mayor Gaechter closed the meeting to the public and requested a roll call vote. Upon roll call,

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

**Introduction of Ordinance 2015-12**

Mr. Morris moved to introduce on First Reading, Ordinance 2015-12, entitled “AN AMENDMENT TO ORDINANCE 2015-10, ENTITLED “AN ORDINANCE OF THE TOWNSHIP OF WANTAGE ADOPTING A REDEVELOPMENT PLAN FOR PHASE 1 OF THE ROUTE 23 REDEVELOPMENT AREA” with a proposed final hearing date set for November 12, 2015. Mr. Bassani seconded the motion. Upon roll call,

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

**Review of Best Management Survey**

Mr. Doherty reviewed with the governing body the Township's responses to the 2015 Best Management Practices Survey conducted by the New Jersey Department of Community Affairs. Mr. Doherty reported that the Township answered sufficient answers in the affirmative such that no loss of state aid would be assessed.

**Approval of Minutes**

Mr. Bassani moved to approve the minutes of the Regular Meeting and Executive Session of the Wantage Township governing body held on October 8, 2015.

Mr. Morris seconded the motion. Upon roll call,

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

**OPEN PUBLIC SESSION:**

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

Ann Smulewicz, Route 23, offered her views regarding various topics and issues including Green Acres funding, and Land Use approvals of the business property of Jeffrey Parrott. Mrs. Smulewicz suggested a liaison should be established between the governing body and the School Boards.

Mr. Bassani and Mayor Gaechter offered responses to Mrs. Smulewicz's views regarding Green Acres and open space preservation.

General discussion took place regarding the concept of a liaison between the governing body and the schools. Mayor Gaechter indicated he has been in contact with school representatives on an on-going basis.

Mr. John Nuss expressed agreement with views stated by Mrs. Smulewicz.

Mr. Nuss initiated a general discussion regarding the presence of Odors at the RER Recycling Facility. Mayor Gaechter and Mr. Doherty detailed actions taken by the Township in response to this concern.

Bob Maikis, 35 South Shore Drive, mentioned that a leg on a table in the front of the meeting room appeared to be in need of repair.

Mrs. Smulewicz offered views regarding the odors at RER.

**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 negotiations with Sussex Borough regarding a potential Payment In Lieu Of Taxation program under the Redevelopment Plan statutory provisions.

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. Kienz stated that discussions took place as explained in the executive session resolution, and no action was being taken at this time in respect to those discussions.

There being no further items for consideration, Mayor Gaechter requested a motion to adjourn.

Mr. Bassani moved to adjourn the meeting. Mr. Morris seconded the motion. 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