

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 DECEMBER 10, 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 approve the following Reports for filing:

- Tax Collector Report for November 2015
- Municipal Clerk Report for November 2015
- Board of Health Report for November 2015
- Registrar Report for November 2015
- Zoning/Code Enforcement Report for November 2015
- Municipal Engineer Year End Report for 2015

Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to approve the Transfer Resolution for the meeting of December 10, 2015.

WHEREAS, N.J.S.A. 40A:4-58 permits appropriation transfers to be made during the last two months of the fiscal year, and

WHEREAS, it is necessary to transfer appropriations between line items presently located in the 2015 Current Fund Budget;

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Wantage, County of Sussex, State of New Jersey that the following transfers be made.

<u>FROM:</u>		<u>TO:</u>	
Group Insurance		Snow Removal	
Other Expenses	33,100.00	Other Expenses	50,000.00
01 201 23 220 020		01 201 26 290 120	
Gas and Diesel		Electricity	
Other Expenses	18,000.00	Other Expenses	1,100.00
01 201 23 220 020		01 201 31 430 020	
Administration		Legal OE	
Other Expenses	5,000.00	Other Expenses	16,500.00
01 201 20 100 020		01 201 20 155 020	
Assessor			
Other Expenses	5,000.00		
01 201 20 150 020			
Garbage Removal	6,500.00		
Other Expenses			
01 201 26 305 020			
Public Buildings and Grounds	2,100.00	Parks and Playgrounds	2,100.00
Other Expenses		Other Expenses	
01 201 26 310 020		01 201 20 155 020	
Total Transfers:	69,700.00		69,700.00

Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to approve the Bill List for the meeting of December 10, 2015.

Mr. Morris seconded the motion. Upon roll call,

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

CONSENT AGENDA, Continued

Mr. Bassani moved to approve refunds as follows:

- \$22,318.33 to US Bank for Block 14 Lot 28.01 for tax sale premium, certificate 13-04
- \$16,000.00 to US Bank for Block 14 Lot 28.01 for tax sale premium, certificate 13-04
- \$ 250.00 to Edward Bierstine Jr for Block 42.04 Lot 2 for tax overpayment
- \$ 250.00 to Jesse Wolff & Brianna Corby for Block 87 Lot 18 for tax overpayment
- \$ 548.88 to Barry & Carol Wesnak for Block 120 Lot 14 Q0093 for tax overpayment
- \$ 250.00 to Dennis & Theresa Dougherty for Block 129 Lot 3.14 for tax overpayment
- \$ 446.71 to Michael & Karen Rainer for Block 33 Lot 11.01 for tax overpayment
- \$ 563.64 to Sueann & Leonard Talmadge for Block 120 Lot 7.03 for tax overpayment
- \$ 1,963.48 to Robert Walsh for Block 123 Lot 3.07 for tax overpayment

Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to approve the Renewal of Shared Services Agreement with Hardyston Township for Animal Control and Pound services for 2016.

Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to approve the Renewal of Shared Services Agreement with Franklin Borough for Animal Control and Pound services for 2016.

Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to approve the Renewal of Shared Services Agreement with Montague Township for Animal Control and Pound services for 2016.

Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to approve the Renewal of Shared Services Agreement with Sussex Borough for Tax Assessor services for 2016. Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to approve the Renewal of Agreement with Space Farms for removal of deer carcasses from municipal road rights of way for 2016.

Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to approve the Subdivision Bond Reduction on LUB Application #L-25-2003 for Joseph Retz, on Block 132 Lot 3.20 (Libertyville Road), reducing said Bond to the amount of \$139,864.80, in accordance with the recommendation of the Township Engineer dated November 24, 2015. Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to approve the proposed route for Highlands Gran Fondo Bicycle Race Fundraising event for the benefit of the Patriots Path Council Boy Scouts of America, authorizing the use of local roads for said event within Wantage Township in June of 2016.

Mr. Morris seconded the motion. Upon roll call,

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

HIGH POINT REGIONAL HIGH SCHOOL PRESENTATION

Mayor Gaechter opened the floor to High Point Regional High School Superintendent Scott Ripley and Assistant Superintendent Robert Zywicki, who offered a presentation regarding activities, programs and accomplishments of the High School administration, staff and Board of Education.

The members of the governing body initiated discussion on the topics of enrollment trends, the impact of Sussex Technical School on High Point, mathematics proficiency, outreach programs to local sending districts, testing criteria, and the Safety of Schools Report.

ADMINISTRATOR’S REPORT:

Special Meeting: Mr. Doherty advised it would be appropriate for the governing body to hold a Year End Meeting to deal with financial resolutions, a liquor license approval, and a final adoption on Ordinance 2015-13 if said Ordinance is introduced this evening. General consensus was reached to hold this meeting on Tuesday, December 29 at 3:30 pm.

Soil Removal Operation Renewals: Mr. Doherty presented Township Engineer Harold Pellow’s recommendations for temporary renewal of Soil Removal Operations for the first Quarter of calendar year 2016. Mr. Bassani pointed out that the wording of the recommendation from Mr. Pellow regarding 284 Aggregates mistakenly stated the license “should not be removed” when the context of the report shows the intent was to recommend that the license “should not be renewed” until the list of unfinished items are taken care of. The governing body agreed by consensus to correct the recommendation as suggested by Mr. Bassani.

Mr. Bassani moved to approve Temporary Renewal of Soil Removal Licenses, through the date April 30, 2016, for the application submitted by 284 Aggregates LLC on Block 1, Lots 8,9,36,37 and 38; for the application submitted by Bicsak/Wantage Stone on Block 11 Lot 5; and for the application submitted by 565 Land Development LLC for Block 117 Lot 38.01; subject to the conditions detailed in the reports submitted by Harold Pellow and as clarified this evening.

Mr. Morris seconded the motion. Upon roll call,

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

Hire DPW employee: Mr. Doherty reported that DPW Supervisor Bob Wagner has offered his recommendation for filling a vacancy in the DPW.

Mr. Bassani moved to hire Aaron Richards at a rate of \$15 an hour as a full time DPW Laborer, filling an open position in the Department, effective 12/14/2015.

Mr. Morris seconded the motion. Upon roll call,

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

Redevelopment Agreement: Mr. Doherty indicated the Township Attorney will present a proposed Agreement and approving Resolution for consideration. Discussion may take place in executive session prior to action being taken.

Award of Bid – Colesville FD Emergency Generator: Mr. Doherty reported on the results of the Bid Opening for the installation of a Standby Generator at the Colesville Firehouse.

Mr. Bassani moved to award the contract for the installation of a Standby Generator at the Colesville Firehouse to K. Hanrahan Enterprises of Fair Lawn, NJ in the amount of \$51,384.

Mr. Morris seconded the motion. Upon roll call,

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

RER Supply Concerns: Mr. Doherty offered an update status report on various activities undertaken to address public concerns regarding RER Supply.

ATTORNEY REPORT: Mr. Kienz expressed a desire to address the governing body in closed session to review the proposed Redevelopment Agreement prior to consideration of action being taken on that topic, and offered a status update report on the on-going COAH matter entitled “Township of Wantage Complaint for Declaratory Judgment Demonstrating Municipal Compliance with Constitutional Mount Laurel Obligation.”

COMMITTEE REPORTS:

Mr. Morris offered congratulations to the Wantage Recreation Commission and the Sussex Wantage Board of Education for cooperating in hosting the annual Christmas Tree Lighting Ceremony at the Wantage School.

Mayor Gaechter offered an update report on activities of the Land Use Board.

NEW BUSINESS:

Introduction: Ordinance 2015-13

Mr. Bassani moved to introduce on First Reading, Ordinance 2015-13, entitled “ORDINANCE OF THE TOWNSHIP OF WANTAGE, COUNTY OF SUSSEX AND STATE OF NEW JERSEY APPROVING ACQUIRING A DRAINAGE EASEMENT AT 102 SOUTH SHORE DRIVE (BLOCK 76, LOT 9) AND AT 61 ALDER TERRACE (BLOCK 76, LOT 24) AND RATIFYING AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO IMPLEMENT SAID EASEMENT” with a final hearing date scheduled for December 29, 2015. Mr. Morris seconded the motion. Upon roll call,

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

Application for Person To Person Transfer of Liquor License 1924-33-010

Mr. Doherty informed that the applicant has not yet completed their submission requirements, so no discussion or action took place regarding this matter.

Approval of Minutes

Mr. Bassani moved to approve the minutes of the Regular Meeting of the Wantage Township governing body held on November 12, 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 question or comments at this time.

Kathy Gorman, Fernwood Road, discussed concerns she has with “Welcome To Lake Neepaulin” signs. Mayor Gaechter asked Mr. Kienz for input. Mr. Kienz suggested having the Township Engineer review the matter.

William Gettler, Gemmer Road, offered an observation regarding Clark Realty acreage; offered comments regarding the Compliance Plan from several years ago; expressed concerns with farmland assessment calculations and tax map concerns, offering examples to illustrate concerns with what he believes are errors in tax assessment figures.

Mr. Nuss expressed thanks to Mr. Doherty for his efforts to address concerns with RER Supply; re-stated concerns he has with health matters; and stated the odors are present on Route 23 this evening.

Ann Smulewicz, Route 23, expressed agreement with Mr. Nuss’ comments; expressed disagreement with the Township’s decision to approve 4 month approvals for 2016 soil removal operations; expressed agreement with Mrs. Gorman on the signs; stated her belief that an investigation should take place regarding Mr. Gettler’s expressed concerns; expressed a wish the governing body had permitted the public to address the representatives of the Board of Education this evening; offered a report of activities and comments from the Freeholder Board meeting.

Mr. Gettler again addressed the governing body, stating his belief the governing body should have allowed the public to address the representatives of the Board of Education.

Mayor Gaechter stated that this evening’s meeting of the governing body was not the proper forum for such a discussion; that the members of the public have the opportunity to attend meetings of the Board of Education and address the school officials during the open session portion of those meetings.

Mr. Gettler offered various observations and statistics regarding administration salaries, student population trends, and budget matters of the school system.

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Mr. Bassani agreed with Mayor Gaechter's explanation that tonight was not the correct forum for interaction between the School Administration representatives and the public.

Mr. Bassani pointed out several instances in which he believed Mr. Gettler was misleading the public and misrepresenting facts during his comments.

Mr. Bassani and Mr. Gettler held a brief discussion regarding tax impact and tax levy.

Mr. Bassani pointed out that, contrary to Mr. Gettler's representation, the School Superintendent and Assistant Superintendent did not "give themselves" a pay raise; clarifying that the Board of Education must approve any pay raise.

Mr. Bassani inquired if Mr. Gettler would be sharing his findings regarding tax maps and assessments with the governing body. Mr. Gettler stated his project was not yet completed, and when it was, he would be providing it to the State Division of Taxation, the County, and the Township.

Mr. Bassani offered further examples to illustrate matters where he believed Mr. Gettler was offering misleading and inaccurate information, pointing out that the current Tax Assessor was not the Tax Assessor when the Compliance Plan took place, and that the governing body was not in favor of the Compliance Plan. Mr. Gettler offered rebuttal comments to Mr. Bassani.

Mr. Bassani referenced a recent "Letter to the Editor" written by Mr. Gettler, in which Mr. Gettler expressed a belief that Mr. Bassani was pushing full speed ahead for an Open Space acquisition. Mr. Bassani took exception to Mr. Gettler's comments and invited him to explain and discuss his position. General discussion took place between Mr. Bassani and Mr. Gettler.

General discussion continued between Mr. Bassani and Mr. Gettler regarding examples in which Mr. Bassani stated his belief that Mr. Gettler was offering misleading and inaccurate information to the public.

There being no one else present wishing to speak, Mr. Bassani moved to close the meeting to the public. Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to enter into closed 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 Redevelopment Plan Agreement.

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

After meeting in closed session, Mr. Bassani moved to return to open session and continue with the regular order of business. Mr. Morris seconded the motion. Upon roll call,

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

Mr. Kienz disclosed the topic of discussion was as outlined in the executive session resolution adopted this evening, and there was one item of action for consideration from that discussion.

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Mr. Bassani moved to adopt the following RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A REDEVELOPMENT AGREEMENT WITH SUSSEX/WANTAGE 285 URBAN RENEWAL, LLC:

WHEREAS, the Township of Wantage ("Township") may exercise all powers, duties and functions relating to redevelopment in the manner of a redevelopment entity under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 to 49 ("Redevelopment Law"), which powers include contracting with redevelopers for the planning, replanning, construction, or undertaking of any project or redevelopment work under N.J.S.A. 40A:12A-8.f; and

WHEREAS, on October 23, 2014 and May 14, 2015 the Township Committee of the Township ("Township Committee") adopted Resolutions authorizing the Township Land Use Board ("Wantage Board") to undertake a preliminary investigation with respect to the area comprised of the following parcels located in Wantage Township, Sussex County, New Jersey, to determine whether the area or a portion thereof may be determined to be a non-condemnation redevelopment area pursuant to the Redevelopment Law, N.J.S.A. 40A:12A-3 and 5: Block 18, Lots 40, 41 and 43 and Block 18.01, Lot 1 ("Wantage Delineated Area"); and

WHEREAS, upon notice according to law, the Wantage Board conducted a public hearing with respect to its Wantage Delineated Area investigation, set forth its findings in a Resolution memorialized by the Wantage Board on June 16, 2015 and recommended that the Township Committee designate the Wantage Delineated Area as a "Non-Condensation Redevelopment Area;" and

WHEREAS, by Resolution adopted July 9, 2015, the Township Committee designated the Wantage Delineated Area as a Non-Condensation Redevelopment Area in need of redevelopment (the "Wantage Redevelopment Area"); and

WHEREAS, by Ordinance No. 2015-10 adopted on October 8, 2015, the Township Committee adopted a redevelopment plan for the Wantage Redevelopment Area (the "Wantage Redevelopment Plan"); and

WHEREAS, as a result of a scrivener error in the Wantage Redevelopment Plan, the Wantage Redevelopment Plan was amended and the Township Committee reaffirmed Ordinance No. 2015-10 adopting the Wantage Redevelopment Plan by adoption of Ordinance No. 2015-12; and

WHEREAS, the governing body of the Borough of Sussex designated Block 104, Lot 1.01, Block 105, Lot 1.03, and Block 106, Lots 1.02, 11, 12, 13, and 14, located in the Borough of Sussex, Sussex County, New Jersey as a Non-Condensation Redevelopment Area ("Sussex Redevelopment Area") and adopted by Ordinance the "Sussex Redevelopment Plan" for said area; and

WHEREAS, the boundary line between the Borough of Sussex and the Township of Wantage divides a tract of land which is described above as the Sussex Redevelopment Area and the Wantage Redevelopment Area ("Property"), on which tract of land sits an obsolete building; and

WHEREAS, Sussex/Wantage 285 Urban Renewal, LLC, ("Redeveloper") has proposed to develop a supermarket (with a maximum of 94,916 square foot) and commercial retail space with a minimum of 548 parking spaces (the "Project"), on a portion of the Property (including (i) Sussex Borough Block 104, Lot 1.01, Block 105, Lot 1.03 and Block 106, Lots 1.02 and 14 and (ii) Wantage Township Block 18, Lot 43 and Block 18.01, Lot 1) which it will ground lease for the purpose of implementing the Wantage and Sussex Redevelopment Plans; and

WHEREAS, the Redeveloper has also proposed to the Borough of Sussex that it will develop the supermarket itself and a limited amount of parking and other related improvements necessary for the Project on the portion of the Property located in Sussex for the purpose of implementing the Sussex Redevelopment Plan which also calls for the redevelopment of the Property as a supermarket; and

WHEREAS, the Township has determined that Redeveloper meets all necessary criteria, including financial capabilities, experience, expertise and has reviewed and found satisfactory the proposed project concept descriptions ("Redeveloper's Qualifications"), and, as a result, has determined to engage in negotiations with Redeveloper for the purpose of entering into a Redevelopment Agreement to designate Redeveloper as the redeveloper of the Wantage Redevelopment Area; and

WHEREAS, the Borough of Sussex and the Redeveloper also plan to enter into a contract pursuant to which the Redeveloper will agree to develop the supermarket itself and a limited amount of parking and related improvements on the portion of the Property located in Sussex; and

WHEREAS, based upon Redeveloper's Qualifications, and in order to implement the development, financing, construction, operation and management of the Project, the Township Committee has determined to enter into a Redevelopment Agreement with Redeveloper (a copy of which is attached hereto and made a part hereof), which specifies the rights and responsibilities of the Township and Redeveloper with respect to the Project.

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

1. Sussex/Wantage 285 Urban Renewal, LLC is hereby designated as the redeveloper of the Wantage Redevelopment Area subject to the execution of a Redevelopment Agreement by the parties.
2. The proposed form of Redevelopment Agreement is approved in substantially the form as attached hereto and reviewed by the Township Committee.
3. The Mayor of the Township of Wantage is authorized to execute the Redevelopment Agreement substantially in the form attached, along with any other documents and/or agreements necessary to implement the Redevelopment Agreement in accordance with the Wantage Redevelopment Plan.
4. This resolution shall take effect immediately.

Mr. Morris seconded the motion. Upon roll call,

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

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There being no other matters for consideration at this time, 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