

**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 SEPTEMBER 27, 2012**

Deputy Mayor Ronald Bassani 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: Committeeman DeBoer, and Committeeman Bassani. The following members were absent: Mayor Gaechter. Also Present: Township Attorney Michael Garofalo

Deputy Mayor Bassani 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."

Deputy Mayor Bassani led the assembly in the salute to the American Flag.

CONSENT AGENDA

Deputy Mayor Bassani requested that the members of the Committee review the Consent Agenda.

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

- Construction Department Report for August 2012
- Tax Collector Report for August 2012
- Municipal Clerk Report for August 2012
- Board of Health Report for August 2012
- Registrar's Report for August 2012

Deputy Mayor Bassani seconded the motion. Upon roll call,

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

Mr. DeBoer moved to approve Payment of Bills for the meeting of September 27, 2012.

Deputy Mayor Bassani seconded the motion. Upon roll call,

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

Mr. DeBoer moved to confirm the appointment of Mark J. Hontz and William E. Hinkes as Alternate Prosecutors for the Wantage Township Tri-Town Municipal Court system.

Deputy Mayor Bassani seconded the motion. Upon roll call,

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

Mr. DeBoer moved to confirm authorization for the Mayor to sign the Renewal Interlocal Agreement for Municipal Wantage and Sewer Services between Wantage Township and Sussex Borough. Deputy Mayor Bassani seconded the motion. Upon roll call,

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

Mr. DeBoer moved to approve submission of grant application to New Jersey Department of Transportation for Improvements to Pidgeon Hill Road - Section 1.

Deputy Mayor Bassani seconded the motion. Upon roll call,

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

Mr. DeBoer moved to approve refund of Tax Sale Premiums in the amount of \$1 ,000 to US Bank for Block 68 Lot 15, and in the amount of \$15,000 to US Bank for Block 103 Lot 6.09 in accordance with the recommendation of the Tax Collector.

Deputy Mayor Bassani seconded the motion. Upon roll call,

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

Mr. DeBoer moved to approve reimbursement of Tax Overpayment in the amount of \$1,660.09 to the New Jersey Escrow & Settlement Corp., Block 18 Lot 35, in accordance with the recommendation of the Tax Collector.

Deputy Mayor Bassani seconded the motion. Upon roll call,

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

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CONSENT AGENDA, Continued

Mr. DeBoer moved to approve release of Performance Bond in the amount of \$70,953.08 to Hope Evangelical Free Church for E-12-03, as per the recommendation of the Township Engineer. Deputy Mayor Bassani seconded the motion. Upon roll call,
Ayes: Bassani, DeBoer Nays: None Absent: Gaechter Abstain: None

Mr. DeBoer moved to approve release of land use escrow deposits, as per the recommendation of the Land Use Secretary, for the following:
- \$2,170.00 to George Nix, LLC, for L-11-08
- \$375.00 to Jacqueline Perkins for LC-12-01
- \$571.42 to Christie development for L-05-31
- \$139.78 to Julia Dreisbach for L-05-23
- \$164.93 to Ames Rubber Corp. For L-08-25
Deputy Mayor Bassani seconded the motion. Upon roll call,
Ayes: Bassani, DeBoer Nays: None Absent: Gaechter Abstain: None

Mr. DeBoer moved to approve N.J. State Firemen's Association Membership Application for Nathan Tyler Wolff. Deputy Mayor Bassani seconded the motion. Upon roll call,
Ayes: Bassani, DeBoer Nays: None Absent: Gaechter Abstain: None

Mr. DeBoer moved to approve Friends of Lake Neepaulin Raffle License #12-23.
Deputy Mayor Bassani seconded the motion. Upon roll call,
Ayes: Bassani, DeBoer Nays: None Absent: Gaechter Abstain: None

Mr. DeBoer moved to approve Womans Club Sussex Raffle License #12-24.
Deputy Mayor Bassani seconded the motion. Upon roll call,
Ayes: Bassani, DeBoer Nays: None Absent: Gaechter Abstain: None

Mr. DeBoer moved to approve Womans Club Sussex Raffle License #12-25.
Deputy Mayor Bassani seconded the motion. Upon roll call,
Ayes: Bassani, DeBoer Nays: None Absent: Gaechter Abstain: None

ATTORNEY REPORT:

Mr. Garofalo presented the governing body with proposed Ordinance 2012-07. Mr. Garofalo explained that Wantage Solar Farm, LLC received preliminary site plan approval from the Wantage Township Land Use Board in, 2010, to construct a solar facility. A condition of the approval is that Wantage Solar Farm, LLC shall enter into a Developer's Agreement to insure that all improvements outside the confines of the solar farm are installed with adequate safeguards, and to the Township Engineer's satisfaction. The Ordinance, if adopted, would grant an easement, subject to final approval by the Wantage Township Committee of a Developer's Agreement, within the Clark Road right-of-way, for the purpose of interconnection with transmission lines owned and maintained by JCP&L.

Mr. DeBoer moved to introduce Ordinance 2012-07, entitled "ORDINANCE GRANTING UTILITY EASEMENT TO WANTAGE SOLAR FARM, LLC" with a final hearing date set for October 25, 2012. Deputy Mayor Bassani seconded the motion. Upon roll call,
Ayes: Bassani, DeBoer Nays: None Absent: Gaechter Abstain: None

COMMITTEE REPORTS:

Deputy Mayor Bassani read the following Proclamation on behalf of Mayor Gaechter:

WHEREAS, **Brandon K. Jerram** has achieved the rank of Eagle Scout, which represents an accomplishment of high regard within the Wantage Community, and
WHEREAS, as a member of Boy Scout Troop 97, **Brandon** has held numerous Leadership positions in the troop, and
WHEREAS, **Brandon** has distinguished himself through on-going service to his community, and
WHEREAS, **Brandon** has actively participated in his Troop activities and has provided mentoring for many younger Boy Scouts, and
WHEREAS, such a fine record of accomplishment is worthy of praise and recognition,
NOW, THEREFORE, I, William GAECHTER, Mayor of the Township of Wantage, hereby offer my congratulations to **Brandon K. Jerram** for achieving the rank of Eagle Scout, and
BE IT FURTHER PROCLAIMED that the entire Wantage Community is hereby encouraged to join in the recognition of this fine accomplishment.

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Mr. DeBoer requested that the Administrator continue follow up on efforts to investigate the feasibility of providing an opportunity for the public to switch from JCP&L to Sussex Rural Electric service if they so desire.

OLD BUSINESS

Participation in the Passaic County Energy Cooperative Pricing System

Mr. DeBoer and Deputy Mayor Gaechter agreed to postpone discussion and consideration of this topic until the next meeting.

NEW BUSINESS

Approval of Minutes

Mr. DeBoer moved to adopt the minutes of August 16, 2012. Deputy Mayor Bassani seconded the motion. Upon roll call,

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

NJDCA Best Management Practices Questionnaire

Review and discussion of the New Jersey Department of Community Affairs Best Management Practices Questionnaire took place at this time with CFO Michelle La Starza.

Upon review, Deputy Mayor Bassani expressed a desire to see that the Township develop a Surplus policy for budget preparation, for the coming year. Ms. La Starza agreed to work with the Administrator to create such a policy for the consideration of the governing body.

There being no further comment from the governing body on this topic, Ms. La Starza thanked the governing body for their time in review of the document.

Award of Contract to Sparta Redi-Mix

Mr. DeBoer moved to award a Contract to Sparta Redi-Mix in the amount of \$7,432.00 for improvements to DPW Garage to be paid from Bond Ordinance 2012-03. Mr. DeBoer stated that the Certification of Funds from the CFO is available in Clerk's Office.

Deputy Mayor Bassani seconded the motion. Upon roll call,

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

Mr. DeBoer moved to approve Change Order #2 to the contract "Guide Rail Improvements on Layton Road," representing a reduction of \$29.40 to the contract price for adjustments in line item quantities used during the project, as per the recommendation of Township Engineer Harold Pellow dated September 18, 2012.

Deputy Mayor Bassani seconded the motion. Upon roll call,

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

OPEN PUBLIC SESSION

Ms. Karen Merritt, Alpine Road, offered a reminder regarding Recreation's Annual Car Show scheduled during the month of October. Ms. Merritt offered details and information on the event, explaining that proceeds would be used to support the creation of a Veterans' Cemetery within Sussex County.

Mrs. Ann Smulewicz, Route 23, addressed the governing body at this time. Mrs. Smulewicz stated that she was disappointed, angry and disgusted regarding the Bicsak property and the Wantage Land Use Board. Mrs. Smulewicz stated that she submitted OPRA requests for copies of recordings of Land Use Board meetings, and that Mr. Doherty has been helpful and responsive in that regard. Mrs. Smulewicz stated that her concerns and problems regarding a dust condition at the Bicsak site are known by the Land Use Board, but they did nothing to alleviate the situation.

OPEN PUBLIC SESSION, Continued

Mrs. Smulewicz expressed her belief that the dust problem at the site becomes worse when the weather is warmer, and the problem became acute this year. Mrs. Smulewicz stated that the person running the soil removal operation on site is also the owner. Mrs. Smulewicz expressed her belief that the relationship is unhealthy between some Land Use Board members on this topic. Mrs. Smulewicz stated her belief that it is immoral that this condition was known by the Land Use Board for eight months and nothing was done about it. Mrs. Smulewicz stated that she now requires surgery on her eye, and that there are layers of dust at her home from this situation. Mrs. Smulewicz claimed that she is experiencing respiratory problems from this situation. Mrs. Smulewicz stated that the Land Use Board Chairman witnessed dust going over her property.

Mrs. Smulewicz stated her belief that the public voted for the governing body and therefore the governing body has an obligation to the public to ensure the Land Use Board is operating appropriately. Mrs. Smulewicz stated that other parties have had layers of dust settle on their automobiles, although some report that this has subsided. Mrs. Smulewicz claimed that the Land Use Board knew this situation was creating a health issue. Mrs. Smulewicz stated that the odds are one in four thousand that her surgery would go well, and that it is a second operation.

Mrs. Smulewicz stated that, now that her concerns are stated in the minutes, something has to be done. Mrs. Smulewicz stated that in another similar situation in the past, former Zoning Officer Kevin Kervatt did not help solve the problem.

Mrs. Smulewicz thanked the governing body for their time and attention.

Deputy Mayor Bassani stated that, since Mrs. Smulewicz had expressed an intention to take legal action with respect to this matter, the governing body would not be responding or taking a stand regarding the comments presented this evening.

Mrs. Smulewicz offered additional comments at this time, stating that her surgery will be costly, and that she should not be in this position. Mrs. Smulewicz expressed a belief that this situation was not handled properly, and there should be accountability. Mrs. Smulewicz stated that in April, Mr. Pellow made six pages of recommendations regarding this site, and referred to the enforcers of the Land Use Board, asking if Zoning Officer Patrick Stefanelli was an expert on berms. Mrs. Smulewicz stated her belief that there has been insufficient monitoring of the Land Use Board.

There being no one else present wishing to address the governing body at this time, Deputy Mayor Bassani closed the meeting to the public and the governing body returned to the regular order of business.

ADJOURNMENT

There being no further items for the attention of the governing body, Mr. DeBoer moved to adjourn the meeting. Deputy Mayor Bassani seconded the motion. Upon roll call,
Ayes: Bassani, DeBoer, Nays: None Absent: Gaechter Abstain: None

Deputy Mayor Bassani declared this meeting adjourned.