

**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 NOVEMBER 15, 2012**

Mayor William Gaechter 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: Mayor Gaechter, Committeeman DeBoer, and Committeeman Bassani. The following members were absent: None. Also Present: Township Attorney Michael Garofalo

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 to the public, and certified by the Clerk."

Mayor Gaechter led the assembly in the salute to the American Flag.

CONSENT AGENDA

Mayor Gaechter requested that the members of the Committee review the Consent Agenda.

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

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

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Bassani moved to approve the following applications:

- Amendment to Raffle License RL12-24, changing date of event due to Hurricane Sandy, to 12/5/12
- Amendment to Raffle License RL12-25, changing date of event due to Hurricane Sandy, to 12/5/12
- Raffle License RL12-30, to High Point Regional High School Booster Club to conduct Off Premise Merchandise Raffle on 2/8/2013
- Raffle License RL12-31, to High Point Regional High School Booster Club to conduct Off Premise 50/50 Raffle on 2/8/2013

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Bassani moved to authorize the refund of \$9,929.92 to Lien Times LLC for the redemption of Tax Sale Certificate 10-13 on Block 19 Lot 3. Mr. DeBoer seconded the motion. Upon roll call, Ayes: Bassani, DeBoer, Gaechter Nays: None Absent: None Abstain: None

Mr. Bassani moved to authorize increase in the Change Fund for the Municipal court from \$50 to \$150, in accordance with recommendation of the annual visitation report of the Administrative Office of the Courts. Mr. DeBoer seconded the motion. Upon roll call, Ayes: Bassani, DeBoer, Gaechter Nays: None Absent: None Abstain: None

Mr. Bassani moved to endorse the Mulching Operation of Farmside Landscape and Design of Wantage, New Jersey, and endorsing the said operation for inclusion in the Sussex County Solid Waste Management Plan, as follows:

WHEREAS, the Township of Wantage supports initiatives that benefit the general good of the community, and

WHEREAS, recycling projects benefit the general good of the community, and

WHEREAS, Farmside Landscape and Design of 12 Kuperus Lane, Wantage, New Jersey, serves the public good by its mulching operation for branches, leaves and grass clippings,

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Committee of Wantage Township endorses the Mulching Operation of Farmside Landscape and Design of Wantage, New Jersey, and endorses the said operation for inclusion in the Sussex County Solid Waste Management Plan.

Mr. DeBoer seconded the motion. Upon roll call,

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

CONSENT AGENDA, Continued

Mr. Bassani moved to approve Transfer Resolution dated November 15, 2012, totaling \$21,500 involving various line item transfers of the 2012 Wantage Township Municipal Budget, as follows:

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 Current Year 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.

Mr. DeBoer seconded the motion. Upon roll call,
Ayes: Bassani, DeBoer, Gaechter Nays: None Absent: None Abstain: None

ADMINISTRATOR REPORT

Mayor Gaechter requested Mr. Doherty give the Administrator's report.

Mr. Doherty requested an executive session to discuss actions taken by the Administrator in the handling of disciplinary matters of various employees, to ascertain whether his actions are in accord with the expectations of the governing body for the performance of his job position and duties. While the discussions themselves will not focus on the terms or conditions of employment of other employees, the discussion will involve details that would violate privacy rights of those individuals if disc used in open session.

ADMINISTRATOR REPORT, Continued

Mr. Doherty reported on the need to replace a boiler in the furnace serving the municipal building. Mr. Doherty will review options and discuss with the governing body in the near future.

Mr. Doherty invited the governing body to review and discuss various other open items which have been brought to their attention in recent meetings which have not yet received a determination or direction.

The governing body expressed consensus that discussion and consideration of the proposed Fund Balance Policy take place during January budget work sessions.

The governing body expressed consensus to move forward with a capital project for the repair of the roof for the municipal building. Mr. Doherty will explore options and present details for consideration. Preference was expressed that Mr. Doherty reach out to local contractors to ascertain anticipated project costs. Brief discussion took place regarding the topic of prevailing wage requirements on capital projects.

ATTORNEY REPORT:

Mr. Garofalo requested an executive session to discuss pending litigation. Mr. Garofalo reported that the In Rem Tax foreclosures have been completed.

Mr. Garofalo and Mr. Doherty presented proposed drafts of Ordinances which would authorize the sale of municipal owned property to adjoining property owners and/or the general public, as a means of returning these properties to the tax rolls. After brief consideration, the members of the governing body expressed a desire for the sales to take place in January rather than in December. Mr. Doherty stated that he would revise the draft ordinances as desired and present them for introduction at the next meeting.

COMMITTEE REPORTS:

Mayor Gaechter offered words of congratulations to both Governor Christie and to Sussex Rural Electric Cooperative for the manner in which they responded to Super Storm Sandy on behalf of the public.

OLD BUSINESS: None

NEW BUSINESS

INTRODUCTION OF ORDINANCE 2012-06

Mr. Bassani moved to Introduce on First reading, Ordinance 2012-06, entitled "AMENDMENT TO THE ORDINANCE FIXING THE SALARIES OF OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF WANTAGE, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, FOR THE YEAR 2012 and 2013" with a final hearing date set for November 29, 2012. Mr. DeBoer seconded the motion.

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

Approval of Minutes

Mr. Bassani moved to adopt the regular and executive session minutes of October 25, 2012. Mr. DeBoer seconded the motion. Upon roll call,

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

OPEN PUBLIC SESSION

Ms. Lynn Negele, Glen Road, offered a prepared statement regarding a request for the governing body to act as advocates for the general public, to secure the right for residents to switch from being JCP&L customers to Sussex Rural Electric Cooperative customers.

PAGE FOUR OF THE MINUTES OF NOVEMBER 15, 2012

Ms. Negele reported that she and some of her neighbors are here tonight to ask the Township to act as their advocate. They want the right to choose Sussex Rural Electric as their power company. Ms. Negele stated that she had previously provided background materials regarding her efforts to deal with the power company. Ms. Negele cited a faulty fuse on the pole at the corner of Glen Rd & Route 519N, which has been reported several times to JCP&L. Ms. Negele stated she and her neighbors don't understand how or why the state of New Jersey would franchise away citizens' right to choose their own power company. Ms. Negele stated that she pays the same taxes as their neighbors, yet do not enjoy the same quality of life. Ms. Negele stated her belief that JCP&L is overwhelmed, understaffed, and using inferior and outdated equipment while increasing their shareholders' profits at public expense. Ms. Negele then offered background information on the corporate structure of JCP&L, mentioning also that JCP&L makes large donations to both political parties, they pay to play. Ms. Negele stated that regular citizens cannot play in those games but are left to endure the dark, the cold, the expense providing alternate energy sources, frozen pipes, spoiled food and uncertainty. Ms. Negele stated that as citizens, voters and tax payers they are requesting that the governing body act as an advocate with the State Legislature, Board of Public Utilities and anyone else necessary to get rid of JCP&L and allow Wantage citizens to join Sussex Rural Electric Cooperative. Ms. Negele suggested the governing body enter into a class action suit against JCP&L.

The members of the governing body explained the on-going efforts to secure the right of citizens to switch from JCP&L to SREC, and that to date, all efforts have been unsuccessful. The members of the governing body stated they would continue their efforts.

Nancy Usinowicz of Glen Road and Audrey Morse of Glen Road also expressed their unhappiness and dissatisfaction with JCP&L.

Mayor Gaechter offered the historical time line of efforts to reach out to state officials and the Board of Public Utilities regarding this issue. Mr. DeBoer offered copies of the entire file representing discussions and actions of the Township regarding this issue. Mr. Garofalo suggested that reaching out to Sheriff Strada might help get the pole with the faulty fuse some attention from JCP&L.

Karen Merritt, Alpine Circle, offered comments regarding the option of the Class Action Suit.

Ann Smulewicz, 108 Route 23, suggested reaching out to Senator Steve Oroho regarding the JCP&L issue; offered the observation that JCP&L's size as a corporation may hinder its ability to provide adequate service to citizens; suggested mismanagement of personnel and resources by JCP&L. Ms. Smulewicz also asked that consideration be given to females during the process of filling board appointments in 2013.

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

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 the following matters:

Pending or anticipated litigation involving Gorman vs. Wantage Township, and a claim against the Township Prosecutor; and a matter involving the evaluation of the performance of the Administrator

BE IT FURTHER RESOLVED, 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. DeBoer seconded the motion. Upon roll call,

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

PAGE FIVE OF THE MINUTES OF NOVEMBER 15, 2012

After meeting in closed session, Mr. Bassani moved to return to regular open session and continue with the regular order of business. Mr. DeBoer seconded the motion. Upon roll call, Ayes: Bassani, DeBoer, Gaechter Nays: None Absent: None Abstain: None

Mayor Gaechter moved to approve hiring Michael Flood as Poundkeeper for 10 hours a week at \$11 an hour. Mr. Bassani seconded the motion. Upon roll call, Ayes: DeBoer, Gaechter Nays: Bassani Absent: None Abstain: None

Mayor Gaechter requested a motion to adjourn.

Ms. Karen Merritt requested permission to address the governing body prior to adjournment, and stated that after reviewing comments made during a deposition involving the Lake Neepaulin Dam litigation, she requests the governing body clarify the status of the special assessment issue associated with that litigation.

Mr. Garofalo recommended the governing body decline to discuss this issue.

Mayor Gaechter stated he believed it was correct to say that the Township Committee knows as much as Ms. Merritt knows on that issue, and the governing body has engaged in no discussions regarding alternative assessment options. Mr. Bassani stated his belief that Ms. Merritt's question involved drawing a distinction between possibility versus probability.

Ms. Merritt expressed a desire to have placed on the record her belief that the details of the deposition leave open a question regarding the current status of the special assessment, and requested again for the governing body to address her question.

Mayor Gaechter stated that it has always been his understanding that it is the role of the assessor to deal with the issue of the special assessment, and repeated that the governing body has received advice from legal counsel not to engage in a discussion on this matter.

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, Gaechter Nays: None Absent: Abstain: None

Mayor Gaechter declared this meeting adjourned.

James R. Doherty, Administrator Clerk