

**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 DECEMBER 13, 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. There being no questions, Mayor Gaechter requested approval of the Consent Agenda.

CORRESPONDENCE:

Mr. Bassani moved to approve for filing, a Letter dated 11/28/12 from NJ Department of Agriculture, informing that no major infestation of Gypsy Moths were detected in Wantage Township from the Fall Gypsy Moth Egg Mass Survey conducted.

Mr. DeBoer seconded the motion. Upon roll call,

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

REPORTS:

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

Tax Collector's Report for November 2012

Tax Collector's Report of Tax Sale held on 12/6/12

Construction Department Report for November 2012

Municipal Clerk's Report for November 2012

Registrar Report for November 2012

Board of Health Report for November 2012

Mr. DeBoer seconded the motion. Upon roll call,

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

APPLICATIONS

Mr. Bassani moved to approve the Membership Application for the Beemerville Fire Company for Brendan Feldman of 304 Wykertown Road, Branchville, NJ.

Mr. DeBoer seconded the motion. Upon roll call,

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

RESOLUTIONS (Approval For the Following Actions):

Mr. Bassani moved to approve Transfer of Various Budget Line Items totaling \$12,275.00.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Bassani moved to approve the Payment of Bills for the Meeting of December 13, 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 refund of \$1,323.40 to Sussex Borough for Water Lien collected at tax sale for Block 151 Lot 12, and \$538.97 to Sussex Borough for Water Lien collected at tax sale for Block 150 Lot 16. 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 the refund of money to Bali Management LLC for redemption of tax sale certificates, in the amount of \$1,518.11 for Block 102 Lot 28 for Tax Sale Certificate 12-26, and in the amount of \$1,800 for Tax Sale Premium on the same property.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Bassani moved to approve the Chief Finance Officer to cancel to surplus the amount of \$5,700, representing a balance in Unappropriated Reserve from Airport Study Grant, and \$10,000 in an Appropriated Reserve for a Stormwater Management Grant; and cancelling the following sums to the Capital Improvement fund: \$3.92 from Ordinance 08-12, and \$38.00 from Ordinance 10-07.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Bassani moved to authorize the Administrator to sign the Statement of Consent for consideration of a Treatment Works Application, on form WQM-003 for the route 23 Realignment & Papakating Creek Bridge Replacement project of the New Jersey Department of Transportation

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Bassani moved to authorize renewal of the Contract with Space Farms for removal of deer carcasses from municipal roads in 2013 at a rate of \$40 per carcass.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Bassani moved to endorse approval of the award of bid by the County of Passaic Energy Cooperative Pricing System to Hess Corporation of Woodbridge, NJ for retail electric service.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Bassani moved to authorize the hiring of Edward Caton of 13 August Lane, in Wantage, as a seasonal part time snow plow driver at a rate of \$18 per hour.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Bassani moved to authorize the Mayor to sign the Renewal of the Shared Services Agreement with Branchville Borough for Recycling Coordinator Services in 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 Mayor to sign Shared Services Renewal Contracts for Animal Control and Pound Services with the municipalities of Hardyston Township, Andover Township, Hamburg Borough, and Franklin Borough.

Mr. DeBoer seconded the motion. Upon roll call,

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

MAYOR'S PROCLAMATION: ACKNOWLEDGING IAN S. VANCARPELS FOR ACHIEVING THE RANK OF EAGLE SCOUT

WHEREAS, Ian S. VanCarpels 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 153 within the Patriots Path Council of the Boy Scouts of America, Ian has held numerous Leadership positions, and

WHEREAS, Ian has distinguished himself through on-going service to his community, and

WHEREAS, Ian has actively participated in 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 Ian S. VanCarpels 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.

ADMINISTRATOR REPORT

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

Mr. Doherty reviewed a Proposed Ordinance regulating the licensing of games of chance consistent with the approved referendum from the November General Election. After review, the governing body expressed consensus for introduction of this Ordinance in January 2013.

Mr. Doherty requested authorization to replace a Lawn Mower, consistent with the long range capital plan. The CFO informs that sufficient funds exist in Ordinance 2012-02 and in the budget line item "Reserve For Vehicle Maintenance" to pay for the cost of this new mower. With the belief that it would be prudent to resolve this item from the 2013 budget preparation process, utilizing money already collected from the taxpayers rather than to ask for more money next year, the DPW has solicited competitive quotes for a new mower using the same specifications as were used to purchase the last riding mower. The lowest quote submitted was from Bassani Power Equipment of Wantage, NJ, in the amount of \$10,600.

Mr. DeBoer moved to authorize the purchase of a Scag 35 HP Vanguard Tiger Riding mower at a cost of \$10,600 from Bassani Power & Equipment.

Mr. Bassani seconded the motion. Upon roll call,

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

Mr. Doherty recommended Replacement of Animal Control Van, in accordance with the Long Range Capital Plan for Wantage. At this time, there exist sufficient funds to purchase a vehicle for our Constable/Animal Control Officer John Abate. The Morris County Cooperative Pricing Council has available a new E-250 Ford Cargo Van, which is exactly the same vehicle purchased the last time an Animal Control Van was replaced. With the belief that it would be prudent to resolve this item from the 2013 budget preparation process, rather than to ask the taxpayers for more money next year, Mr. Doherty requested authorization for this purchase.

Mr. DeBoer complimented Mr. Doherty for identifying and securing such a good price for the vehicle which is to be purchased. The other members of the governing body agreed.

Mr. Bassani made a motion to purchase one E-250 Cargo Van from Beyer Ford under the MCCPC Contract #15, in the amount of \$17,660.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Doherty reviewed the details of a Retirement Incentive Offer proposed for DPW employee Walt Yetter.

Mr. Bassani made a motion to approve the Retirement Incentive Offer proposed for DPW employee Walt Yetter. Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Doherty requested an Executive Session to discuss status of mediation through the Public Employment Relations commission with the DPW Union.

Mr. Doherty reviewed the details of a Request by Mr. Robert Hill for Vacation of an unnamed, unimproved Road in the vicinity of Route 23 and Mudtown Road. The members of the governing body expressed a desire to look into this request further before taking any action.

Mr. Doherty reviewed input from local contractor Tom Madsen regarding the condition of the Municipal building roof and likely costs to be incurred in replacing the roof. After review, the members of the governing body agreed by consensus for Mr. Doherty to contact the Township Architect, Charles Schaffer, and prepare bid specifications for the replacement of the roof.

ADMINISTRATOR REPORT, Continued

Mr. Doherty updated the governing body on actions being pursued to replace a leaky boiler in the furnace serving the Municipal Building, indicating that replacement costs are in hand and will be compared to the costs of a change-over project to Natural Gas, once Elizabethtown Gas provides those figures.

ATTORNEY REPORT

Mr. Garofalo requested an executive session to discuss matters of ongoing litigation.

COMMITTEE REPORTS:

Mr. Bassani reported on his attendance at the NJ Board of Public Utilities Meeting regarding JCP&L in Basking Ridge, and offered a report on his attendance at the Sussex County League of Municipalities Dinner Meeting. The topic at that meeting was Emergency Response tactics and techniques. Mr. Bassani expressed his belief that Sussex County League of Municipalities meetings are very informative.

Mr. DeBoer offered a follow up report to a comment made at a previous meeting, in which a resident had indicated that Mr. Garofalo's services had been ended in Stillwater Township. Mr. DeBoer reported that Stillwater Township had just taken action to name Mr. Garofalo their municipal attorney once again.

Mayor Gaechter agreed with Mr. Bassani's assessment regarding the value of attending League of Municipalities dinner meetings, indicating he has attended numerous such meetings this year and last.

OLD BUSINESS:

Response From BPU Regarding JCP&L

The governing body offered copies of a letter received from the New Jersey Board of Public Utilities, regarding "JCP&L Outage and Franchise Inquiry." Mayor Gaechter stated that the contents of the letter were self-explanatory.

Developer's Agreement Between G&S Solar, LLC, Valley View Manor At Wantage, Inc., Bill Properties, LLC, and the Township of Wantage

After general review and consideration, the members of the governing body agreed to hold this item for future action once questions raised by Mr. Bassani have been addressed.

NEW BUSINESS

Final Adoption of Ordinance 2012-08

Mayor Gaechter opened the meeting to the public for any questions or comments with respect to this proposed Ordinance.

Mr. William Gettler, Gemmer Road, expressed a belief that the wording of the public notice was incorrect, offering his interpretation of wording utilized in the said public notice. Mr. Doherty expressed a belief that the wording of the public notice was correct. Mr. Garofalo explained that regardless of whether the wording was correct or not, if at some point in the future a challenge to the ordinance were made on this basis, the recourse would simply be the re-advertisement of the public notice at that time.

There being no one else present wishing to comment on this proposed Ordinance, Mayor Gaechter requested a motion to adopt the ordinance.

Mr. DeBoer moved to adopt on final hearing, Ordinance 2012-08, entitled "AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN LANDS IN THE TOWNSHIP OF WANTAGE TO BE SOLD AT PRIVATE SALE IN ACCORDANCE WITH N.J.S.A. 40A:12-13(b)(5)".

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

NEW BUSINESS, Continued

Proposed Ordinance 2012-09

Regarding "AN ORDINANCE AUTHORIZING THE PUBLIC AUCTION SALE OF REAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE, PURSUANT TO N.J.S.A. 40A:12-13, ET SEQ," Mr. Doherty reported that an error in the public notice would require republication and reintroduction of this Ordinance. The members of the governing body expressed consensus to reintroduce this ordinance in January of 2013.

Approval of Minutes

Mr. Bassani moved to adopt the Regular and Executive session minutes of November 29, 2012.

Mr. DeBoer seconded the motion. Upon roll call,

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

OPEN PUBLIC SESSION

Mayor Gaechter opened the meeting to the public for any questions or comments affecting the good and welfare of the community.

Karen Merritt, Alpine Road, requested clarification on the lots being offered by Proposed Ordinance 2012-09. Mr. Doherty responded.

Ann Smulewicz, Route 23, stated that George Graham of the Sussex County League of Municipalities leaves her with a good impression; Also expressed that she is impressed with Gail Phoebus; offered questions regarding the process for selecting the 2013 Land Use Board Attorney, which Mayor Gaechter responded to; expressed a desire for the governing body to take further action regarding the Compliance Plan, to which Mr. DeBoer offered a response; and offered input regarding the status of Route 23 Sewer Service Area review and approvals, based on discussions she has had with County Administrator John Eskilson.

William Gettler, Gemmer Road, offered input and observations regarding the issue of the Compliance Plan and the issue of a Reassessment Program; offered his belief that the firm Certified Valuations should not be utilized; offered comments regarding the Lake Neepaulin FOLN Newsletter; and requested greater structure to the governing body's meeting schedule. Mr. Gettler referenced a submittal within the Township's application for a Reassessment, expressing a concern that a contract with Certified Valuations had been agreed upon without the governing body's authorization. Mr. Doherty explained that the application process requires the applicant to identify a firm who will conduct the program and that if the application had been approved, the governing body would have at that point pursued a competitive request for proposals, and amended the application if necessary.

Mrs. Smulewicz asked for a clarification regarding the observation made by Mr. Gettler about a contract having been made with Certified Valuations for a 2013 Reassessment program. Mr. Bassani offered a response, explaining that any such proposed contract would have been presented to the governing body for consideration, and the process never reached that point because the State denied the application to pursue the Reassessment.

General discussion took place among the members of the governing body, Mr. Gettler, Mrs. Smulewicz, Mrs. Kathy Gorman of Fernwood Road, and Mr. Rocco Russo of South Shore Drive, regarding the issue of the compliance plan, Certified Valuations, the meeting schedule of the governing body, the issue of quorums, and the size of the governing body.

Ms. Gorman stated that the referendum to increase the size of the governing body, presented and defeated years ago in Wantage, was at a time that the members of the governing body were receiving health benefits.

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 Negotiations with the Public Works Department, and Attorney Client Privilege regarding current Litigation involving Gorman vs. Wantage Township.

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

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

ADJOURNMENT

There being no further items for the attention of the governing body, Mr. DeBoer moved to adjourn the meeting. Mr. 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