

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 FEBRUARY 12, 2013

Mayor Ron 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: Mayor Bassani, Committeeman DeBoer, and Committeeman Gaechter. The following members were absent: None.

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."

FLAG SALUTE

Mayor Bassani invited all persons present to participate in the Pledge of Allegiance to the United States Flag.

CONSENT AGENDA

Mayor Bassani requested that the governing body Review the Consent Agenda.

Mr. Gaechter moved to approve the following Correspondence for Filing:

Public Notice of Special Meeting scheduled for February 15, 2013 at 9:00 a.m. and change of regular meeting previously scheduled for May 30, 2013 to now be held on May 23, 2013.

Mr. DeBoer seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to approve the following Reports for Filing:

- Registrar Report for January 2013
- Construction Report for January 2013
- Tax Collector Report for January 2013
- Board of Health Report for January 2013
- Municipal Clerk Report for January 2013

Mr. DeBoer seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to authorize the transfer of unexpended balances carried forward after the close of the prior fiscal year, dated February 12, 2013, as follows:

WHEREAS, N.J.S.A 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available until lapsed at the close of the succeeding year to meet specific claims, commitment or contracts incurred during the preceding fiscal year, and allows transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year,

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Wantage that the following transfers be made in the amounts so noted:

<u>Amount</u>	<u>Transfer From:</u>	<u>Amount</u>	<u>Transfer To:</u>
1,305.00	Land Use OE 01 201 20 180 020	1,000.00	Legal OE 01 201 20 155 020
		305.00	Finance OE 01 201 20 103 020
60.00	Roads Safety Equip 01 201 262900 021	60.00	Roads OE 01 201 262900 021
<u>1,365.00</u>		<u>1,365.00</u>	

Mr. DeBoer seconded the motion. Upon Roll call,

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

CONSENT AGENDA, Continued

Mr. Gaechter moved to Clarifying the Official Holiday Schedule for 2013 for the Township of Wantage, as follows:

BE IT RESOLVED, by the Township Committee of the Township Of Wantage, that the following dates shall be recognized as official Township Holidays for calendar year 2013, during which municipal offices shall be closed to the public in recognition of the said Holidays:

Tuesday, January 1, 2013	New Year's Day
Monday, January 21, 2013:	Martin Luther King Jr. Day
Monday, February 18, 2013:	President's Day
Friday, March 29, 2013:	Good Friday
Monday, May 27, 2013:	Memorial Day
Thursday, July 4, 2013:	Independence Day
Monday, September 2, 2013:	Labor Day
Monday, November 11, 2013:	Veterans Day
Thursday, November 28, 2013:	Thanksgiving Day
Friday, November 29, 2013:	Day after Thanksgiving
Tuesday, December 24, 2013	Christmas Eve
Wednesday, December 25, 2013:	Christmas

Mr. DeBoer seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to accept, with regrets, the resignation of Jenn Cary from the Recreation Commission. Mr. DeBoer seconded the motion. Upon Roll call,

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

Administrator's Report

Mr. Doherty requested action on several financial resolutions which were presented for consideration after the deadline for the Consent Agenda.

Mr. DeBoer moved to authorize the refund of unsuccessful bids submitted in a recent land sale
\$25.50 to Michael Christensen for Block 102, Lot 16
\$40.00 to Joshua Ross for Block 112 Lot 3

Mr. Gaechter seconded the motion. Upon Roll call,

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

Mr. DeBoer moved to reimburse funds to lien holders for tax sale certificates redeemed,
\$6,660.68 to US Bank, Block 117, Lot 31 for lien redemption
\$6,076.04 to US Bank, Block 59, Lot 64 for lien redemption
\$3,000.00 to US Bank, Block 59, Lot 64 for tax sale premium
\$1,449.87 to US Bank, Clock 150, Lot 15 for tax sale premium

Mr. Gaechter seconded the motion. Upon Roll call,

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

Mr. Doherty presented a recommendation from the Recreation Commission to fill a vacancy on the board by appointing Mrs. Lorraine Card, and offered this recommendation to the Mayor for his consideration.

The governing body took this opportunity to review and consider several pending issues which had been set aside at prior meetings for future consideration.

Regarding **Ryan Road Drainage**, the members of the governing body discussed this issue briefly, and then requested Mr. Doherty to provide them with a copy of the Township engineer's report on the costs involved in resolving this issue, and to place this item on the agenda for the meeting of February 28 for consideration under Old Business.

Regarding the suggestion for consideration of **Licensing Cats**, the governing body expressed unanimous consensus not to pursue this suggestion.

Regarding **Shared Services Philosophy**, Mr. Doherty stated he would present the governing body with a copy of his report on this topic so the governing body could give it consideration at the next meeting.

Township Committee Member Reports

Mr. DeBoer reported that the First Aid Squad would be holding a fundraiser Fish & chips Dinner at the Lawrence School on March 8.

OLD BUSINESS

JCP&L Rate Increase Petition to NJ BPU

Mr. Gaechter moved to authorize the Township Attorney to prepare a Motion to Intervene in the Matter of the Verified Petition of JCP&L Seeking Increases in Rates Before the Board of Public Utilities. Mr. DeBoer seconded the motion. On the question, the members of the governing body took this opportunity to explain they believed JCP&L ought not to be awarded increases in rates, based on an unacceptable record of performance in response to outages caused by weather events over the past several years, and are authorizing the attorney to make known the Township's position to the Board of Public Utilities. Upon Roll call,

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

NEW BUSINESS

Final Adoption of Ordinance 2013-02

Mr. DeBoer moved to adopt on final reading, Ordinance 2013-02, entitled "ORDINANCE APPROPRIATING THE SUM OF \$44,420.00 FOR THE PURCHASE OF SELF-CONTAINED BREATHING APPARATUS". Mr. Gaechter seconded the motion.

Prior to final roll call, Mayor Bassani opened the meeting to the public for any questions or comments with respect to this proposed Ordinance.

Mr. William Gettler, Gemmer Road, inquired where the money was coming from to pay for this expenditure. Mr. Doherty explained that the ordinance was a fully funded capital ordinance.

Mr. Douglas Ricker, Beemer Road, asked if the equipment was for the First Aid Squad. The members of the governing body explained that it was for the Fire Department.

There being no one else present wishing to address the governing body on this proposed Ordinance, Mayor Bassani requested a roll call vote. Upon roll call,

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

Introduction of Ordinance 2013-03

Mr. DeBoer moved to introduce on First Reading, Ordinance 2013-03, entitled "An Ordinance Regulating the Licensing of Amusement Games Within the Township of Wantage," with a Final Hearing date to be set for February 28, 2013. Mr. Gaechter seconded the motion. Upon roll call, Ayes: DeBoer, Gaechter, Bassani Nays: None Absent: None Abstain: None

Introduction of Ordinance 2013-04

Mr. DeBoer moved to introduce on First Reading, Ordinance 2013-04, 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 to be set for February 28, 2013. Mr. Gaechter seconded the motion. Upon roll call,

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

Approval of Minutes

Mayor Bassani stated resident Douglas Ricker reported that on page 6 of the proposed minutes for January 31, the name of Mr. Gettler was written where Mr. Ricker's name should have been written, and that page 8 of the proposed minutes states that Mr. Ricker had expressed support for Mr. Gettler's attention to details "such as the Compliance Plan issue from last year." Mr. Ricker stated that he never said anything about the compliance plan during his public comments on January 31, and requested the minutes be adjusted to strike those words. Mayor Bassani proposed to amend the draft minutes to reflect those changes. The members of the governing body expressed consensus for such an amendment.

NEW BUSINESS, Continued

Mr. DeBoer moved to adopt the minutes of the regular session meeting held on January 31, 2013, as amended. Mr. Gaechter seconded the motion. Upon roll call,
Ayes: DeBoer, Gaechter, Bassani Nays: None Absent: None Abstain: None

Mayor Bassani requested the governing body consider removing a sentence from the proposed executive session minutes, identifying the sentence by reference for the benefit of the governing body. The members of the governing body expressed consensus for such an amendment.\

Mr. Gaechter moved to adopt the minutes of the Executive session held on January 31, 2013, as amended. Mr. DeBoer seconded the motion. Upon roll call,
Ayes: DeBoer, Gaechter, Bassani Nays: None Absent: None Abstain: None

OPEN PUBLIC SESSION

Mayor Bassani opened the meeting to the public at this time, for any questions or comments involving the good and welfare of the community.

Douglas Ricker, Beemer Road, spoke with respect to his belief that it was legal for a municipality to deed-restrict a property lot prior to offering it for sale. Mr. Ricker mentioned Springfield Township in Burlington County and stated that he knows the Mayor of Juliustown, which has been deed-restricting property and selling it at public auction. Mr. Ricker stated that he had spoken with an attorney from the New Jersey Agriculture Board, who also stated a belief that such action is allowable and legal. Mr. Ricker stated that he had apparently misspoken at the previous meeting when he mentioned Chesterfield Township, and stated that he is not in favor of the concept of Transfer of Development Rights.

General discussion between Mr. Ricker and Mayor Bassani took place regarding the date of the next meeting of the Open Space Committee. Mr. Ricker asked for an update on the proposed land sale. Mr. Doherty confirmed that the two lots which were of concern to Mr. Ricker at the previous meeting were taken off the bid list of properties to be sold, and a third property experienced some technical difficulties with legal notices during the in rem tax foreclosure process, so Mr. Doherty had advised the governing body it made little sense to proceed with an auction of only one property Lot. Since another auction will take place later this year, Mr. Doherty proposed to include these lots on the next proposed sale and cancel the one scheduled for February 20. Discussion turned to the Wantage Open Space Plan. Mr. Doherty agreed to provide the members of the governing body with a copy of the plan.

Mr. DeBoer asked for a clarification on the status of TDR. Mr. Doherty explained that while the State of New Jersey did away with Transfer of COAH affordable housing obligations, the concept of TDR was different.

William Gettler, Gemmer Road, offered comments and observations with respect to OPRA requests and responses.

Ann Smulewicz, Route 23, spoke with respect to the governing body's need to act as a caretaker of the public's money, and spoke in opposition to a cavalier attitude toward the law.

Mayor Bassani stated that he sees no one representing Wantage Township being cavalier with the law, but agreed with the need to carefully review legal fees, offering comments with respect to the procedures and manner in which the governing body accomplishes this. Mayor Bassani stated that the Township finds itself in a reactive position against individuals who choose to attack and challenge the Township on a variety of issues, but the Township does not actively seek legal battles. Ms. Smulewicz offered comments and observations regarding the Lake Neepaulin Dam issue. Mayor Bassani offered response to Ms. Smulewicz's observation, suggesting that the Dam issue has to do with tax assessments, and suggested that this issue is now past history. Property owners retain the right to challenge or appeal any tax assessment, and that right remains. Discussion then turned back to the issue of OPRA requests and responses.

Mr. DeBoer repeated his announcement regarding the availability of tickets for a Fish and chips fundraising dinner for the First Aid Squad on March 8.

There being no one else present wishing to address the governing body at this time, Mayor Bassani closed the meeting to the public.

ADJOURNMENT

There being no further items for the attention of the governing body, Mr. Gaechter moved to adjourn the meeting. Mr. DeBoer seconded the motion. Upon Roll call,

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

Mayor Bassani declared this meeting adjourned.

James R. Doherty, Administrator Clerk