

**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 28, 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.

Mayor Bassani requested Mr. Doherty provide some financial data to support the benefit of the use of Brine as a pre-application process for winter storm response on public streets. Mr. Doherty said he would prepare such a report.

Mr. Gaechter moved to authorize the transfer of unexpended balances carried forward after the close of the prior fiscal year, dated February 28, 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>
1,025.00	Land Use OE	1,025.00	Tax Assessor OE
	01 201 20 180 020		01 201 20 150 020
<u>1,025.00</u>		<u>1,025.00</u>	

Mr. DeBoer seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to approve Payment of Bills dated February 28, 2013.

Mr. DeBoer seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to authorize issuance of Temporary Soil Removal License for Block 117 Lot 38.01 by 565 Land Development through the date of April 30, 2013, with the stipulation if all outstanding requirements of the Township Engineer dated 10/18/12 are met by that date, the said License shall continue in full force and effect through 12/31/13; however, if all conditions established by Township Engineer have not been met by that date, the said License shall terminate immediately. Mr. DeBoer seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to confirm Agreement between Wantage Township and United Public Service Employees Union to remove Court Administrator Tania Ell from the White Collar Collective Bargaining Agreement, by virtue of her employment position as a Department Head, effective 3/1/13. 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 confirm the Employment contract with Michelle La Starza as Chief Finance Officer for 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 use of \$3,000 Driveway Bond D-11-05 posted by Christe Development to pave the first 50 feet of the driveway at Block 12.01 Lot 2.04. Mr. DeBoer seconded the motion. Upon Roll call,  
**Ayes:** DeBoer, Gaechter, Bassani **Nays:** None **Absent:** None **Abstain:** None

Mr. Gaechter moved to authorize reimbursement of \$2,500.00 to Louis Miller for a seeding and haying bond SH-05-03 on Block 39 Lot 11.05. Mr. DeBoer seconded the motion. Upon Roll call,  
**Ayes:** DeBoer, Gaechter, Bassani **Nays:** None **Absent:** None **Abstain:** None

Mr. Gaechter moved to authorize the reimbursement of \$1,022.21 to Joseph & Karen Taliercio, Block 88, Lot 2 for tax overpayment. Mr. DeBoer seconded the motion. Upon Roll call,  
**Ayes:** DeBoer, Gaechter, Bassani **Nays:** None **Absent:** None **Abstain:** None

Mr. Gaechter moved to authorize the refund of \$15,752.63 to US Bank, for lien redemption on Block 112 Lot 17. Mr. DeBoer seconded the motion. Upon Roll call,  
**Ayes:** DeBoer, Gaechter, Bassani **Nays:** None **Absent:** None **Abstain:** None

Mr. Gaechter moved to authorize the reduction of 2011 taxes on Block 87 Lot 36, by the credit amount of \$1,231.20 created by a State Tax Court Judgment. Mr. DeBoer seconded the motion. Upon Roll call,  
**Ayes:** DeBoer, Gaechter, Bassani **Nays:** None **Absent:** None **Abstain:** None

Mr. Gaechter moved to authorize the reduction of 2011 taxes on Block 92 Lot 4 by the credit amount of \$1,231.20 created by a State Tax Court Judgment. Mr. DeBoer seconded the motion. Upon Roll call,  
**Ayes:** DeBoer, Gaechter, Bassani **Nays:** None **Absent:** None **Abstain:** None

Mr. Gaechter moved to authorize the reduction of 2011 taxes on Block 100 Lot 25 by the credit amount of \$1,231.20 created by a State Tax Court Judgment. Mr. DeBoer seconded the motion. Upon Roll call,  
**Ayes:** DeBoer, Gaechter, Bassani **Nays:** None **Absent:** None **Abstain:** None

Mr. Gaechter moved to authorize Foreclosure by Summary Proceedings IN REM on Block 112 Lot 3 and Block 148 Lot 1.02. Mr. DeBoer seconded the motion. Upon Roll call,  
**Ayes:** DeBoer, Gaechter, Bassani **Nays:** None **Absent:** None **Abstain:** None

Mr. Gaechter moved to authorize Contract for 2013 Field Maintenance Services to Farmside Landscape & Design of Wantage, NJ in the amount of \$12,555.00. Mr. DeBoer seconded the motion. Upon Roll call,  
**Ayes:** DeBoer, Gaechter, Bassani **Nays:** None **Absent:** None **Abstain:** None

**Administrator's Report**

Mr. Doherty offered an update on plans for Newsletters in 2013; recommended introduction of the 2013 Municipal Budget on March 14; offered an update information report on the Reassessment program ordered by the County Tax Board; reminded the governing body that High Point Regional High School Board of Education representatives would be present at the meeting of March 14; and reported that Mayor Bassani had requested an executive session be held this evening under the exclusion allowed for attorney-client privilege to discuss with Mr. Garofalo details stemming from the Executive Session of January 31, 2013.

**Attorney Reports**

At the recommendation of Mr. Garofalo, Mr. DeBoer moved to authorize the Mayor to sign an easement agreement with Elizabethtown Gas company which will enable Elizabethtown Gas to run a service line along Wantage Township property to accommodate natural gas service for the First Aid Squad and the Municipal Building. Mr. Gaechter seconded the motion. Upon Roll call,  
Ayes: DeBoer, Gaechter, Bassani Nays: None Absent: None Abstain: None

**Township Committee Member Reports**

Mr. DeBoer reported that he would provide additional information on a program which may assist citizens who, for economic reasons, may find themselves in a position of having to consider declining medical treatment stemming from a first aid response due to financial hardship. Mr. DeBoer stated he would investigate further and report back when he has additional information.

Mayor Bassani offered information regarding the Veteran Discount Program being coordinated by the Sussex County Clerk's office, and offered praise for the local and area businesses that participate in this program to honor our Veterans of the armed forces. Mayor Bassani requested that the list of participating businesses be posted on the Township website.

Mayor Bassani reported that the New Jersey Department of Transportation is renewing their request for the governing body to endorse a proposed No Passing Zone along State Route 284. All members of the governing body agreed with the Mayor to once again take the same stand on this issue as the 2012 governing body, and decline to offer such an endorsement. The members of the governing body pointed to a lack of any history of vehicle accidents in this area that would support such a zone being created, and pointed out that the existing passing zone represents the only opportunity for vehicle passing along this long stretch of Route 284 currently in place.

Mayor Bassani reported that a program for grant writer training was being offered in Mount Olive, and suggested finding out if any Wantage employees might be interested in taking such a course.

At the suggestion of Mayor Bassani, the members of the governing body reviewed the minutes of January 31, 2013, particularly with respect to the change that was approved at the last meeting within the Open Session portion of the meeting minutes. After review and consideration, and discussion with Mr. Douglas Ricker whose comments were involved, the members of the governing body agreed to take action at the next meeting to revise the minutes so as to accurately reflect what was said, in accordance with the original draft of the minutes.

Mayor Bassani requested a clarification on the status of the Forum Homes Development. Mr. Garofalo explained that the developer had lost his right to develop the land as originally approved under one acre zoning due to lack of action within statutory time frames. The developer is able to submit a new application to the Land Use Board for development under 5 acre zoning restrictions if he so chooses.

Mayor Bassani read a letter from resident Ed Wiessman, announcing the fifth anniversary of his ongoing efforts to maintain Woodbourne Park as a "litter free" zone. Mayor Bassani complimented the civic leadership shown by Mr. Wiessman, who devotes many hours a week, every day, picking up litter in the park on a volunteer basis.

**OLD BUSINESS**

**Volcanic Hill Road Resident Request**

The governing body held discussion with Mr. Greg Puzio of Volcanic Hill Road, regarding Mr. Puzio's request that the Township's contractor for oil and stone be allowed to service Volcanic Hill Road. Mr. Puzio suggested having the residents pay for the costs themselves, through a special assessment. The members of the governing body, after ascertaining that Mr. Puzio had not yet discussed this proposal with his neighbors, and hearing Mr. Doherty's explanation of the current Township policy regarding public service on private roads, informed Mr. Puzio they would take his request under advisement but took no action at this time.

**Ryan Road Drainage Concerns**

After review and consideration of this matter, the governing body, by consensus, agreed that the position of the Township remains unchanged from the determination of the 2004 governing body; namely, the issue of concern ultimately involves a neighbor-to-neighbor dispute, and therefore it would not be appropriate for the Township to utilize tax dollars to resolve the matter.

NEW BUSINESS

**Final Adoption of Ordinance 2013-03**

Mr. DeBoer moved to adopt on Final Hearing, Ordinance 2013-03, entitled “An Ordinance Regulating the Licensing of Amusement Games Within the Township of Wantage.” Mr. Gaechter seconded the motion. Prior to final roll call vote, Mayor Bassani opened the meeting to the public. There being no one present wishing to address the governing body on this matter, Mayor Bassani closed the meeting to the public and requested a roll call vote on the motion.

Upon roll call,

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

**Final Adoption of Ordinance 2013-04**

Mr. Gaechter moved to adopt on Final Hearing, 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.” Mr. DeBoer seconded the motion. Prior to final roll call, Mayor Bassani opened the meeting to the public for any questions or comments on this proposed Ordinance. Ann Smulewicz, Route 23, stated that she was glad to see the CFO salary had been settled. There being no one else present wishing to address the governing body on this matter, Mayor Bassani closed the meeting to the public and requested a roll call vote on the motion. Upon roll call,

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

**Credit For Lost Service From SECTV**

Mr. DeBoer moved to adopt the following resolution, which was seconded by Mr. Gaechter:

**A RESOLUTION OF THE TOWNSHIP OF WANTAGE, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY DEMANDING TEN (10) DAYS CREDIT TO BE AWARDED BY SERVICE ELECTRIC CABLE TV AND COMMUNICATIONS TO WANTAGE TOWNSHIP RESIDENTS FOR LOSS OF SERVICE DURING SUPERSTORM SANDY**

WHEREAS, Service Electric Cable TV and Communications (Service Electric) is the franchise cable provider for the Township of Wantage; and

WHEREAS, during Super storm Sandy, Township residents were without power, including cable services, for a period of at least ten (10) days; and

WHEREAS, utilities have rightfully agreed to give credit for lost services during Superstorm Sandy; and

WHEREAS, Service Electric has only agreed to give a credit of two (2) days for lost cable services during Superstorm Sandy.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Wantage, County of Sussex, and State of New Jersey that the Township is demanding a credit of ten (10) days from Service Electric for lost services during Super storm Sandy on behalf of its residents based upon the suffering, volunteering and other efforts of Township residents during the storm.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Service Electric Cable TV and Communications, the New Jersey Board of Public Utilities, Sussex County Municipalities, and the Sussex County Board of Chosen Freeholders.

Upon roll call,

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

**Approval of Minutes**

Mr. Gaechter moved to adopt the minutes of the regular session meeting held on February 12, 2013 and the Regular and Executive Session minutes of February 15, 2013. 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.

Karen Merritt, Alpine Road, discussed with the governing body the actual extent of no service involving Cable Television resulting from Superstorm Sandy. Ms. Merritt also announced the Recreation Easter Egg Hunt would be held on March 16<sup>th</sup>, and a Yankee Game Bus Trip is planned for May 5<sup>th</sup>.

OPEN PUBLIC SESSION, Continued

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 Revaluations versus Reassessments; expressed a desire to see no confidentiality clause in any contract signed involving Reassessment services; spoke regarding his views on assessments and equalization ratios, and average residential property values.

Ann Smulewicz, Route 23, spoke regarding her views on the County Tax Board meeting held on February 20, 2013; expressed disappointment that Wantage officials did not remain for the public portion of that meeting; and offered representations of statements made by Tax Board President Mr. John Fierro at that meeting. General discussion took place among the members of the governing body, regarding Mrs. Smulewicz's comments.

Mrs. Smulewicz commented regarding her opposition to the Early Voting Bills being considered in the State Legislature. The governing body informed her that this was discussed earlier in the meeting and that Mr. Doherty has already prepared a resolution of opposition from Wantage.

Mrs. Smulewicz reported on the status of the County Landfill, as reported at a Freeholder meeting.

Douglas Ricker, Beemer Road, also commented regarding the status of the County Landfill.

Mr. Ricker inquired if the Township had an opportunity to review and consider his question regarding deed restrictions on Township property prior to offering them for sale.

At the invitation of Mayor Bassani, Mr. Doherty responded to this question, informing that he had spoken with the Township Administrator of Springfield, who stated that Springfield does not deed restrict property prior to sale, so Mr. Doherty was unable to verify Mr. Ricker's representation to this effect. Mr. Doherty also reported that he had been in contact with the attorney representing the State Agriculture Board, who confirmed what Mr. Garofalo had been saying about this topic from the beginning: the answer to the question depends largely on the context of how the question is posed. There is agreement that deed restrictions can be placed on property that was purchased using open space funds or farmland preservation funds, but whether or not such action can be taken with respect to property that has fallen into ownership of the Township through tax sale or tax foreclosure appears to be an open question. Mr. Doherty stated that he has been unable to find any municipalities that actually have done this, so the matter may come down to whether or not the Township desires to become a test case in the State of New Jersey. General discussion continued on this topic. Mr. Garofalo pointed out that the properties which generally come into possession of the Township represent small tracts which are not attractive or likely to be profitable if developed, which would involve a question of logistics regarding why to make such properties deed restricted against development.

Mr. Gettler offered representations regarding statements made by John Fierro of the County Tax Board, regarding compliance plans and a municipal assessor. Mr. Gettler also offered his position regarding the Wantage Tax Assessor, and the issue of Reassessment versus Revaluation.

Mr. Garofalo suggested it would be in order for Mr. Fierro to be provided an opportunity to confirm and/or comment on the various representations being made this evening about comments that he may have made.

Mayor Bassani offered comments on the course of discussion held at the County Tax Board meeting, stating that the direction of the Board was made very clear and culminated in their order for the Township to conduct a Reassessment program.

**OPEN PUBLIC SESSION, Continued**

Mayor Bassani renewed an observation he has previously made, urging Mrs. Smulewicz, Mr. Gettler and the general public to be careful when representing their positions; that when presenting their own views and opinions, they should say "I" instead of "we", and if they do say "we", they should be prepared to disclose who they are speaking on behalf in order to establish credibility.

Mr. Gettler and Mrs. Smulewicz stated that people are hesitant to come forward and identify themselves for fear of retribution.

Mayor Bassani responded that there is no vindictiveness involved with the Township's officials and representatives.

Mr. Ricker offered further comments regarding deed restrictions and the Airport property.

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

**EXECUTIVE SESSION**

Mr. DeBoer moved 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 matter: attorney client privilege regarding matters previously discussed in closed executive session held on January 31, 2013.

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. Gaechter seconded the motion. Upon Roll call,

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

After meeting in closed session, Mayor Bassani declared the meeting to be reconvened in open session 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. Mr. Gaechter seconded the motion. Upon Roll call,

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

Mayor Bassani declared this meeting adjourned.

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James R. Doherty, Administrator Clerk