

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 MARCH 6, 2014

Mayor DeBoer called the regular meeting to order, and requested the Clerk to call the roll. Upon roll call, the following members of the governing body were present: Mayor DeBoer, Committeeman Bassani, and Committeeman Gaechter. The following members were absent: None. Also Present: Township Attorney Michael Garofalo

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

CONSENT AGENDA

Mayor DeBoer requested that the governing body Review the Regular Consent Agenda.

Mr. Bassani moved to authorize the filing of:

- Construction Department Report for February 2014
- Tax Collector Report for February 2014
- Municipal Clerk Report for February 2014
- Registrar Report for February 2014
- Board of Health Report for February 2014

Mr. Gaechter seconded the motion. Upon Roll call,

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

Mr. Bassani moved to approve Raffle Application RA14-04, for Kiwanis Club Sussex to conduct an Off Premise 50/50 Raffle on May 17, 2014.

Mr. Gaechter seconded the motion. Upon Roll call,

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

Mr. Bassani moved to approve the Renewal of Annual Soil Removal Certification of Space Farms Realty, for Block 160 Lot 2, for removal of less than 5,000 cubic yards of material in 2014.

Mr. Gaechter seconded the motion. Upon Roll call,

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

Mr. Bassani moved to approve supporting Bills S-1089 / A-2319, proposing to share the burden of Property Assessment Appeal Refunds, as per the following resolution:

WHEREAS, when County Tax Board appeals are successful, the municipality must reimburse the property taxpayer 100% of the appealed tax levy, which includes the municipal, school, county and any special districts tax; and

WHEREAS, the municipal tax collector must then adjust the taxpayer's fourth quarter tax bill, resulting in the municipality's fund balance for the preceding year being diminished, if not completely depleted; and

WHEREAS, in recent years, municipalities have experienced a large spike in tax appeals caused by the economic down-turn, which lowered property values and placed increased stress on the income of homeowners all around our Garden State; and

WHEREAS, successful tax appeals have a four-fold negative impact on municipal budgets; first by requiring the municipality, as the collector of taxes for the School district, county and special districts, to fund the full cost of the legal defense of the assessment; and

WHEREAS, the second negative impact on municipal budgets results from State law, which guarantees to the county and the school district 100% of their levies, hence forcing the municipality to bear the full cost of any reimbursements resulting from the appeal, as well as the full burden for any uncollected taxes; and

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CONSENT AGENDA, Continued

WHEREAS, the third negative impact on municipal budgets ensues because the refunds and credits negatively impact the municipality's tax collection rate, resulting in a State required increase in the appropriation for the Reserve for Uncollected Taxes (a non-exempt from cap budget expenditure); and

WHEREAS, fourth, the end result is a further decline in the property tax base used to support municipalities, county governments, school systems and any fire or other special purpose districts, which will necessitate tax rate increases to raise the same amount of revenue; and

WHEREAS, in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2% cap), such declining values will compound and add additional stress to local public officials, as they grapple with the issues confronting the tax paying public.

WHEREAS, Senator Anthony R. Bucco, Assemblyman Michael Patrick Carroll and Assemblyman Anthony M. Bucco have recently introduced Senate Bill S-1089/Assembly Bill A-2319, which requires fire districts, school districts, and county governments to share in burden of property assessment appeal refunds;

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Committee of Wantage Township hereby urge the swift passage and signing of S-1089/A-2319, and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

Mr. Gaechter seconded the motion. Upon Roll call,

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

Mr. Bassani moved to approve Change Order No. 1 for the project "Milling and Paving Pidgeon Hill Road – Section I," reducing the project cost by \$7,276.39 for price reductions in the cost of Hot Mix Asphalt from the time of the award of contract to the time of the ordering of materials.

Mr. Gaechter seconded the motion. Upon Roll call,

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

Mr. Bassani moved to approve Change Order No. 1 for the project "Bicycle-Safe Grates for Pidgeon Hill Road – Section I," increasing the project cost by \$50.00 for adjustments in the size of drainage gates required. Mr. Gaechter seconded the motion. Upon Roll call,

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

Administrator's Report: Mr. Doherty clarified comments made during his Administrator Report that was offered at a previous meeting, repeating his belief that an article written in the New Jersey Herald failed to properly report the position of the governing body on an issue, but clarifying that his comments were not meant to call into question the value of the newspaper or the capabilities of the Reporter.

Attorney's Report: None

Township Committee Member Reports: None

OLD BUSINESS: None

NEW BUSINESS:

Adoption of Ordinance 2014-04

Mr. Bassani moved to adopt on final reading, Ordinance 2014-04, entitled "AN ORDINANCE AUTHORIZING SPECIAL TAX ASSESSMENT FOR LAKE NEEPAULIN DAM RECONSTRUCTION." Mr. Gaechter seconded the motion.

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

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Public Hearing on Ordinance 2014-04, Continued

Karen Merritt, Alpine road, expressed disappointment with the special assessment and spoke in opposition to the proposed ordinance. Mrs. Merritt submitted a written position statement.

Kathleen Gorman, Fernwood Road, inquired regarding details of the initial repayment obligation under the NJDEP loan; offered comments regarding a request for extension of deadline date for loan repayment obligation; and expressed disappointment with the special assessment.

Mr. Bassani stated the governing body appreciated these comments and are trying to do what they believe is in the best interests of the Township.

General discussion took place at this time regarding whether the members of the governing body should offer input and comments during the open public session.

Judy Fiore, South Shore Drive, expressed appreciation to the governing body for taking action that preserved the Lake Neepaulin Dam.

Karen Jehlen, Ryan Road, requested a clarification of what the "R2 Zone" means. The members of the governing body offered a response to this question.

William Gettler, Gemmer Road, offered comments regarding the history of the Lake Neepaulin Dam issue and expressed disagreement with the special assessment.

Darren Marquart, South Shore Drive, expressed disagreement with the special assessment.

Brooke Babcock, North Shore Drive, expressed a belief that this should be a town-side issue.

Mayor DeBoer explained that this option was given consideration in the past but was not implemented. General discussion took place regarding this topic.

Nick Luciano spoke in opposition to the special assessment, expressing concern with resale impact of a special assessment.

Ed Devlin, North Shore Drive, North Shore Drive, spoke in opposition to the special assessment.

Jerri Devlin, North Shore Road, expressed disagreement with the special assessment.

Elizabeth Shevlin, Pine Ridge Road, expressed disagreement with the special assessment based on the disparity in payment obligations from one tier to another.

Jo Ann Demaria, Hickory Road, offered comments on the history of this topic, observed that she was not part of a lake association, and expressed disagreement with the special assessment.

Joseph Taliercio, Holly Court, also observed that he was not part of a lake association, and spoke in opposition to the special assessment.

Cindy Findlay, South Shore Drive, spoke in opposition to the special assessment, citing cost burden involved.

Marcia Distasi, Cove Lane, also spoke in opposition to the special assessment, citing cost burden involved.

Patrick Hunterton, Alder Terrace, expressed opposition to the special assessment on principle.

Ann Smulewicz, Route 23, expressed opposition to the special assessment.

Mayor DeBoer thanked everyone for their input, stating that this is not an easy task for the governing body.

Public Hearing on Ordinance 2014-04, Continued

A resident of North Shore Drive stated her opposition to the concept of belonging to a lake association but thanked the governing body for taking action to save the dam and the lake.

Mundell Fisher, South Shore Drive, stated appreciation for the dam improvement, and stated difficulty in listening to negative comments.

Michael Hunterton inquired what would happen in case of a default on loan payment.

Mr. Bassani responded that the Township would take title to the lake. General discussion on this topic took place.

Shauna Hunterton, Alder Terrace, expressed opposition to the special assessment.

Mr. Bassani offered comments regarding the history of this issue.

Shauna Henderson expressed dissatisfaction with the actions of the Township to inform her about this issue.

Mr. Bassani responded, saying he believed it appropriate to give the benefit of the doubt to previous governing bodies of Wantage that they were making the best decisions they could. General discussion took place on this.

Matt Toy, South Shore Drive, asked the governing body to be responsive to the desires of the public.

A resident of Union Road asked why the entire Township is not obligated to repay this loan. General discussion took place on this topic. The resident expressed opposition to the special assessment.

There being no one else wishing to address the governing body at this time, Mayor DeBoer closed the meeting to the public and requested a roll call. Upon Roll call,

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

Final Adoption of Ordinance 2014-05: Purchase of Truck

Mr. Gaechter moved to adopt on final reading, Ordinance 2014-05, entitled "ORDINANCE APPROPRIATING THE SUM OF \$10,000 FOR THE PURCHASE OF DPW VEHICLE."

Mr. Bassani seconded the motion. Prior to roll call, Mayor DeBoer opened the meeting to the public for any questions or comments with respect to this proposed ordinance. There being no one present wishing to address the governing body on this matter, Mayor DeBoer requested a roll call vote. Upon Roll call,

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

Final Adoption of Ordinance 2014-06: Purchase of SCBA Equipment

Mr. Bassani moved to adopt on final reading, Ordinance 2014-06, entitled "ORDINANCE APPROPRIATING THE SUM OF \$52,000 FOR THE PURCHASE OF SELF-CONTAINED BREATHING APPARATUS." Mr. Gaechter seconded the motion. Prior to roll call, Mayor DeBoer opened the meeting to the public for any questions or comments with respect to this proposed ordinance. There being no one present wishing to address the governing body on this matter, Mayor DeBoer requested a roll call vote. Upon Roll call,

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

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Introduction of Ordinance 2014-07: Multi-Purpose Bond Ordinance

Mr. Bassani moved to introduce on first reading, Ordinance 2014-07, entitled “BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF WANTAGE, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$1,209,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,149,120 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.” The Supplemental Debt Statement has been filed by the Chief Finance Officer and a copy is on file in the Clerk’s office. Final Hearing date scheduled for April 10, 2014. Mr. Gaechter seconded the motion. Upon Roll call,

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

Approval of Minutes

Mr. Gaechter moved to adopt the minutes of the Wantage governing body meeting held on February 20, 2014. Mr. Bassani seconded the motion. Upon Roll call,

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

Approval of Minutes

Mr. Gaechter moved to adopt the minutes of January 30, 2014.

Mr. Bassani seconded the motion. Upon Roll call,

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

OPEN PUBLIC SESSION

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

Kathleen Gorman, Fernwood Road, offered comments regarding liens on property, citing this as a condition of the special assessment on property owners if non-payment occurs. Mr. Bassani offered a response to this. General discussion took place. Mrs. Gorman repeated her opposition to the special assessment. Mayor DeBoer stated that the governing body is trying to do what’s best for the town.

Ms. Gorman and Mr. Bassani discussed their positions with respect to whether the current governing body was answerable to the public for decisions made by previous governing bodies. Mr. Bassani stated that his point was, the 2014 governing body is being required to make decisions this year based on actions taken in previous years, some of which involve court decisions and legal obligations which were predetermined.

Mayor DeBoer observed that with over 700 property owners affected by this issue, less than 10% of these property owners have come to this meeting. Mayor DeBoer stated that he has had conversations with many property owners of Lake Neepaulin who are in agreement with the actions taken to date by the governing body.

Leslie McCarthy, New York Avenue, thanked the governing body for taking action to save the lake.

Karen Merritt, Alpine Road, offered comments on the history of the lake issue, in support of her position that the special assessment was not appropriate.

Mr. Bassani offered comments in response to Ms. Merritt’s input.

Bill Williams, South Shore Drive, questioned the process of addressing special assessments.

Peter Johr, South Shore Drive, offered comments regarding a meeting he had with the Tax Assessor.

OPEN SESSION, Continued

Bill Gettler, Gemmer Road, offered observations on the history of the lake issue and expressed dissatisfaction with the special assessment.

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

ADJOURNMENT

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

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

Mayor DeBoer declared this meeting adjourned.

James R. Doherty, Administrator Clerk