

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 20, 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. Gaechter moved to approve the following Raffle Applications:

- Raffle Application RA14-05, for Beemerville Presbyterian Church to conduct an Off Premise Merchandise Raffle on November 3, 2014
- Raffle Application RA14-06, for Beemerville Presbyterian Church to conduct an On Premise Merchandise Raffle on October 3, 2014
- Raffle Application RA14-07, for Beemerville Presbyterian Church to conduct an On Premise 50/50 Raffle on October 3, 2014
- Raffle Application RA14-08, for Beemerville Fire Dept. Inc., to conduct an On Premise Merchandise Raffle on May 9, 2014
- Raffle Application RA14-09, for Beemerville Fire Dept. Inc., to conduct an On Premise 50/50 Raffle on May 9, 2014
- Raffle Application RA14-10, for Beemerville Fire Dept. Inc., to conduct an Off Premise 50/50 Raffle on June 29, 2014
- Membership Application in the Beemerville Fire Department for Rena Lambert of Branchville, NJ

Mr. Bassani seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to approve the Payment of Bills for the meeting of March 20, 2014

Mr. Bassani seconded the motion. Upon Roll call,

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

Administrator's Report

Mr. Doherty reported on a concern which has been raised by several residents involving traffic and parking at the corner of Route 519 and Decker Road, where a current school bus stop is located. Mayor DeBoer stated he would speak with representatives of the Board of Education and attempt to resolve the concerns.

Mr. Doherty reported on the status of the Fire Prevention Shared Services Agreement with Vernon Township, stating that the Vernon Administrator has informed Vernon is not currently able to fulfill its obligations in this regard. Mr. Doherty requested the governing body take action to terminate the Shared Services Agreement with Vernon Township and to authorize a new Shared Service Venture for Fire Prevention services to be provided by either Hardyston Township or the County of Sussex. General discussion took place regarding these two options.

At the recommendation of Mayor DeBoer, Mr. Bassani moved to terminate immediately the Shared Services Agreement with Vernon Township and to enter into a new Shared Services Agreement with Hardyston Township to serve as the Provider of Fire Prevention Bureau services within Wantage Township. Mr. Gaechter seconded the motion. Upon Roll call,

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

Mr. Doherty read a prepared statement summarizing the history of the Lake Neepaulin Dam issue and the action pending for consideration by the governing body under Old Business this evening.

Attorney's Report: None

Township Committee Member Reports

Mr. Bassani reported that he attended the recent Freeholder Board meeting, and urged the Board to take formal action supporting the State Bill which, if enacted into state law, would redistribute the tax burden more equitably in situations where tax appeals require refunds of tax revenue.

Mr. Bassani also reported on his attendance at a Boy Scout Ceremony last week, expressing his congratulations to the youth and their parents for promoting civic involvement and community leadership.

Mayor DeBoer reported on his participation in the Sussex Wantage School "Celebrity Reader" program recently, in which he read to 4th Graders and spoke with them on the importance of erasing skills for their future.

OLD BUSINESS

Volcanic Hill Road

Mayor DeBoer explained that the Township has received a petition from a number of property owners on Volcanic Hill road, requesting the Township take ownership of the road, accept it as a public road, and make the necessary improvements to the road which will bring it up to the standards of a public road; and, to pay for the costs of these improvements through a local improvement ordinance which would impose a special assessment upon the property owners to repay the costs over time. Mayor DeBoer explained that the minimum required 2/3 signatures of property owners has been provided on this petition, but the governing body wished to provide an opportunity this evening for all of the property owners on Volcanic Hill Road to offer input prior to making a decision on the petition.

Mayor DeBoer requested that any property owners from Volcanic Hill Road who are opposed to this proposed action come forward and address the governing body.

Eric Jenkins and Christine Jenkins, 9 Volcanic Hill Road, addressed the governing body at this time. Mr. and Mrs. Jenkins expressed opposition to the proposal, citing concerns involving economic burden. The members of the governing body engaged Mr. and Mrs. Jenkins in a discussion on topics including emergency vehicle access capability, property values, resale value on homes, and current costs for property owners on this street to pay a private contractor to plow the roads during the winter months.

Mayor DeBoer requested that any property owners from Volcanic Hill Road who are in favor of this proposed action come forward and address the governing body.

Sue Martin, 18 Volcanic Hill Road, addressed the governing body explaining that some of the deeds for property on this road require the owner to share in maintenance costs of the road, while other deeds do not. Ms. Martin stated that in the absence of a legal requirement to do so, not all property owner have historically shared in the cost of maintenance and upkeep of the road, leading to disparity in cost share burden.

Ken Nelson, 2 Volcanic Hill Road, spoke in favor of the proposal, citing health and safety concerns, emergency access capability for emergency vehicles, and the absence of any alternative course of action which is fair to all property owners.

Greg Puzio, 10 Volcanic Hill Road, spoke in favor of the proposal, expressing a belief that trade off in costs from having to pay for private contractors to maintain the road will offset a good portion of the special assessment costs involved in this proposal.

General discussion continued between the members of the governing body and all property owners of Volcanic Hill Road prevent this evening.

OLD BUSINESS, Continued

Mrs. Jenkins inquired if the payment of a special assessment fee is tax deductible. Mayor DeBoer encouraged Mrs. Jenkins to speak with the Assessor.

Kathryn Kelly Herkert, 7 Volcanic Hill Road, suggested that the condition of the road is currently so poor it might not qualify as being considered a road, and repeated previous concerns that there is no mechanism by which individual property owners can force other property owners on the street to pay their fair share of private road maintenance costs. Ms. Herkert reported there was at least once instance when an emergency response vehicle could not get up the road.

The members of the governing body thanked the property owners for their input, and reserved action to a future date so this input could be given due consideration before a decision is made.

LAKE NEEPAULIN DAM

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 falling within the attorney-client privilege, and dealing with potential litigation with respect to the topic of the Lake Neepaulin Dam.

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

After meeting in closed executive session, Mr. Bassani moved that the governing body return to open session and continue with the regular order of business.

Mr. Gaechter seconded the motion. Upon Roll call,

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

Mayor DeBoer offered the following recommendation: In response to the Township's adoption of a Special Assessment Ordinance for the Lake Neepaulin Dam project, Assessor Kristy Lockburner has presented a Report to the Governing Body explaining her proposed course of action for implementing the special assessment. The governing body is giving consideration to that report at this evening's meeting. Title 40:56-30 says "the governing body after considering the report and map may adopt and confirm the same with or without alterations, as to them may seem proper." After due consideration, the Wantage Township governing body accepts the report of the Assessor with the following alterations: The total amount of the project cost shall be re-certified by the Chief Finance Officer to include the cost of the mailing done to the property owners of the R2 Zone which was mailed on February 26, 2014 (cost of paper and postage), plus the same costs for a second mailing to be made during the week of March 24, 2014. Lakefront properties will be responsible for repaying 25% of the loan. Lakeview properties will be responsible for repaying 15% of the loan. Tier 3 properties will be responsible for repaying 10% of the loan. FOLN will be responsible for repaying 50% of the Loan. All remaining conclusions and findings of the Assessor in the report are approved. The Assessor is directed to revise her report to reflect the direction above and re-submit her report to the governing body on April 24, 2014, at which time the governing body will consider giving confirmation of the Revised Assessor's Report.

Mayor DeBoer explained the impact of his recommendation as follows, explaining that all figures are subject to review and confirmation by the Assessor and the Chief Finance Officer:

Lakefront = 25% of the cost = \$410.94 each property per year for 17 years.

Lakeview = 15% of cost = \$271.85 each property per year for 17 years.

Tier 3 = 10% of cost = \$11.29 each property per year for 17 years.

FOLN = 50% of the cost = \$35,340.62 per year for 17 years.

OLD BUSINESS, Continued

Mr. Bassani moved to accept and approve the Recommendation of Mayor DeBoer for accepting the Report of the Assessor, with Alterations. Mr. Gaechter seconded the motion. Upon Roll call, **Ayes:** Bassani, Gaechter, DeBoer **Nays:** None **Absent:** None **Abstain:** None

NEW BUSINESS:

Adoption of Ordinance 2014-07

Mr. Bassani moved to adopt on final 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." 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. There being no one present wishing to address the governing body on this topic, Mayor DeBoer closed the meeting to the public and requested a roll call vote. Upon Roll call,

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

Introduction of Ordinance 2014-08: Ordinance To Establish CAP Bank

Mr. Bassani moved to introduce on first reading, Ordinance 2014-08, entitled "ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2014 (N.J.S.A. 40A: 4-45.14)."

Final Hearing date scheduled for April 10, 2014.

Mr. Gaechter seconded the motion. Upon Roll call,

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

Introduction of 2014 Wantage Municipal Budget

Mr. Bassani moved to Approve (introduce) the 2014 Wantage Township Municipal Budget. Public Hearing shall be scheduled for April 24, 2014, as follows:

Be it Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2014; Be it Further Resolved, that said Budget be published in the New Jersey Herald in the issue of April 9th, 2014. The Governing Body of the Township of Wantage does hereby approve the following as the Budget for the year 2014:

Appropriations within "CAPS" - Municipal Purposes \$3,555,511.00
Appropriations excluded from "CAPS"- Municipal Purposes \$1,762,139.00
Reserve for Uncollected Taxes \$1,073,146.00
Total General Appropriations \$6,390,796.00
Less Anticipated Revenues Other Than Current Property Tax \$3,081,318.00
Difference: Amount to be Raised by Taxes for Support of Municipal Budget:
Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes \$3,309,478.00

Mr. Gaechter seconded the motion. Upon Roll call,

Ayes: Bassani, Gaechter, 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 27, 2014; the minutes of the Budget work session held on March 6, 2014; and the minutes of the Regular Meeting held on March 6, 2014. Mr. Bassani seconded the motion.

Upon Roll call,

Ayes: Bassani, Gaechter, 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.

Karen Merritt, Alpine Road, inquired regarding current ownership of Volcanic Hill Road; Mr. Doherty responded. Mrs. Merritt reported on a problem area at Arrowhead Road involving a school bus stop that requires relocation for reasons of public safety. Mayor DeBoer stated he would discuss this with representatives of the School Board. Mrs. Merritt then read and submitted a written statement regarding the issue of the Lake Neepaulin Dam.

Bob Heiden, Old Clove Road, expressed a desire to see signs announcing the directions to St. Clare Hospital include hours the facility is open. Mr. Heiden expressed a belief that the action taken by the governing body tonight with respect to the special assessment will lead to the end of the Friends of Lake Neepaulin. Mr. Heiden thanked the governing body for their efforts on this matter, stating it was a very difficult issue.

A resident of 55 New York Avenue, thanked the governing body for the actions they took this evening regarding the Lake Neepaulin Dam, and expressed a desire for lake access use by those who must pay a special assessment.

Kathy Gorman, Fernwood Road, thanked the governing body for the actions they took this evening regarding the Lake Neepaulin Dam. Mrs. Gorman expressed concern regarding homeowner insurance liability exposure of property owners who are paying a special assessment if an individual is injured at the lake. Mrs. Gorman also expressed concern regarding the condition of Route 23 in the construction zone for rehabilitation of the bridge in the vicinity of the A&P shopping Plaza, expressing a desire to see the State paint lines for traffic safety along this stretch.

Darren Marquart, South Shore Drive, stated that he was happy, but not thrilled, with the action taken this evening by the governing body regarding the special assessment. Mr. Marquart took issue with his property being designated as "Lakeview."

Jerri Devlin, North Shore Drive, thanked the governing body for the actions they took this evening regarding the Lake Neepaulin Dam, but stated she still did not believe the action is fair and equitable. Mrs. Devlin expressed concern with the disparity in assessment between Tier 2 and Tier 3.

Bill Gettler, Gemmer Road, expressed a desire to see additional information on the Township's summary sheet regarding the budget which was included in the agendas this evening; Mr. Doherty explained that tonight's handout was simply a bullet point page for reference, and a full budget presentation would be made at the public hearing on April 24. Mr. Gettler expressed dissatisfaction with an OPRA response he received from Mr. Doherty. Mr. Gettler expressed his views regarding an Audit which is to be conducted regarding the Lake Neepaulin Dam, and the extent of fiscal oversight conducted by the Township on this project. Mr. Gettler expressed his views on the Dam Special Assessment issue.

Ann Smulewicz, Route 23, expressed opposition to town-wide cost burden for the Lake Neepaulin Dam project, and entered into a brief conversation with Mr. Bassani regarding attendance at Freeholder meetings.

Peter Johr, South Shore Drive, expressed concern with the actions taken this evening regarding the Lake Neepaulin Dam, stating his belief that the Township would be held responsible for the demise of a Non-profit organization.

Judy Fiore, South Shore Drive, stated she still feels the special assessment is not fair, but thanked the governing body for their efforts on the issue.

Kathy Gorman, Fernwood Drive, offered input regarding improvements done to two other Dams, and asked who would pay the loan if FOLN defaults. Mayor DeBoer declined to speculate.

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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