

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 APRIL 10, 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 Bill DeBoer, Committeeman Ron Bassani, and Committeeman Bill 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.

Mayor DeBoer informed the members of the governing body he would be revising the Agenda for this evening, for the purpose of dealing with Item #3 under New Business as the first item for consideration this evening.

Township Attorney Appointment

Mayor DeBoer explained that Township Attorney Michael Garofalo had left the law firm of Laddey Clark & Ryan to join the law firm of Weiner Lesniak. Mayor DeBoer recommended the governing body reappoint Mr. Garofalo to continue serving as the Township Attorney under his new law firm, at the same level of compensation currently being paid.

Mr. Bassani moved to adopt the RESOLUTION TO TERMINATE CONTRACT WITH LADDEY, CLARK & RYAN FOR TOWNSHIP ATTORNEY AND ENTER INTO CONTRACT WITH WEINER LESNIAK, as follows:

WHEREAS, Michael Garofalo of the Law Firm Laddey, Clark & Ryan was appointed as Wantage Township's Attorney for the calendar year 2014; and

WHEREAS, Wantage Township entered into an agreement with the Law Firm Laddey, Clark & Ryan to provide services as Municipal Attorney based on the condition that Michael Garofalo would serve as the primary attorney to perform the legal services for calendar year 2014; and

WHEREAS, Michael Garofalo has terminated employment with the law firm of Laddey, Clark & Ryan; and

WHEREAS, the Township Committee of the Township of Wantage desires to retain Michael Garofalo as Township Attorney to Wantage Township,

WHEREAS, the governing body of the Township of Wantage is of the opinion that the circumstances for professional service contractual arrangements, as required by N.J.S.A. 40A:11-5(1) are satisfied in this situation,

NOW THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Wantage authorizes the Mayor and Clerk of the Township of Wantage to terminate the contract with Laddey, Clark and Ryan for Township Attorney as described herein; and

BE IT FURTHER RESOLVED that the Township Committee of the Township of Wantage authorizes the Mayor and Clerk of the Township of Wantage to enter into a contract with Weiner Lesniak (Michael Garofalo) as described herein without the need for public advertisement of bids and bidding thereof, in accordance with the provisions of N.J.S.A. 40A:11-5 et seq.:

Awarded to: Michael Garofalo of Weiner Lesniak Law Firm

Services: Municipal Attorney Services

Duration: Remainder of Calendar Year 2014.

Amount: \$175 per hour, as stipulated in contract

BE IT FURTHER RESOLVED that a copy of this resolution shall be published within 5 days of passage.

BE IT FURTHER RESOLVED, in accordance with the requirements of N.J.S.A. 40A:11-5, the Township Clerk is hereby directed to post a copy of this resolution on the bulletin board of the Township Hall, and publish a brief public notice stating the nature, duration, service and amount of the contracts herein awarded, and stating that said contract and this resolution are on file and available for public inspection in the office of the Municipal Clerk.

Mr. Gaechter seconded the motion. Upon roll call,

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

CONSENT AGENDA

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

Mr. Bassani moved to Approve for Filing the Following Reports:

- Construction Department Report for March 2014
- Clerk's Report for March 2014
- Tax Collector's Report for March 2014
- Board of Health Report for March 2014
- Registrar Report for March 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 RA14-11, for Heritage and Agriculture Association, Inc. to conduct On Premise 50/50 raffles on the dates of May 17 and May 18 at Lusscroft Farms, 50 Neilson Road. Mr. Gaechter seconded the motion. Upon Roll call,

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

Mr. Bassani moved to approve the refund of \$350.00 to All Star Auto, Inc. Block 8, Lot 1.01 for completed land use application L-13-11. Mr. Gaechter seconded the motion. Upon Roll call,

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

Mr. Bassani moved to approve the refund of \$17,047.71 to US Bank, Block 10 Lot 1.01, for Tax Lien Certificate 13-02; and \$ 8,000.00 to US Bank, Block 10 Lot 1.01, for Tax Sale Premium, Certificate 13-02. Mr. Gaechter seconded the motion. Upon Roll call,

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

Mr. Bassani moved to approve the cancellation of the following tax sale premiums not redeemed for five years or longer: \$500.00 for Block 148, Lot 15; and \$5,000.00 for Block 12, Lot 18.

Mr. Gaechter seconded the motion. Upon Roll call,

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

Mr. Bassani moved to approve renewal of the Amusement Devise License for Pleasant Acres Campground for the year 2014. Mr. Gaechter seconded the motion. Upon Roll call,

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

Mr. Bassani moved to Award Farmside Landscape of Wantage, NJ the 2014 Contract for Recreation Field Maintenance at Wantage Township Municipal Parks, in the amount of \$12,840.00. Mr. Gaechter seconded the motion. Upon Roll call,

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

Administrator's Report

Mr. Doherty informed that the Annual Youth in Government Shadow Day and Evening Meeting will be held on May 15, 2014.

Mr. Doherty reported that Mayor DeBoer proposes adjusting the Township's Convention Attendance Policy to read as follows:

Attendance at the League of Municipalities Convention shall be made available to any member of the Governing Body desiring to attend; to the Township Administrator; and to any Department Head. Cost of Convention Registration and Hotel will be paid by the Township. Attendance of other employees, at the employee's expense, may be granted upon approval of the Department Head and Township Administrator. Attendance of other employees in place of the Department Head, at the Township's expense, may be granted upon approval of the Department Head and Township Administrator subject to availability of funds.

General discussion took place regarding this proposal. Mr. Bassani moved to approve the Mayor's proposal. Mr. Gaechter seconded the motion. Upon Roll call,

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

Administrator's Report, Continued

Budget Request: Colesville Parking Lot.

General review and consideration took place regarding the budget request of the Wantage Fire Department for paving the Colesville Firehouse Parking Lot. After due review, the members of the governing body expressed consensus agreement to include this project in the list of capital projects to be undertaken this year.

Dyer Road and Vandergoot Road Intersection

General review and consideration was given to an expressed concern with road configuration in the vicinity of pond. Consensus agreement was offered for the Administrator and Engineer to meet on site and take appropriate corrective action for the sake of public safety.

Attorney's Report: None

Township Committee Member Reports

Mr. Bassani reported on having attended various meetings, including the Sussex County League of Municipalities meeting at Sussex Technical School (a.k.a. Vo Tech); a Drug Prevention Meeting in Sparta; a DARE Program at the Wantage School; and the most recent Freeholder Board meeting. Mr. Bassani also offered an update report on the activities of the Open Space Advisory Committee, and informed that Glenn Kienz had resigned as attorney for the Land Use Board.

Mayor DeBoer reported on his attendance at the Technical School Meeting, and expressed shared concern with Mr. Bassani and Mr. Gaechter regarding the severe negative impacts that drug abuse can have on families and on a community.

OLD BUSINESS

Volcanic Hill Road

The members of the governing body expressed consensus for the Township Attorney to prepare an Ordinance to Accept Volcanic Hill Road as a public road, and to pay for the cost of improvements through a Special Assessment of the property owners on that road.

NEW BUSINESS:

Adoption of Ordinance 2014-08

Mr. Bassani moved to adopt on final 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)." 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 2014-09: Fire Prevention

Mr. Gaechter moved to introduce on first reading, Ordinance 2014-09, entitled "AN ORDINANCE OF WANTAGE TOWNSHIP, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CHAPTER IX OF THE CODE OF WANTAGE TOWNSHIP PROVIDING FOR LOCAL ENFORCEMENT OF THE NEW JERSEY UNIFORM FIRE CODE." Final Hearing date scheduled for April 24, 2014.

Mr. Bassani 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 Regular and Executive Sessions of the Wantage governing body meeting held on March 20, 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.

Christine Jenkins, 9 Volcanic Hill Road, expressed opposition to the action being taken to accept Volcanic Hill Road as a public road. Ms. Jenkins expressed several questions regarding details of the proposal. Mayor DeBoer requested Ms. Jenkins to see Mr. Doherty for responses.

Kathleen Gorman, Fernwood Road, offered comments regarding the resignation of Glenn Kienz from the Land Use Board, and presented an OPRA request. General discussion took place regarding the details of the request. When it was determined that information being sought by Ms. Gorman would most likely not be in the possession of the Township, Mr. Bassani asked Mr. Tom Jable of FOLN if he would be willing to make available any files in his possession relating to the FOLN Dam project for Ms. Gorman to review. Mr. Jable agreed to do so.

Bill Gettler, Gemmer Road, addressed the governing body. Mr. Bassani requested that Mr. Gettler present his input as informational rather than as an attack against other persons. Mr. Gettler expressed the belief that a violation of the Open Public Meeting Act had taken place because Mr. Garofalo was sitting on the dais before he was reappointed as Municipal Attorney, and expressed disappointment in the reappointment of Mr. Garofalo. Mr. Doherty suggested that Mr. Gettler's position with respect to the Open Public Meetings Act lacked creditability. Mayor DeBoer suggested Mr. Gettler should run for elected office if he wished to make decisions about appointments of municipal professionals.

Ann Smulewicz, Route 23, expressed disappointment with Mr. Garofalo's reappointment and expressed support for Mr. Gettler's views.

Tom Jable, South Shore Drive, expressed disagreement with views and comments expressed by Mr. Gettler in a recent Letter to the Editor in a newspaper, and offered input to support his position.

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. Gaechter moved to adjourn the meeting. Mr. Bassani 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