

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 24, 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. The following members were absent: Committeeman Bill Gaechter. 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.

Prior to action being taken, Mayor DeBoer disclosed that Purchase Order 11449 in the amount of \$1,140.03 is payable to DeBoer's Auto. Mayor DeBoer explained that he has been the Engineer of the Wantage First Aid Squad for many years now, handling maintenance and repairs on the First Aid Squad vehicles, and that this bill is regarding repairs to a First Aid Squad vehicle. Mayor DeBoer also observed that the payment for repairs shall come from the Insurance Claim filed for the accident involved, not from tax dollars.

Mr. Bassani moved to approve the Bill List for the meeting of April 24, 2014. Mayor DeBoer seconded the motion. Upon Roll call,

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

Mr. Bassani moved to authorize the following refunds for a tax lien redemption and premiums:

\$28,211.57 to US Bank, Block 60 Lot 2, for Tax Sale Certificate 10-23

\$57,892.36 to US Bank, Block 117 Lot 24.01, for Tax Sale Certificate 11-41

\$ 9,000.00 to US Bank, Block 117 Lot 24.01, for Tax Sale Premium

Mayor DeBoer seconded the motion. Upon Roll call,

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

Mr. Bassani moved to authorize reimbursement of funds for an overpayment for veteran exemption allowed, in the amount of \$1,437.22 to Robert G. Walsh, Block 123 Lot 3.07.

Mayor DeBoer seconded the motion. Upon Roll call,

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

Mr. Bassani moved to authorize reimbursement of funds for completed land use applications, as follows:

\$545.09 to Sussex South - Unionville, for L-05-09

\$774.81 to Orange/Sussex – General Partner for L-05-01

\$423.44 to Sussex South for L-05-10

\$716.00 to Sussex South Associates, Block 33 Lot 7.01 for L-07-16

\$632.00 to Sussex South Associates, Block 34 Lot 4 for L-07-17

\$279.00 to Glen Erik Kelly, Block 136 Lot 4.05 for L-02-53

\$215.36 to Azzam Ishak, for L-04-35

\$192.85 to Donald & Karen Pfister for L-05-16

\$822.33 to Susan Keenan, Block 17 Lot 17 for L-06-13

\$696.06 to Maruti Swami II, LLC, Block 7 Lot 19.01 for L-07-24

\$397.43 to Lewisburg Rd Acquisition LLC, Block 17 Lot 1 for L-08-12

\$1,134.94 to Pidgeon Hill Farm LLC, Block 120 Lot 2 for L-08-13

\$5,699.29 to Rolling Hills at Wantage, Block 114 Lot 4.01 for L-09-02

\$242.00 to Roy Davis/Sue Nixon, Block 135 Lot 8.01 for L-10-13

\$1,294.00 to Tri-State Pump & Septic Supply, Block 14 Lot 15.01 for L-12-08

\$97.82 to Barry & Carol Weshnak, Block 120 Lot 13.01 and 14 for L-12-15

\$500.00 to Joseph Leone - Cloke Property for LC-05-04

\$380.00 to Allen Bobb/Mark Vanacker, Block 26 Lot 10 for LC-07-04

\$602.26 to Gilmore Properties, Block 17 Lot 14 for LC-07-05

\$12.50 to Thomas & Theresa Pastore, Block 7 Lot 17.02 for LC-11-02

Mayor DeBoer seconded the motion. Upon Roll call,

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

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Consent Agenda, continued

Mr. Bassani moved to approve Coin Toss by Colesville Fire Department on various dates in 2014, as follows:

BE IT RESOLVED that the Wantage Township Committee of the Township of Wantage, County of Sussex, State of New Jersey formally authorizes and endorses the application of the Colesville Fire Department to conduct a Coin Toss on State Highway Route 23 on the dates of May 24, 25, 26, July 3, 4, 5, 6, August 29, 30, September 1, and October 11, during the year 2014, subject to all requirements imposed upon the Colesville Fire Department by the New Jersey Department of Transportation for issuing State Highway Use Permits for such activities.

Mayor DeBoer seconded the motion. Upon Roll call,

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

Mr. Bassani moved to approve amendment to Fire Hydrant Flushing Agreement with Clove Hill Manor to increase frequency of annual flushing from once a year to twice a year.

Mayor DeBoer seconded the motion. Upon Roll call,

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

Mr. Bassani moved to approve amending the Resolution Authorizing the Attorney and Assessor to handle Tax Appeals in 2014, as follows:

BE IT RESOLVED, by the Mayor and Committee of the Township of Wantage, in the County of Sussex, New Jersey, that the Township Attorney Michael Garofalo of the Law firm Weiner Lesniak, and the Township Tax Assessor Kristy Lockburner, be and they are hereby officially authorized to represent the Township of Wantage for Tax Appeals filed for 2014, effective as of April 10, 2014, for the purpose of correcting the Township of Wantage Tax List including but not limited to rollback complaints, added and omitted assessment complaints, and such other appeals as are necessary to correct the assessment for the Township of Wantage,

BE IT FURTHER RESOLVED that the Township Attorney and the Township Tax Assessor be and they are hereby designated as the agents of the Township of Wantage for the purpose of entering into and signing settlements of the foregoing matters by stipulation.

BE IT FURTHER RESOLVED, that the Township Attorney and the Township Tax Assessor shall be compensated for their services in the defense and representation of the Township, with respect to Tax Appeals filed for 2014, in accordance with the existing employment contract on file for the Township Attorney and Township Tax Assessor, respectively, in effect for calendar year 2014.

Mayor DeBoer seconded the motion. Upon Roll call,

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

Administrator's Report

Mr. Doherty reported on the outcome of the Bid opening for the 2014 Bulky Waste collection program, stating that Blue Diamond Disposal of Succasunna, NJ was once again the lowest bidder.

Mr. Bassani moved to award the contract for 2014 Bulky Waste Collection to Blue Diamond Disposal, in the amount of \$296 per ton. Mayor DeBoer seconded the motion. Upon Roll call,

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

Mr. Doherty requested an executive session to discuss matters of negotiations and attorney-client privilege.

Mr. Doherty offered a statement of explanation regarding why the request of a resident for copies of invoices from the line items of the Lake Neepaulin Dam specifications do not exist as public records, and why the various claims that the Township has been negligent in oversight of costs on the project are incorrect.

Attorney's Report: None

Township Committee Member Reports

Mr. Bassani reported that he and the Administrator had met recently with the company SDL, to review proposed upgrades to the Township's computer software capabilities for inspections and sharing of data among departments; as a part of that discussion, Mr. Bassani requested SDL to submit a price quote on what they would charge to digitize the Township's tax maps, as a matter of due diligences for price comparison with the amount of money being charged by the Township Engineer.

Committee Reports, Continued

Mr. Bassani also expressed his opinion on an article published in the April 24, 2014, stating that the article, while mostly accurate, incorrectly reported that the actions taken to revise the Assessor's Plan for the Special Assessment on the Lake Neepaulin Dam were the result of legal advice given by Township Attorney Michael Garofalo. Mr. Bassani clarified that the decision to take this action was generated directly from discussion and then decision of the governing body, not as a result of Mr. Garofalo's legal advice.

Mayor DeBoer reported that he, the Administrator, Mr. Garofalo, Township Engineer Harold Pellow, and Land Use Chairman Mike Cecchini met earlier this week with representatives from Sussex Borough to review requests from the Sussex County 208 Water PAC for revisions and amendments to the Wantage and Sussex Sewer Service Areas, and the shared service agreement between Wantage and Sussex for Sewer service billing. Mayor DeBoer stated that Wantage made it clear all utilities, billing and infrastructure would belong to Sussex Borough, as Wantage has no desire to enter the Sewer Utility business. Several properties located on Route 23 were discussed in relation to this topic. The individuals present also reviewed possible details involving tax ratables of a proposed Shop Rite which could be developed along the border of Sussex and Wantage.

OLD BUSINESS: None

NEW BUSINESS:

Adoption of Ordinance 2014-09: Fire Prevention

Mr. Bassani moved to adopt on final 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." Mayor DeBoer 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, DeBoer **Nays:** None **Absent:** Gaechter **Abstain:** None

Introduction of Ordinance 2014-10: Volcanic Hill Road

Mr. Bassani moved to introduce on first reading, Ordinance 2014-10, entitled "AN ORDINANCE AUTHORIZING THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF WANTAGE TO ASSUME JURISDICTION OF VOLCANIC HILL ROAD PURSUANT TO NJSIA 40:67-1." Final Hearing date scheduled for May 15, 2014.

Mayor DeBoer seconded the motion. Upon Roll call,

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

Adoption of 2014 Municipal Budget

Mr. Doherty offered a presentation of explanation regarding the 2014 Municipal Budget.

Mayor DeBoer opened the meeting to the public for the purpose of holding the Public Hearing on the 2014 Wantage Township Municipal Budget.

William Gettler, Gemmer Road, offered observations regarding the Snow Plowing budget, the Amount to be Raised by Taxation, Debt Service, and the Reserve for Uncollected Taxes. Mr. Gettler and Mayor DeBoer held a brief discussion on the reasons for the decrease in the Reserve for Uncollected Taxes.

James Sekelsky, 94 Lower Unionville Road, inquired regarding Salaries, Health Insurance, Surplus, and Computer costs. Mr. Doherty offered responses to these questions.

Mayor DeBoer closed the public hearing on the municipal budget at this time.

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Budget Adoption, Continued

Mr. Bassani moved to adopt the 2014 Wantage Township Municipal budget, as follows:

Be it Resolved by the Mayor and Township Committee of the Township of Wantage, County of Sussex, that the budget here in before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

(a) \$3,309,478.00 for municipal purposes, and

(d) \$ 60,252.00 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

Mayor DeBoer seconded the motion. Upon Roll call,

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

Tax Assessor Report: Special Assessment for Lake Neepaulin Dam Project

The governing body reviewed the Revised Report of Tax Assessor Kristy Lockburner Regarding the Special Assessment for Repayment of the Lake Neepaulin Dam Rehabilitation Project” dated March 21, 2014.

Mayor DeBoer opened the Meeting to the Public for any comments regarding this Report.

Karen Merritt, Alpine Road, thanked the governing body for adjusting the payment obligations but expressed the opinion that the Lake should belong to the Township.

Darren Marquart, 30 South Shore Drive, expressed disagreement with the name “Lake View” property as it relates to his property.

Richard Aaron, 80 South Shore Drive, expressed the opinion that more than 3 tiers should have been used in the payment plan, expressing concern about the impact on his property.

Bob Heiden, Old Clove Road, agreed with Ms. Merritt’s comment regarding ownership of the Lake, and expressed appreciation for the efforts of FOLN.

Ann Smulewicz, Route 23, expressed disagreement with the concept of the Township owning the Lake.

William Gettler, Gemmer Road, offered comments on the history of the Lake Neepaulin Dam issue; expressed reservations regarding whether the beach area would qualify as a public beach; requested the governing body put a question on the November ballot; offered comments regarding the proposed Tier system; expressed the belief the Lake has a negative benefit impact on property values; and expressed the belief that Township was in non-compliance with the Safe Dam Act.

Frank Galligan, New York Avenue, expressed the belief that the lake serves a vital and important role in fire protection for the Lake Neepaulin community, and offered disagreement with Mr. Gettler’s positions.

James Sekelsky, Lower Unionville Road, stated he was interested in understanding the implications of the possibility of the Township owning the lake; suggested the matter of legal advice should be balanced with fiscal advice on this topic; observed the need for on-going debt management regardless of future ownership.

Mayor DeBoer stated the Township governing body cannot predict the future; informed that the Township had previously been informed by a representative of NJDEP that the cost to remove the Dam and drain the lake could have cost as much as repairing the Dam.

Mr. Bassani agreed that allowing the Lake to be drained was not a consideration.

Kathy Gorman, Fernwood Road, offered a statement regarding her reasons for wanting to obtain invoices for each line item of the specifications for the Repair of the Lake Neepaulin Dam; spoke regarding her input on upcoming proposed legislation for amending the Safe Dam Act.

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Mayor DeBoer closed the Meeting to the Public.

Mr. Bassani moved to approve the Revised Report of Tax Assessor Kristy Lockburner Regarding the Special Assessment for Repayment of the Lake Neepaulin Dam Rehabilitation Project” dated March 21, 2014. Mayor DeBoer seconded the motion. Upon Roll call,

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

Miscellaneous

Mr. Doherty stated that he had neglected to include in his Administrator Report, recognition of Tom Madsen for being selected Citizen of the Year by the Wantage Recreation Commission. Mr. Doherty offered praise for Mr. Madsen’s contributions to the Wantage community.

Approval of Minutes

Mr. Bassani moved to adopt the minutes of the Wantage governing body meeting held on April 10, 2014. Mayor DeBoer seconded the motion. Upon Roll call,

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

Ann Smulewicz, Route 23, expressed her position regarding the desire to see invoices of line items for the Dam Rehabilitation project; spoke regarding the possibility of default of the loan by FOLN.

William Gettler, Gemmer Road, expressed disagreement with the minutes as approved for the meeting of April 10, stating his belief that he was denied the right to speak so the minutes were incorrect to state that no one else wished to speak when the Mayor closed the meeting to the public. Mayor DeBoer and Mr. Gettler engaged in a brief discussion regarding whether or not he had the right to speak again at that meeting; Mr. Doherty explained that the use of the wording “no one else wishing to address the governing body” was a term of art commonly used by clerks in preparation of minutes, and out of deference to Mr. Gettler, Mr. Doherty would endeavor to avoid using those words in future minutes. Mr. Gettler expressed his views on why he believes the request for copies of invoices on the Dam Rehabilitation project represents a valid request.

Thomas Jable, South Shore Drive, stated that all invoices in the possession of FOLN have already been provided to Mrs. Gorman, and the additional file material requested at the last meeting has been presented to Mr. Doherty for the review of Mrs. Gorman. Mr. Jable expressed the position that there were no other files in the possession of FOLN responsive to Mrs. Gorman’s request.

Mr. Bassani thanked Mr. Jable for providing the additional file material as he had promised to do at the last meeting.

At this time, Mayor DeBoer closed the meeting to the public.

EXECUTIVE SESSION

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;

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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(s):
S Contract negotiation which the public body is, or may become a party, specifically:
Negotiations with Sussex Borough for potential shared services.

121 Matters falling within the attorney-client privilege: Negotiations with Sussex Borough
BE IT FURTHER RESOLVED, 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.

Mayor DeBoer seconded the motion. Upon Roll call,
Ayes: Bassani, DeBoer **Nays:** None **Absent:** Gaechter **Abstain:** None

After meeting in closed session, Mr. Bassani moved to return to open session and continue with the regular order of business. Mayor DeBoer seconded the motion. Upon Roll call,
Ayes: Bassani, DeBoer **Nays:** None **Absent:** Gaechter **Abstain:** None

ADJOURNMENT

There being no further items for the attention of the governing body, Mr. Bassani moved to adjourn the meeting. Mayor DeBoer seconded the motion. Upon Roll call,
Ayes: Bassani, DeBoer **Nays:** None **Absent:** Gaechter **Abstain:** None

Mayor DeBoer declared this meeting adjourned.

James R. Doherty, Administrator Clerk