

**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
AUGUST 21, 2014.**

Mayor DeBoer called the regular meeting to order, and requested the Clerk 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 Christine VonOesen, Assistant Municipal Clerk.

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 and certified by the Clerk."

FLAG SALUTE

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

CONSENT AGENDA

Mayor DeBoer requested that the governing body review the Consent Agenda.

Mr. Bassani moved to approve the following reports for filing:

- Construction Department Report for July 2014
- Board of Health Report for July 2014
- Registrar of Vital Statistics Report for July 2014
- Municipal Clerk Report for July 2014
- Tax Collector Report for July 2014
- Chief Finance Officer Corrective Action Plan for 2013 Report of Audit

Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to approve Raffle License RL 14-13, for American Legion Post 213 Charles Auberger, to conduct On Premise Merchandise Raffle at Woodbourne Park on October 5, 2014.

Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to approve Raffle License RL 14-14, for American Legion Post 213 Charles Auberger, to conduct On Premise 50/50 Raffle at Woodbourne Park on October 5, 2014.

Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to approve Membership Application in Wantage Township First Aid Squad for Patrick Hanson of Mudtown Road. Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to approve Payment of Bills for the Meeting of August 21, 2014, excluding Purchase Order 11696 for Bassani Power and Equipment in the amount of 99.38.

Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to approve the Approving a Resolution Endorsing A Plan Amendment To The Wantage Township Wastewater Management Plan And Sussex County Water Quality Management Plan For The Rachel Manor Commercial LLC Property Known As Block 11, Lots 6.02 And 7.

Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to approve the Authorizing the refund of
\$ 496.41 to David Lane, Block 138 Lot 4.01 for tax overpayment
\$12,235.70 to Sussex Bank, Block 11 Lot 5 for tax overpayment
\$ 108.02 to Judith Keyes, Block 1.02 Lot 14 for tax overpayment

Seconded by Mr. Gaechter. Upon Roll Call:

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

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Mr. Bassani moved to authorize reimbursement of funds for an outstanding bail check turned over to the Treasurer, \$250.00 to Anggeluz Amendolare for 2012 outstanding bail.

Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to authorize the cancellation of \$4,000 Interfund Due to the Payroll Fund for a 2013 Health Benefit Waiver, per recommendation of the Chief Finance Officer.

Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to authorize Disable Veteran Exemption on Block 120 Lot 7.03 as per recommendation of the Tax Collector. Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to accept with regrets the resignation of Patrick Stefanelli from Full time employment with Wantage Township, effective August 31, 2014. Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to accept with regrets the resignation of Rachael Nestel from employment in the Wantage Township Municipal Court, effective August 26, 2014.

Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to authorize contractual employee benefit allowance for Additional Sick leave, for John Wyckoff, totaling 24 hours of employment. Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to authorize Renewal of Liquor License 1924-33-004-004 for CT Productions, as per Special Ruling signed by the Director of the NJ Division of Alcoholic Beverage Control.

Seconded by Mr. Gaechter. Upon Roll Call:

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

BILL LIST

Mr. Gaechter moved to approve the Purchase Order 116696 for Bassani Power and Equipment in the amount of \$99.38. The motion was seconded by Mayor DeBoer. Mr. Bassani excused himself from participation in this matter, and cast no vote. Upon roll call,

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

ADMINISTRATOR'S REPORT

September Meeting Date – Ms. VonOesen advised that Mr. Bassani has a conflict with the scheduled meeting date of September 11 for the next meeting of the governing body. Mr. Gaechter is still finalizing his schedule and will contact Administrator in this regard.

Open Space – Ms. VonOesen asked the Committee to see request from Tom Davis that governing body authorize an appraisal be done on Berry Road property (opposite Woodbourne Park). Cost would be in range of \$2,500. Mr. Bassani gave a brief overview of how appraisal costs are normally split but asked that due to unique circumstances the Township bear the entire cost.

Mr. Gaechter moved to authorize the appraisal costs for Berry Road. Seconded by Mayor DeBoer. Upon roll call,

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

Multi Town Court – Ms. VonOesen asked the Committee to see attached file material on status of feasibility study into possible 7-town court system. Ms. VonOesen requested brief executive session under exclusion for Negotiations, to determine the desires of the governing body on this matter.

Issue Involving Encroachment on Township Property – Ms. VonOesen advised that the Reardon property's encroachment on corner of Butternut and Hickory requires a response. Mr. Doherty has suggested the Reardons agree to pay for costs of subdividing Lot 15, then Township sell them the half lot closest to them through a quit claim deed. Mrs. Reardon has given Mr. Doherty verbal agreement with this course of action if the governing body is inclined to go this way. Mr. Gaechter asked that this matter be tabled until the September meeting as a new letter was just received this evening.

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Construction Department – Ms. VonOesen asked the Committee to see attached file material and requested an executive session to review and then return to open session and take action.

Concern with a lack of Water on New York Avenue – Ms. VonOesen asked the governing body to see communication from Eric Thomas, and courtesy responses from County Health Department. A similar concern regarding lack of water being available for private wells happened in Wantage in early part of last decade. Drought conditions negatively impact a town that relies on private wells for its water source. Problem is worse in areas such a Lake Neepaulin where well depth and water availability are issues. Options suggested in this case were the same ones explored last decade, and involve the same response: the cost of providing water to a private home must be borne by the private home owner, regardless of the method used. And, unfortunately, every option available is cost-prohibitive for an average property owner. Rock and topography makes the possibility of running a water line from Sussex Borough system up to Lake Neepaulin unworkable – the cost would bankrupt the average homeowner. Reaching out to a Well Utility is meaningless since the Well Utility would run in to the same problems that private homeowners run into, attempting to find a viable water source for their water supply. Having the town provide Water Buffalos or Water Tankers at Township expense is not viable since the taxpayers of Wantage would not choose to pay for providing private residents with a source of drinking water. Mayor DeBoer and Mr. Gaechter confirmed that there is nothing the Township can do for a private residence.

Lake Windsor Snow Plowing – Mr. Doherty has a meeting scheduled next week to meet with the Lake Windsor Homeowners' Association to review Township concerns with condition of the roads and their concerns with public safety needs and hopes to have a recommended course of action for the September 25 meeting.

Request that Township Take Title To a Property Lot: Ms. VonOesen asked the Committee to see request from Trimont Real Estate Advisors, asking to relinquish ownership of Block 133 Lot 18 and deeding it to Wantage Township. Mr. Gaechter asked that this matter be tabled for the September meeting.

Sussex Technical School Tuition – Ms. VonOesen asked the Committee to see proposed resolution from Superintendent of Wallkill Valley Regional High School District, and concurring communication from President of the High Point Regional High School Board of Education, seeking end of Sussex Technical School Tuition Fees. Please review and if desired, adopt the proposed resolution. Mayor DeBoer is in favor of any action to keep tuition at a minimum. Mr. Gaechter asked that this meeting be tabled until the September meeting to give Vo-Tech a chance to respond as well.

ATTORNEY'S REPORT: None

TOWNSHIP COMMITTEE REPORTS:

Mr. Gaechter reported that one of the DPW vehicles is no longer useful and should be offered for sale, at Auction.

Mr. Gaechter moved to authorize the Administrator to offer for sale, at Auction, the 2001 International DPW Truck through US Gov Bids. Seconded by Mr. Bassani . Upon Roll Call:

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

Mayor DeBoer spoke to the fact that Wantage Township does not currently have a towing ordinance, and part of the ordinance can help regulate what towing companies can charge for their services. The Committee agreed by consensus to have Mr. Kienz look into preparing a towing ordinance for the Township.

OLD BUSINESS:

Resolution Clarifying Procedure For Submittal of Petitions

Mr. Gaechter moved to approve resolution Clarifying Procedure for Submittal of Petitions. Mr. Bassani seconded the motion. Upon Roll Call:

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

Volcanic Hill Road Improvements

Mr. Bassani moved to award Alternative Bid to Wantage Excavating in the amount of \$78,186.75 and to award paving Bid to Tilcon New York, through the Cooperative Purchasing Agreement in the amount of \$39,898.18 for a total of 118,084.93 for Improvements to Volcanic Hill Road.

Mr. Gaechter seconded the motion. Upon Roll Call:

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

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NEW BUSINESS:

Re-Adoption of Bond Ordinance 2014-07: Purchase of Fire Truck and Road Improvements

Mr. Gaechter moved to Re-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 \$1,209,600 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,149,120 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”.

Mr. Bassani seconded the motion.

Mayor DeBoer opened the meeting to the public for any questions or comments with respect to this proposed ordinance. As there was no one present who wished to comment. Mayor DeBoer closed the meeting to the public.

Upon Roll Call:

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

Final Adoption of Ordinance 2014-14: Improvement to Colesville FD Parking Lot

Mr. Bassani moved to adopt on final reading, Ordinance 2014-14, entitled “ORDINANCE APPROPRIATING THE SUM OF \$40,000 FOR THE IMPROVEMENT OF THE COLESVILLE FIRE DEPARTMENT PARKING LOT.” Mr. Gaechter seconded the motion.

Mayor DeBoer opened the meeting to the public for any questions or comments with respect to this proposed ordinance. As there was no one present who wished to comment. Mayor DeBoer closed the meeting to the public.

Upon Roll Call:

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

Mr. Bassani moved to award the following Contracts for the project Improvements to Colesville FD Parking Lot: Grading, Milling, Installing: Earth-Tech Associates, \$12,510; Paving: Tilcon New York, \$19,170.55; Line Striping: Denville Line Painting, \$1,044.00. Mr. Gaechter seconded the motion.

Upon Roll Call: Ayes: Bassani, Gaechter, DeBoer Nays: None Absent: None Abstain: None

Final Adoption of Ordinance 2014-15: Lake Neepaulin

Mr. Bassani moved to adopt on final reading Ordinance 2014-15, entitled “AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY KNOWN AND DESIGNATED AS TAX BLOCK 69.01, LOT 40 AND TAX BLOCK 69.02, LOT 55 ON THE TAX AND ASSESSMENT MAP OF THE TOWNSHIP OF WANTAGE AND KNOWN AS LAKE NEEPAULIN IN THE TOWNSHIP OF WANTAGE, COUNTY OF SUSSEX AND STATE OF NEW JERSEY.” Mr. Gaechter seconded the motion.

Mayor DeBoer opened the meeting to the public for any questions or comments with respect to this proposed ordinance.

William Gettler, Gemmer Road, gave his views opposing the proposed ordinance including his interpretation of the judgment, cost, validity of ordinances and the condition of the Lake.

Joe Retz, Libertyville Road, gave his views opposing the proposed ordinance and asked why he has to pay for something he will never use.

Karen Jehlen, Ryan Road, gave her views opposing the proposed ordinance.

Kathy Gorman, Fernwood Road, informed the Committee that she believes the ordinances regarding Lake Neepaulin were corrected.

Karen Merritt, Alpine Road, thanked the Committee for their action.

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Public Session For Proposed Ordinance 2014-15, Continued

Christine Keller, Dewitt Road, asked if the Township was taking any steps towards due diligence regarding any injuries that could result from homeowners allowing access to the Lake via their privately owned properties. Mayor DeBoer stated that the Township Attorney will be working on these issues.

William Duffy, Spring Hollow Road, asked what benefit is the Lake to those outside the Lake Neepaulin boundaries.

Marie Collinson, Mudtown Road, asked why the Township cannot just drain the Lake.

Mayor DeBoer stated the Township has been dealing with this issue for many years and it has not been easy; the NJ Department of Environmental Protection ordered the repair be done. Mayor DeBoer invited anyone interested to come hear John Richey, DEP, on record stating that fact. Mayor DeBoer stated if Lake Neepaulin were to be drained, property assessments would be lowered and that would impact all taxpayers.

Mr. Retz asked that his question to be answered. Mr. Bassani stated that the goal of this Committee is to serve the best interests of the overall community. Mr. Bassani gave an analogy: Just because all residents do not use Woodbourne Park or will be serviced by the purchase of a new fire truck for the Beemerville Fire Company does not mean that those items do not serve the best interest of the entire Township.

Mayor DeBoer closed the meeting to the public.

Upon Roll Call:

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

Mr. Gaechter moved to adopt the following resolution entitled AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE PURCHASE OF REAL PROPERTY KNOWN AND DESIGNATED AS TAX BLOCK 69.01, LOT 40 AND TAX BLOCK 69.02, LOT 55 ON THE TAX AND ASSESSMENT MAP OF THE TOWNSHIP OF WANTAGE AND KNOWN AND DESIGNATED AS LAKE NEEPAULIN IN THE TOWNSHIP OF WANTAGE, COUNTY OF SUSSEX AND STATE OF NEW JERSEY. Mr. Bassani seconded the motion. Upon Roll Call:

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

Mr. Bassani moved to authorize an Emergency Appropriation in the 2014 Municipal Budget for Payment of NJDEP Loan Interest Payments and Loan Principal Payments.

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 Regular Meeting and Executive Session of the Wantage Township governing body held on July 17, 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.

Marie Collinson, Mudtown Road, stated she didn't accept the validity of the fire truck analogy.

John Nuss, Beemer Road, asked how Lake Neepaulin benefits him and gave his views on the condition of the pool.

Mayor DeBoer stated that the Recreation Commission is reviewing rules and regulations for the Lake and asked that the Township be given some time to address these issues.

Jeanne McBride, Board of Health Secretary, Wantage Township, informed the Committee that Lake Neepaulin has not failed a water test for the past two years.

Bob Heiden, Old Clove Road, spoke in favor of the Committee's decision and addressed the fire safety benefit of the lake as well as the tax burden all would face if the Lake were drained. Mr. Heiden felt the Committee had no choice and applauded their decision.

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OPEN PUBLIC SESSION, Continued:

Bill Aukema, Rose Morrow Road, spoke of the good times that were had in Lake Neepaulin in the 1950's and stated that that can happen again and thinks the Lake will be a benefit to the community

Tom Jable, North Shore Drive, stated that Lake Neepaulin has not failed a water test in 15 years. A coliform level of 200 would shut a beach down and the Lake's level is under 10. Mr. Jable stated that the Lake is spring fed so people will not always see water running down the spillway, especially in dry weather such as has happened recently. Mr. Jable spoke of the need to educate the community and offered to help in this regard.

Mundell Fisher, South Shore Drive, stated that the lake was treated this summer and looks beautiful. Flowers have been planted along the public walkway along the dam and the lawns have been manicured, all provided by volunteers.

A member of the public said that the people who like the lake should pay for it themselves.

Joe Retz, Libertyville Road, asked if the Township is now going to pay for all other private citizens' problems. Mr. Bassani stated that this Committee will address any and all needs as they arise and act in the best interest of the entire Township.

William Gettler, Gemmer Road, gave his views on the inadequacy of the Lake's facilities and the value of the land and tiers of Lake Neepaulin

Mr. Gaechter stated that this issue has been dragging on for years. It is not as if the Committee suddenly said, "Let's buy Lake Neepaulin and use it as a park." Mr. Gaechter stated that he has looked at this issue from 2010 and before. This issue has been looked at in every conceivable way. This is essentially an unfunded mandate from the State of New Jersey and Mr. Gaechter encouraged residents to check the costs associated with the decommissioning of a dam. Those costs would be much higher than what we are presently responsible for. This Committee has had their back against the wall regarding this issue and Mr. Gaechter asked the residents to give some credit to the good this Committee has done. This Committee has gone to the Legislature to ask that the laws be changed so another municipality will not have to face this same issue. This Committee has had a flat tax rate for the past three years and has reduced overall spending each year.

Mayor DeBoer closed the meeting to the public.

CLOSED EXECUTIVE SESSION

Attorney Glenn Kienz read the reasons for the public to be excluded from the Executive Session: 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(s):

- 1) Negotiations of the terms of a potential Shared Service Agreement for court services with Hampton, Green, Andover Borough and Fredon.
- 2) Negotiation of the terms of a potential Shared Services Agreement for the Construction Department with Hardyston Township.

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. Bassani moved to go into executive session. Mr. Gaechter seconded the motion. Upon roll call,
Ayes: Gaechter, Bassani, DeBoer Nays: None Absent: None Abstain: None

After meeting in closed executive session, Mr. Bassani moved to return to open session. Mr. Gaechter seconded the motion. Upon roll call,
Ayes: Gaechter, DeBoer, Bassani Nays: None Absent: None Abstain: None

Mr. Bassani moved to authorize Mr. Doherty to proceed with the Interlocal Service Agreement for Construction with Hardyston Township. Mr. Gaechter seconded the motion. Upon roll call,
Ayes: Gaechter, DeBoer, Bassani Nays: None Absent: None Abstain: None

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The Committee also decided by consensus to authorize Mr. Doherty to continue negotiations with Hampton, Green, Andover Borough and Fredon.

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

Mayor DeBoer declared this meeting adjourned.

Respectfully Submitted,

Christine VonOesen, Deputy Municipal Clerk