

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF WANTAGE, HELD AT THE WANTAGE TOWNSHIP MUNICIPAL BUILDING, 888 STATE HIGHWAY 23, WANTAGE, N.J., ON JUNE 25, 2015.

Mayor Gaechter called the meeting to order, and requested the Clerk call the roll. Upon roll call, the following members of the governing body were present: Mayor William Gaechter, Committeeman Ronald Bassani, Committeeman Jon Morris. Absent: None.

Mayor Gaechter 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."

Mayor Gaechter invited all those present to join in the Salute to the Flag.

CONSENT AGENDA:

Mayor Gaechter requested that the governing body review and approve the Consent Agenda.

Mr. Bassani moved to authorize Payment of Bills for the meeting of June 25, 2015, excluding Purchase Order No. 12633 in the amount of \$261.74 to Bassani Power & Equipment for Repair of DPW Equipment. Mr. Morris seconded the motion. Upon roll call,
Ayes: Bassani, Morris, Gaechter Nays: None Absent: None Abstain: None

Mr. Bassani moved to extend authorization for Professional Services Contract with Ken Nelson for Redevelopment Study Area from pervious threshold of \$5,000 to new threshold of \$6,750; authorizing Chief Finance Officer to pay Ken Nelson Invoice #2 dated 6/17/15 in the total amount of \$3,287.50. Mr. Morris seconded the motion. Upon roll call,
Ayes: Bassani, Morris, Gaechter Nays: None Absent: None Abstain: None

Mr. Bassani moved to confirm Professional Services Resolution Award to Ken Nelson for planning services in connection with the Affordable Housing Compliance Plan of Wantage Township, in an amount not to exceed \$2,500. Mr. Morris seconded the motion. Upon roll call,
Ayes: Bassani, Morris, Gaechter Nays: None Absent: None Abstain: None

Mr. Bassani moved to authorize Refund of \$12,271.02 to US Bank as Custodian for Actlien Holding, for Tax Lien Redemption on Block 77 Lot 18, for Tax Certificate #13-30. Mr. Morris seconded the motion. Upon roll call,
Ayes: Bassani, Morris, Gaechter Nays: None Absent: None Abstain: None

Mr. Bassani moved to authorize Refund of Premium in the amount of \$8,200.00 to US Bank as Custodian for Actlien Holding, for Tax Lien Redemption on Block 77 Lot 18, for Tax Certificate #13-30. Mr. Morris seconded the motion. Upon roll call,
Ayes: Bassani, Morris, Gaechter Nays: None Absent: None Abstain: None

Mr. Bassani moved to authorize Refund for cancelled Housing Inspection Fee in the amount of \$80.00 to Whitney Kong, for Block 52 Lot 5.02. Mr. Morris seconded the motion. Upon roll call,
Ayes: Bassani, Morris, Gaechter Nays: None Absent: None Abstain: None

Mr. Bassani moved to authorize the refund of \$344.45 to Cory Coulson, 25 Cherry Tree Lane, for refund of purchase price for Block 59, Lot 16, subject to attorney confirmation. Mr. Morris seconded the motion. Upon roll call,
Ayes: Bassani, Morris, Gaechter Nays: None Absent: None Abstain: None

Mr. Bassani moved to authorize the refund of \$143.29 to Maria Palumbo, Block 111, Lot 62 for redemption of tax sale certificate 20-14. Mr. Morris seconded the motion. Upon roll call,
Ayes: Bassani, Morris, Gaechter Nays: None Absent: None Abstain: None

Payment of Bills

Mr. Morris moved to approve Purchase Order No. 12633 in the amount of \$261.74 to Bassani Power & Equipment, for repairs to DPW equipment. Mayor Gaechter seconded the motion. Mr. Bassani recused himself from discussion or action on this motion. Upon roll call,
Ayes: Morris, Gaechter Nays: None Absent: None Abstain: None

ADMINISTRATOR'S REPORT:

Administrator Recommendation to Fill Opening in DPW: Mr. Doherty requested an executive session to discuss this matter.

Drainage Problem at 102 South Shore Drive: The governing body discussed this matter with Township Engineer Harold Pellow. Mr. Doherty reported that Ms. Fiore will be present at the July meeting, at which time he will request the governing body make a decision regarding this issue.

Speed Humps on South Shore Drive: Mr. Doherty reported that if it is the desire of the governing body to accept Recreation's recommendation in regard to placement of 3 speed humps on South Shore Drive (both approaches to the Lake, and one in the middle), he would need authorization to spend \$10,500 for this purpose, as that amount is above his spending authority threshold.

Mr. Morris moved to authorize said expenditure. Mr. Bassani seconded the motion.

Upon roll call,

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

Construction of Docks on the Lake: Mr. Doherty pointed out that an item which has not specifically been addressed, now that the Township owns Lake Neepaulin, is whether or not it is allowable for property owners who have not yet constructed docks on the lake to be allowed to do so, subject to receiving zoning and construction permits applicable. The governing body agreed to investigate this issue so that an informed position could be taken in its regard.

Street Light at Lake Neepaulin Beach area: Mr. Doherty stated he is pursuing this action. The cost should be about \$9 a month.

Abandoned Property Maintenance:

Mr. Doherty stated that Zoning Officer Patrick Stefanelli reports that several residents have concerns with property maintenance at abandoned and foreclosed properties within the Township. Mr. Doherty presented several examples of ordinances which have been adopted around the State of New Jersey that would allow a municipality to mow lawns and conduct property maintenance tasks on such properties, and place a lien on the property as a means of recouping the costs. Mr. Doherty stated his belief that such ordinances are a convenience more than a necessity, as various state laws and regulations already exist that enable a municipality to take these actions. General discussion took place regarding this topic, after which the governing body agreed to continue monitoring this issue, but not take any action at this time.

OLD BUSINESS:

Sussex County Health Department Presentation

Emrick Seabold and Tracy Storms of the Sussex County Health Department offered a presentation of services and fees charged by their department. Discussion included also local fees charged by the municipality for health department services. The governing body agreed to consider whether the local fee schedule needs to be adjusted.

Mayor Gaechter recognized Mr. John Nuss from the public, who asked Mr. Seabold to remain at the meeting so he could ask a question during the open session. Mr. Seabold agreed to do so.

Mayor Gaechter recognized Mr. Joseph Retz from the public, who expressed the belief the governing body should take action this evening to address the local fee schedule. The members of the governing body, Mr. Kienz, and Mr. Doherty all explained to Mr. Retz that no action would be taken this evening in that regard.

ENGINEER'S REPORT

Township Engineer Harold Pellow addressed the governing body with an update report on the various capital projects and issues being undertaken within the Township this year, including Cove Lane drainage improvements, the Rolling Hills development completion, improvements to Pidgeon Hill Road, Improvements to Lake Neepaulin roads, Improvements to Lower Unionville Road, and the Digital Tax Map Project.

Mayor Gaechter asked Mr. Pellow to clarify requirements for septic designs. Mr. Pellow and Mr. Seabold addressed this question.

MAYOR'S REPORT

Mayor Gaechter reported conversations he has had with Nathaniel Sajdak, Director of the Wallkill River Watershed Management Group. Mayor Gaechter suggested it would be beneficial for Wantage Township to engage in discussions with Mr. Sajdak to explore funding programs which may benefit Lake Neepaulin, in terms of sediment control and other possible projects.

NEW BUSINESS:

Final Adoption: Ordinance 2015-06 (Lake Neepaulin)

Mr. Bassani moved to adopt on Final Reading, Ordinance 2015-06, entitled "ORDINANCE ADOPTING RULES AND REGULATIONS FOR THE LAKE NEEPAULIN PROPERTY KNOWN AND DESIGNATED AS TAX BLOCK 69.01, LOT 40 AND BLOCK 69.02 LOT 55, WITHIN THE TOWNSHIP OF WANTAGE, COUNTY OF SUSSEX, STATE OF NEW JERSEY." Mr. Morris seconded the motion.

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

Karen Merritt, Alpine Trail, thanked the governing body for the ordinance, which mirrors many of the recommendations made by the Recreation Commission on this topic.

Ann Smulewicz, Route 23, asked if County Health had any records of water testing done in prior years at Lake Neepaulin. Mr. Seabold stated he would carry the question back to his office for a response.

Greg Watry, NJ Herald Newspaper, asked when the Lake would be open to the public. Mr. Doherty responded that the effective date of the Ordinance would coincide with the publication of the final adoption notice in the newspaper, and July 1 was the target date. Mr. Watry asked if fees would be charged for use of the facility. The governing body responded no.

Tom Jable, North Shore Drive, inquired if the governing body received a letter from FOLN regarding the proposed Ordinance and if the Township had responses to the questions posed.

Mayor Gaechter asked Mr. Doherty to offer a response. Mr. Doherty responded as follows:

Q: In that enforcement of the rules will be difficult with limited township supervision, local residents and persons using the facilities will have to report violators (e.g., ice fishermen, gasoline boats). What will be the procedure for reporting violators? Should the ordinance contain a telephone number for the constable or state police?

A: The procedure for reporting violations at Lake Neepaulin is the same as it is anywhere else in the Township. During regular hours, call town hall. After hours, call state police. The ordinance does not need a telephone number but the signs will have the town hall number on it.

NEW BUSINESS, CONTINUED

Adoption of Ordinance 2015-06, Continued

Q: Signage was mentioned at the June 11th meeting. Specifically, what will be on the signs and where will they be located? We ask that you consider the following: no gas motors, no ice fishing, catch and release only, pick up after your pet. A sign at the dam should prohibit swimming and boat launching there.

A: Thank you for your input on the placement of signs, we will give it all due consideration. Details and placement of signs are not a part of the ordinance adoption process; they are matters of procedure after the ordinance is adopted.

Q: Parking should be prohibited in front of the stand pipe at the dam. Perhaps a yellow line on the roadway would help to insure access for fire trucks.

A: Again, thank you for your suggestion. We will review it and take action accordingly, but this does not need to be a part of the proposed Ordinance.

Q: Under Section I, 5A, there should be a statement requiring boaters to inspect their craft for invasive weeds prior to launching in Lake Neepaulin. Water chestnuts, zebra mussels, and other invasive weeds are often transported into lakes via boats. This may need to be posted on a sign as well.

A: We have this covered by a proposed sign to be posted. Making it part of the Ordinance is not necessary - ultimately, there is no way for the Township to monitor or test whether any one is complying with this, so making the request on the sign is the best course of action available.

Q: Initially, there was some discussion about issuing decals for boats on the lake at a modest cost to the boat owners. Has this idea been abandoned?

A: Decals for boats are not necessary. Possible decals for boat storage may be pursued; Administrator and Recreation will follow up on that.

Mr. Jable and Mr. Bassani discussed the need for public education as it relates to fishing and boating.

Kathy Gorman, Fernwood Road, thanked the governing body for the ordinance; stated that she, also has spoken with Nathaniel Sajdak and encouraged that on-going communication, and stated she looked forward to moving forward.

William Gettler, Gemmer Road, addressed the governing body regarding flow data, water quality, and swimming at Lake Neepaulin, expressing the position that swimming should not be allowed.

There being no one else present wishing to address the governing body, Mayor Gaechter closed the meeting to the public and requested a roll call vote.

Upon roll call,

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

Introduction: Ordinance 2015-07 (Salaries)

Mr. Bassani moved to Introduce on First Reading, Ordinance 2015-07, entitled "ORDINANCE FIXING THE SALARIES OF OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF WANTAGE, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, FOR THE YEAR 2015", with a proposed final hearing date scheduled for July 9, 2015. Mr. Morris seconded the motion. Upon roll call,

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

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NEW BUSINESS, CONTINUED

Introduction: Ordinance 2015-08 (Capital Improvement - Drainage)

Mr. Bassani moved to Introduce on First Reading, Ordinance 2015-08, entitled "ORDINANCE APPROPRIATING THE SUM OF \$32,000 FOR THE IMPROVEMENTS TO DRAINAGE", with a proposed final hearing date scheduled for July 9, 2015.

Mr. Morris seconded the motion. Upon roll call,

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

Approval of Minutes

Mr. Bassani moved to approve the minutes of the Regular Meeting and Executive Session of the Wantage Township governing body held on May 14, May 28, and June 11, 2015. Mr. Morris seconded the motion. Upon roll call,

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

Mr. Doherty reported that the DPW Supervisor requests additional time to review the applications received for the job opening in the department, so there will be no need for an executive session this evening.

OPEN PUBLIC SESSION:

Mayor Gaechter opened the meeting to the public for any questions or comments at this time.

John Nuss, Beemer Road, expressed concern regarding odors he believes are emanating from the RER Recycling facility off Route 23 in the area of Quick Chek.

Mr. Seabold stated he would follow up on this concern when he returned to his office.

Mayor Gaechter stated that several individuals have reported regarding this concern in the past.

Karen Merritt, Alpine Road, reported that there is a bill pending in the state legislature which deals with the concern about property maintenance on abandoned properties.

William Gettler, Gemmer Road, stated that the Township would be inconsistent with previous positions taken if it allowed docks to be constructed on Township property; stated his belief that the issue of property maintenance on abandoned property is already covered by the Township's Property Maintenance Code; and spoke regarding an article he read in the Advertiser News Newspaper which prompted an OPRA request regarding the Lake Neepaulin cost issue.

Kathy Gorman, Fernwood Road, offered observations regarding her research into the Safe Dam Act and based on her conversations with numerous attorneys, pointing out the Act provides that properties may be assessed using the words "in the manner of" as a guide.

Ann Smulewicz, Route 23, agreed with the observation by Mr. Nuss regarding odors emanating from RER Recycling.

Mrs. Smulewicz also reported concerns regarding a neighbor who began their business operations at 3:00 a.m. recently. Mayor Gaechter requested Mr. Doherty to offer a response. Mr. Doherty stated he had reached out to representatives of the Bicsak Soil Operation, who take the position that they have not started operations before 6:00 a.m.; that they have hardly operated the stone crushing equipment at all in the past three weeks; that they have weight ticket receipts showing dates and times that their trucks were operating; and that security footage from onsite cameras, as well as the camera of the business across Route 23, can confirm their position. Mr. Doherty concluded that the representatives of the Bicsak site were sorry Mrs. Smulewicz was disturbed by noise at 3:00 a.m., but that they were not the cause or responsible party. Mr. Morris suggested the cause of the noise might very well be a different business operating in the area that has permission to operate 24/7.

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OPEN SESSION, Continued

Mrs. Smulewicz commented on the difference in service costs between Sussex Rural Electric Cooperative and JCP&L, and asked if there were any means by which SREC could be utilized as the power company for the Township.

Mayor Gaechter and Mr. Bassani responded that the Township had looked into that question extensively, and were informed by the NJ Board of Public Utilities that due to franchise territories and existing regulations, JCP&L would need to agree to give up a portion of their service territory, and JCP&L has informed they are not willing to do so.

Karen Merritt, Alpine Road, offered follow up observations regarding the rate disparity between SREC and JCP&L, explaining that the fact that SREC was a Cooperative led to differing programs and rate structures compared to JCP&L.

There being no further proposed action before the governing body for consideration, Mayor Gaechter requested a Motion to adjourn the meeting.

Motion by Mr. Bassani, Second by Mr. Morris, to adjourn. Upon roll call,
Ayes: Bassani, Morris, Gaechter Nays: None Absent: None Abstain: None

Mayor Gaechter declared the meeting to be adjourned.

Respectfully Submitted,

James R. Doherty, Administrator Clerk