

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 OCTOBER 8, 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, and 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 Approval For the Filing the Following Reports:

- Tax Collector Report for September 2015
- Municipal Clerk Report for September 2015
- Board of Health Report for September 2015
- Registrar Report for September 2015
- Zoning/Code Enforcement Report for September 2015

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:

\$29,538.94 to US Bank for Block 33 Lot 7.04 for tax sale certificate 08-14

\$25,700.00 to US Bank for Block 33 Lot 7.04 for tax sale premium certificate 08-14

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 \$1,025.41 for Sussex Borough Water Charges for Sussex Block 20 Lot 3 for a water lien check mistakenly made payable to Wantage Township for the Sussex Borough for Tax Sale. 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 \$1,711.26 to Sprint SBA Network Service Block 151 Lot 7.01 for E-13-04 for a completed escrow application.

Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to authorize Confirming Order placed to Atlantic Communications under the Morris County Cooperative Pricing Council contract award for contract #41 in the amount of \$6,615.76 for materials and appurtenances to upgrade the Wantage Fire Department Radio Communications Upgrade. Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to authorize Confirming Lease Agreement with Pitney Bowes for 51 month lease of Postage Machine for use in the Wantage Township Municipal Building, at \$160 per month. Mr. Morris seconded the motion. Upon roll call,

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

Mr. Bassani moved to authorize Amending the Municipal Shared Services Defense Agreement retaining a common expert in the Declaratory Judgment action ("Litigation") that was filed in the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1(2015), acknowledging the withdrawal of Dr. Robert Burchell as an expert consultant due to health concerns, and authorizing in his place the use of Econsult Solutions, Inc. to perform the services of an expert consultant in regard to this matter, as follows:

PAGE TWO OF THE MINUTES OF OCTOBER 8, 2015

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT FOR AFFORDABLE HOUSING CONSTITUTIONAL COMPLIANCE

WHEREAS, the Mayor and Council of the Township of Wantage entered into the Municipal Shared Services Defense Agreement ("MSSDA") for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action ("Litigation") that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1(2015) ("Decision"); and WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDAL, and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA ("Amendment") has been prepared to effectuate the modification; and

WHEREAS, the Mayor and Council of the Township of Wantage recognize that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Mayor and Council of the Township of Wantage have determined that it is in the best interests of the citizens of the Township of Wantage to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Wantage, as follows:

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Township Clerk or Deputy Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The Mayor and Council of the Township of Wantage hereby authorize Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Township of Wantage with Econsult Solutions, Inc. The Mayor and Council of the Township of Wantage hereby authorize Jeffrey R. Surenian, Esq., to execute on behalf of the Township of Wantage with the approval of the Township of Wantage's designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.
4. The Mayor and Council of the Township of Wantage further authorize its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA. In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, the Township of Wantage shall only be responsible for such funding if it authorizes same.
5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Township of Wantage.
6. This Resolution shall take effect immediately.

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the official Township Newspaper.

Mr. Morris seconded the motion. Upon roll call,

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

Mayor's Appointment:

Mayor Gaechter named Alternate Members of the Board of Recreation Commissioners to fill vacant seats as follows:

Cara Mia Konzel for an unexpired term running through 12/31/2015

James Konzel for an unexpired term running through 12/31/2016

ADMINISTRATOR'S REPORT:

Mr. Doherty thanked the Wantage community for assisting him in ensuring that the information provided to the public is current and accurate, offering specific examples of citizens who have helped in this regard, including Ann Smulewicz, Kathy Gorman, and Bill Gettler.

Mr. Doherty followed up on a conversation the governing body has been having with a resident regarding that resident's desire to have the Turnover Agreement for ownership of Lake Neepaulin re-posted on the Township website as a means by which to alert Realtors in the area that Lake Neepaulin was not a private lake association. Mr. Doherty suggested that this course of action had no guarantee of accomplishing its stated goal, and suggested instead that his office could make a direction communication with the realtors in the Sussex County area, and provide the desired information. By consensus, the members of the governing body agreed with this proposed course of action.

PAGE THREE OF THE MINUTES OF OCTOBER 8, 2015

ADMINISTRATOR'S REPORT, Continued

Mr. Doherty initiated a discussion regarding establishing a policy for the construction of docks along lakefront property within Wantage Township. After due review and deliberation, the governing body took no action and agreed to study this issue further.

At the recommendation of Mr. Doherty, Mr. Morris moved to authorize the Mayor to sign a Shared Services Contract for Wantage to provide Finance Department services to Andover Township. Mr. Bassani seconded the motion. Upon roll call,

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

Mr. Doherty requested an executive session to discuss negotiations with Sussex Borough regarding Payment in Lieu of Taxation payments to be paid under a proposed Redevelopment Plan.

Purchase of Two Command Vehicles

Mr. Doherty explained that the Township previously awarded contracts for the purchase of two command vehicles - one for Fire, one for First Aid, - at a total cost of \$64,390. However, the Co-Op bid contract year was expiring at the very point the Township placed its order, and the Township wound up "frozen out" of being able to complete the transaction. The Township now needs to award contracts under a 2016 fiscal year contract award.

At the recommendation of Mr. Doherty, Mr. Bassani moved to authorize the purchase of two vehicles identified under N.J. Contract #A88728, being 2016 Ford Expeditions, from Winner Ford of Cherry Hill, NJ in the amount of \$65,054. Mr. Morris seconded the motion. Upon roll call,

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

ATTORNEY REPORT: none

COMMITTEE REPORTS:

Mr. Morris offered an update on the efforts of the Fire Department Truck Committee to finalize bid specification for the purchase of a new fire vehicle.

In follow up to a conversation at the previous meeting, involving what resources are available in the event of an emergency involving a power outage, Mr. Morris reported that Beemerville FD has an emergency generator, and Colesville FD is in the process of obtaining one through a grant. Also, both Quick Chek and Lukoil have emergency generators present.

Mayor Gaechter noted that the Annual Car show sponsored by Wantage Recreation has been rescheduled to be held on October 11, 2015.

Mayor Gaechter also reported that he and Mr. Doherty met with representatives of Sussex Borough last week to discuss the proposed Redevelopment project and details of a PILOT program, the details of which will be the topic of conversation when the governing body goes into executive session this evening.

Mayor Gaechter stated that Bill DeBoer has requested an opportunity to demonstrate a new CPR machine that the Wantage First Aid Squad has obtained, and that this demonstration will take place at a meeting in the near future.

OLD BUSINESS: none

PAGE FOUR OF THE MINUTES OF OCTOBER 8, 2015

NEW BUSINESS:

Final Adoption: Ordinance 2015-10 (Redevelopment Plan)

Mr. Bassani moved to adopt on Final Reading, Ordinance 2015-10, entitled "AN ORDINANCE OF THE TOWNSHIP OF WANTAGE ADOPTING A REDEVELOPMENT PLAN FOR PHASE 1 OF THE ROUTE 23 REDEVELOPMENT AREA."

Mr. Morris seconded the motion.

Prior to final roll call, Mayor Gaechter opened the meeting to the public for any questions or comments regarding said Ordinance.

William Gettler, Gemmer Road, spoke in opposition to the proposed ordinance, citing concerns involving pollution, flooding, and wetlands. No one else wished to speak at this time.

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 of Ordinance 2015-11 (Salaries)

Mr. Bassani moved to o introduce on First Reading, Ordinance 2015-11, 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 set for October 29, 2015.

Mr. Morris seconded the motion. Upon roll call,

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

Approval of Minutes

Mr. Morris moved to approve the minutes of the Regular Meeting and Executive Session of the Wantage Township governing body held on September 10, 2015.

Mr. Bassani seconded the motion. Upon roll call,

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

Mr. Morris moved to approve the minutes of the Regular Meeting and Executive Session of the Wantage Township governing body held on September 24, 2015.

Mr. Bassani seconded the motion. Upon roll call,

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

OPEN PUBLIC SESSION:

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

William Gettler, Gemmer Road, stated that Mr. Max Smulewicz currently in the hospital. Mr. Gettler followed up on Mr. Doherty's acknowledgement regarding the accuracy of a wetlands map, and suggested it would be appropriate for Wantage to contact all parties who have purchased that map. Mr. Doherty explained that the map had a disclaimer printed directly on it that the wetlands shown were approximate, and that his office informed all parties who contact the Township that the only entity with the legal ability to delineate wetlands is the New Jersey Department of Environmental Protection.

Mr. Gettler spoke regarding the proposed Dock policy being deliberated by the governing body, suggesting that allowing docks on Township property was inconsistent with the Township's previously stated position that there shall be no development on Township property. Mr. Doherty offered an observation that the Township's position is that no development or construction would take place on Township property without permission.

Mr. Gettler stated a concern with the future status of St. Clare' Hospital in Sussex, and suggested the Township may wish to contact the new owners for the purpose of explaining the need for this facility. General discussion took place regarding this suggestion. Mr. Bassani stated his belief that this was a sound suggestion.

OPEN PUBLIC SESSION Continued

Mike Clark, Route 284, inquired regarding details of the proposed communication system upgrade for the Wantage Fire Department. Mr. Morris offered response to this inquiry.

Kathy Gorman, Fernwood Road, inquired if Mayor Gaechter had received any contact from the Office of Legal Services in Senator Oroho's office regarding the issue of a "Swim At Own Risk" policy for Lake Neepaulin. Mayor Gaechter stated that he had not.

Mayor Gaechter indicated that, with respect to Mrs. Gorman's concern with "Welcome To Lake Neepaulin" signs, he has asked attorney Glenn Kienz to follow up with Mrs. Gorman.

General discussion took place regarding the issue of swimming at Lake Neepaulin.

Bob Maikis, 35 South Shore Drive, complimented the Fire Department on their due diligence investigating sites for their new cell tower, and choosing the Sussex Wantage Board of Education Tower site, which will achieve cost savings for the taxpayers compared to other options that were available. The members of the governing body offered congratulations to Mr. Maikis for assuming the seat of President on the Sussex Wantage Board of Education.

There being no further proposed action before the governing body for consideration, Mayor Gaechter closed the meeting to the public and the governing body continued with the regular order of business.

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;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Wantage, that the public shall be excluded from discussion of matters involving negotiations with Sussex Borough regarding a potential Payment In Lieu Of Taxation program under the Redevelopment Plan statutory provisions.

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. Morris seconded the motion. Upon roll call,

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

The governing body entered into closed session at this time. After meeting in closed session, the members of the governing body returned to open session and continued with the regular order of business.

Mr. Kienz stated that discussions took place as explained in the executive session resolution, and no action was being taken at this time in respect to those discussions.

There being no further items for consideration, Mayor Gaechter requested a motion to adjourn.

Mr. Bassani moved to adjourn the meeting. Mr. Morris seconded the motion. 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