

**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 JULY 26, 2012**

Mayor Gaechter called the meeting to order, and requested the Clerk to call the roll. Upon roll call, the following members of the governing body were present: Mayor Gaechter, Committeeman DeBoer, and Committeeman Bassani. The following members were absent: None. Also Present: Township Attorney Michael Garofalo

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 to the public, and certified by the Clerk."

Mayor Gaechter led the assembly in the salute to the American Flag.

CONSENT AGENDA

Mayor Gaechter requested that the members of the Committee review the Consent Agenda.

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

Construction Department Report for June 2012

Tax Collector Report for June 2012

Municipal Clerk Report for June 2012

Board of Health Report for June 2012

Registrar's Report for June 2012

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Bassani moved to approve Raffle License RL12-18, for Beemerville Fire Dept., Inc., to hold an Off Premise 50/50 Raffle Drawing on November 13, 2012 at Beemerville Firehouse.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Bassani moved to approve Payment of Bills for the meeting of July 26, 2012, not including Purchase Order 9531 in the amount of \$53.98. Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Bassani moved to approve acknowledging Receipt of the Report of Audit for Calendar Year 2011, as per the following Resolution:

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: General Comments; Recommendations; and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: General Comments; Recommendations; as evidenced by the group affidavit form of the governing body, and

WHEREAS, Such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, All members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52, "A local officer or member of a local governing body who, after a date fixed for compliance fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office".

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Wantage, hereby states that it has complied with the promulgation of Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Mr. DeBoer seconded the motion. Upon roll call,

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

CONSENT AGENDA, Continued

Mr. Bassani moved to approve the By Laws of the Wantage Township Municipal Alliance Against Drug and Alcohol Abuse, and authorize a grant application for consideration to the State of New Jersey Governor's Council on Alcoholism and Drug Abuse, as per the following Resolution:

WHEREAS, the Township Committee of the Township of Wantage, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the Township Committee further recognized that is it incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex;

NOW, THERFORE, BE IT RESOLVED, by the governing body of the Township of Wantage, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of an application for the Sussex County Municipal Alliance grant for calendar year 2013 in the amount of \$12,716 and will provide a municipal cash match in the amount of \$3,179.00.
2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
3. The Township Committee hereby accepts the By-Laws of the "Sussex/Wantage" Municipal Alliance Coalition on Alcoholism and Drug Abuse (MACADA)

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Bassani moved to offer Final Approval and endorsement for submission of Farmland Preservation Applications for property owned by David Lane at Block 138, Lot 4.01 and Judith Keyes at Block 1.02, Lot 14, to the Sussex County Agriculture Development Board.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Bassani moved to approve the refund of:

\$6,996.66 to Royal Tax Lien Service, LLC, for tax certificate 11-39, Block 140 Lot 1.02

\$ 200.00 to Royal Tax Lien Service, LLC, for tax sale premium, Block 140 Lot 1.02

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Bassani moved to approve the refund of:

\$1,771.25 to Christe Development, LLC, Block 10 Lot 2.01 for farmland assessment

\$1,814.17 to Christe Development, LLC, Block 10 Lot 2.03 for farmland assessment

\$1,843.16 to Christe Development, LLC, Block 10 Lot 2.04 for farmland assessment

\$211.75 to Eli Lutz, Block 14 Lot 9, for reduction in assessment

\$142.25 to Francis & Ann Jacobsen, Block 64 Lot 52, for reduction in assessment

\$409.31 to Srinivas Koleti, Block 107 Lot 26, for reduction in assessment

\$147.20 to Theresa McGoldrick, Block 111 Lot 35, for reduction in assessment

\$437.60 to Ronald & Janet Jehlen, Block 41 Lot 5.13, for appeal

\$558.66 to Warren & Linda MacLean, Block 155 Lot 3.08, for appeal

\$234.30 to Tomasz & Ewa Frye, Block 139 Lot 4, for tax overpayment

\$95.12 to James Wynn, Block 149 Lot 54 QFARM, for tax overpayment

Mr. DeBoer seconded the motion. Upon roll call,

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

Approval of Bill: PO 9531

Mr. Bassani moved to approve the payment of the Bill for Purchase Order 9531 to Bassani Power & Equipment LLC in the amount of \$53.98 for purchase of Weed Whacker supplies. Mr. DeBoer seconded the motion. Upon roll call,

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

ADMINISTRATOR REPORT

Mr. Doherty reported that Mr. Bassani has requested an executive session to discuss the "Gorman vs. Wantage Township" litigation, referencing communication from attorney Michael Garofalo dated July 2, 2012. During Executive Session, the governing body also will review proposed amendments to the draft of the Executive Session minutes of July 19, 2012.

Administrator's Report, Continued

FOLN Request Regarding Signs: Mr. Doherty directed the attention of the governing body to a letter from Thomas Jable dated June 28, 2012, requesting municipal endorsement for the re-placement of Lake Neepaulin signs along County Highways. Mr. Doherty requested direction on how to respond. Mayor Gaechter pointed out that the County did not consider it necessary to contact the municipality for input prior to removing the said signs, and since their placement is requested along County Highways, he does not deem this to be a matter requiring municipal input. Mayor Gaechter suggested Mr. Jable be directed to contact the Freeholders if he desired further conversation on this topic. The rest of the governing body expressed consensus for this position.

Purchase of Snow Plows: Mr. Doherty reported that Mechanic John Card conducted a competitive quotation process for snow plows needed. In compliance with state law, John has located two competitive quotes for the plows. The low quote comes in at \$8,071.00, by Tony Sanchez Ltd. The availability of funds has been certified, coming from this year's bond ordinance and the fully funded capital ordinance also adopted this year, for this purpose.

Mr. DeBoer moved to purchase two snow plows from Tony Sanchez, Ltd., each plow at a cost of \$8,071.00. Mr. Bassani seconded the motion. Upon roll call,

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

Roof Repair: Mr. Doherty suggested the governing body authorize action to repair the condition of the roof for the municipal building. Upon review and consideration, the governing body took no action at this time, to see if recent initiatives being taken by the Governor's office might lead to expedited action on the Shared Service project for Solar Panels with the Sussex Wantage Schools, as said project would accomplish the re-shingling of the municipal building roof without outlay of capital funds by Wantage Township. Mayor Gaechter stated he would reach out to the School representatives and monitor developments in this regard.

Assistant Violations Clerk: Mr. Doherty reported on the outcome of interviews with the four applicants for the position of Assistant Violations Clerk.

Upon the recommendation of Court Administrator Tania Ell and Mr. Doherty, Mr. Bassani moved to hire Shirley Rumore, 8 Glory Lane, Wantage, NJ to the position of Assistant Violations Clerk for 5 hours per week at a rate of \$10 per hour.

Mr. DeBoer seconded the motion. Upon roll call,

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

Multi-Function Part Time Employee: Mr. Doherty reviewed a proposed course of action for offering a notice of position available for a part time employee that would assist in the handling of duties in various municipal departments, including zoning enforcement, property maintenance, illegal dumping complaints, litter complaints, unregistered vehicles, animal control and recycling enforcement. The members of the governing body expressed consensus for Mr. Doherty to proceed with this course of action.

Administrator's Introductory Comments for Assessor Presentation

Mr. Doherty offered introductory comments for a presentation to be offered by the Tax Assessor, offering clarification regarding the use of terminology for "Hybrid" Reassessment as opposed to a "Modified" Reassessment, and clarifying that all properties would be included in any application for a Reassessment program, although the State may or may not give consideration to the possibility that some properties which have recently been inspected already may not need to be inspected once again as a part of the program, if it is approved.

ATTORNEY REPORT: Mr. Garofalo conducted a brief discussion regarding COAH fees, stating he was satisfied based on discussions and representations from Mr. Doherty, Ms. La Starza and recent court rulings, that the Township of Wantage currently has no uncommitted Developer Fee funds.

COMMITTEE REPORTS: None

ASSESSOR'S REPORT

Tax Assessor Kristy Lockburner offered a presentation regarding her intention to file an Application for a Township-wide Reassessment Program. Responding to various questions posed by the members of the governing body, Ms. Lockburner clarified that the correct term for the application she will pursue is a "Hybrid" Reassessment; that such a term is listed directly on the application form for a Reassessment program; that the "hybrid" function involves the workload being handled partially in-house with existing employees, and partially by hiring an outside consultant firm for assistance; that there is no deadline date for an application but that Ms. Lockburner hoped to have the application filed by August 1; that the success of such an application in traditional circumstances would be remote given the Township's current Ratio of True-to-Assessed Values and other indicators used for deciding such applications; but that given the extreme nature and unique circumstances created by current economic conditions, an application such as this may be given greater consideration by the State than in the past; that the State should provide a response to the application within 30 days of it's being filed; that all properties would be included as part of the Reassessment program, but that some properties may not need to have a full inside-and-outside inspection done if such inspection was recently conducted because of a tax appeal, added assessment, or other circumstance; that it will be up to the State to decide if some properties do not need another inspection or if all properties will be inspected as a part of the program, but that all properties will be reassessed as part of the program; that it was impossible to speculate at this time regarding the anticipated cost of such a program since so many variables were in play regarding what the State will and will not require for such a program; that, by comparison, a full scale Revaluation Program would cost in the vicinity of a half million dollars; that a Hybrid Reassessment program would be expected to be significantly less expensive than that; that the number of tax appeals this year was 193 and last year was 141.

Discussion took place among the Attorney Mr. Garofalo, the governing body, and Ms. Lockburner regarding implications for this course of action as it relates to the possibility that the State may order a full scale Revaluation, with a general feeling being that such a development, while possible, is remote; and the potential for an increased impact on tax burden, given current conditions, to the extent that a number of taxpayers may actually find themselves with a tax bill increase even if their assessments are lowered. The general consensus of the governing body was to embrace the concept of equity in assessed valuations town-wide, and that the outcome of tax burden redistribution must stand on its own merits and follow required state statutes, in order to accomplish this goal.

OLD BUSINESS: None

NEW BUSINESS

Final Adoption of Ordinance 2012-04: Fire Prevention Bureau Amendment

Mr. Bassani moved to adopt on final hearing, Ordinance 2012-04, entitled "AN ORDINANCE REVISING CHAPTER IX OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WANTAGED ENTITLED "FIRE PREVENTION" TO RECOGNIZE THE VERNON TOWNSHIP FIRE PREVENTION BUREAU AS THE LOCAL ENFORCEMENT AGENT WITHIN WANTAGE TOWNSHIP". Mr. DeBoer 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. There being no one present wishing to address the governing body, Mayor Gaechter closed the meeting to the public and requested a roll call vote on the motion. Upon roll call,

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

NEW BUSINESS, Continued

Introduction of Ordinance 2012-05: Salary Ordinance

Mr. Bassani moved to introduce on first reading, Ordinance 2012-05, 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 2012, AND AMENDING IN PART ORDINANCE 2011-05”, with a final hearing date set for August 16, 2012. Mr. DeBoer seconded the motion. Upon roll call, Ayes: Bassani, DeBoer, Gaechter Nays: None Absent: None Abstain: None

Approval of Minutes

Mr. DeBoer moved to approve the Regular and Executive Session minutes of June 14, 2012; the Regular Session minutes of June 28, 2012; and the Special Meeting Regular Session minutes of July 19, 2012. Mr. Bassani seconded the motion. Upon roll call, Ayes: Bassani, DeBoer, Gaechter Nays: None Absent: None Abstain: None

OPEN PUBLIC SESSION

Mayor Gaechter opened the meeting to the public at this time, for any questions or comments involving the good and welfare of the community.

William Gettler, Gemmer Road, offered comments regarding the Lake Neepaulin Dam issue.

Mr. Gettler and Mr. DeBoer engaged in a discussion regarding the cost of litigation incurred for different cases, and the interest of Mr. DeBoer regarding those costs. Mr. Gettler and Mr. DeBoer expressed differences of opinion on this topic, and on their memory of actions and statements from several years ago.

Mr. Gettler expressed a desire to have a full Reassessment program undertaken.

Mr. Gettler expressed his beliefs and opinions regarding the Compliance Plan and the actions taken by municipal employees in regard to that plan, and began to offer a detailed historical account of the issue from his perspective.

Mayor Gaechter invited Mr. Gettler to offer comments on any new matters of interest or concern, but stated that Mr. Gettler’s presentation of material on the topic of the compliance plan has already been heard and received on numerous occasions, and nothing which furthers the public good was being accomplished by Mr. Gettler’s repetition of accusations, opinions and information at each public meeting of the governing body.

Mr. Bassani agreed with the Mayor’s comments, stating that the governing body will be pleased to hear the outcome of the State of New Jersey’s investigation into Mr. Gettler’s comments and allegations when such report is offered, but that there is no need to repeat information which has already been presented on numerous occasions. Mr. Bassani invited Mr. Gettler to offer any comments he might have on any new topic of interest or concern.

Mr. Gettler, Mayor Gaechter and Mr. Bassani engaged in a discussion regarding this matter, with differences of opinion being offered by the parties in rebuttal to the comments offered by each other. No common ground was achieved between Mr. Gettler’s desire to offer his presentation of views on the issue, and the position of the elected officials that these views have already been adequately presented on numerous occasions.

Mayor Gaechter inquired whether Mr. Gettler had taken his concerns that laws had been violated to the County Prosecutor for handling. Mr. Gettler responded with expressions of displeasure and disappointment with the County Prosecutor.

Mr. DeBoer took exception to a comment made by Mr. Gettler, in which Mr. Gettler expressed a belief that the County Prosecutor down would take no action if he saw a person shot down in the street. Mr. DeBoer stated that Mr. Gettler ought to not express such sentiments regarding another person.

OPEN PUBLIC SESSION, Continued

Mayor Gaechter inquired if there were any other members of the public who wished to address the governing body for the good and welfare of the community.

Mr. Chris Vander Groef, Holland Road, offered concerns and questions regarding the handling of an application by the Vernon Township Fire Prevention Bureau, who is now handling this function through a shared service venture. Mr. Doherty agreed to look into the concerns

Ms. Karen Merritt, Alpine Road, complimented the Swim club on their handling of parking and traffic in the first weekend of their operation.

Ms. Merritt asked for a clarification regarding differences between a Reassessment and a Revaluation. The members of the governing body offered a response to this inquiry.

Ms. Ann Smulewicz, Route 23, offered support for Mr. Gettler; expressed opinions of reservation regarding various public officials of Wantage; and suggested that Wantage Taxpayers should call the office of the State Division of Taxation and express their feelings. Mr. Smulewicz also offered comments regarding the slow workload of the Land Use Board.

Mr. Steve Tribuzio, Beemer Road, asked questions regarding his tax bill; and expressed support for a town-wide reassessment. Mr. Tribuzio inquired regarding the compliance plan; Mayor Gaechter, Mr. Bassani and Mr. DeBoer offered detailed comments to explain the intent and goals of the Tax Assessor's Compliance Plan, and where the plan fell short on being equitable to all, in the eyes of the governing body. Mr. Tribuzio also offered comments regarding the Fire Prevention Officer.

Ms. Karen Merritt offered comments regarding the topic of signs.

Mr. John Nuss, Beemer Road, expressed his displeasure with the Compliance Plan, and asked if it was possible to rescind or remove the plan. Mayor Gaechter stated that all efforts had already been exhausted in that regard, including appeals to the State Attorney General.

Mr. Nuss engaged in a general discussion with the members of the governing body regarding the time frame for undertaking a new revaluation or reassessment after a previous town-wide revaluation has taken place. Mayor Gaechter indicated the answer to this question depends on a number of factors including the assessment ratios, but that as indicated earlier in the meeting, traditional yardsticks for these time frames are not as applicable right now because of the unique impact the Recession has had on property values in such a short period of time.

Dale Meyer, Janice Drive, offered his views and opinions on the Assessment Plan and tax burden, stating that as long as everyone was being treated equitably, that is all he ever wanted or expected, but he did not want to pay for other people's tax burdens.

At the invitation of Mayor Gaechter, Mr. Gettler offered additional comments regarding his views on the tax picture and tax burden distribution. General discussion took place between Mayor Gaechter and Mr. Gettler regarding the tax burden at the local, county and school district levels of government.

Mr. Bassani thanked the members of the public for their attendance and participation in the government process this evening, and invited the public to become more involved, as well, including the possibility of running for elected office for local government or the school board.

There being no one else present wishing to address the governing body at this time, Mayor Gaechter closed the meeting to the public and the governing body returned to the regular order of business.

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Executive Session

Mr. DeBoer 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 the following matters:

Litigation involving Gorman v. Wantage Township; and to review the wording of executive session minutes for the meeting of July 19, 2012.

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 seconded the motion. Upon roll call,

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

After meeting in closed Executive Session, Mr. DeBoer moved to return to open session and continue with the regular order of business. Mr. Bassani seconded the motion. Upon roll call,

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

Executive Session Minutes of July 19

Mr. Bassani moved to adopt the Executive Session minutes of the Special Meeting held on July 19, 2012, as amended. Mr. DeBoer seconded the motion. Upon roll call,

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

ADJOURNMENT

There being no further items for the attention of the governing body, Mr. Bassani moved to adjourn the meeting. Mr. DeBoer seconded the motion. Upon roll call,

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

Mayor Gaechter declared this meeting adjourned.

James R. Doherty, Clerk