

**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 OCTOBER 25, 2012**

Mayor William 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 September 2012
- Tax Collector Report for September 2012
- Municipal Clerk Report for September 2012
- Board of Health Report for September 2012
- Registrar's Report for September 2012

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Bassani moved to approve the following applications:

- Raffle License RL12-26 to American Legion, to conduct Off Premise 50/50 raffle on 2/2/0/2013
- Raffle License RL12-27, to DAR to conduct Off Premise 50/50 on 5/11/2013
- Raffle License RL12-28 to Heritage & Agriculture Association, to conduct Off Premise Merchandise Raffle on 3/27/2013
- Raffle License RL12-29, to Heritage & Agriculture Association, to conduct an On Premise 50/50 Raffle on 12/1/2012 and 12/2/2012

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 October 25, 2012.

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 \$4,788.67 to The Irwin Law Firm FBO Mel-Laur Inc., for a state tax appeal refund on Block 7 Lot 17.03.

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 \$1,883.20 to Sussex Borough for Block 52 Lot 4 Water Acct #055, JTL Wantage, for a water utility payment received from a lienholder.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Bassani moved to approve Renewal of Kennel License for Shasta Kennels, upon receipt of Report from County Health Inspector confirming compliance with State Health Department regulations.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Bassani moved to accept with regret the resignation of Debbie Granata from the Wantage Township Board of Health. Mr. DeBoer seconded the motion. Upon roll call,

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

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**CONSENT AGENDA, Continued**

Mr. Bassani moved to accept the Guide Rail Improvement Project completed by Fischer Bros., on Layton Road, in accordance with the recommendation of Township Engineer dated 9/27/2012.

Mr. DeBoer seconded the motion. Upon roll call,

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

**ADMINISTRATOR REPORT**

**Holland Road Section II Contract**

Per the recommendation of the Township Engineer dated 10/11/12, Mr. Doherty requested an award of Contract for Holland Road Section II to Tilcon New York in the amount of \$89,897.84 for the Improvements to Holland Road, Section II. Mr. Doherty stated that this is a project authorized in the 2012 budget preparation process, the CFO has certified funds are available, and the award is being made under the Morris County Cooperative Pricing Council.

Mr. DeBoer initiated discussion on whether it was possible to award this contract to a local vendor, and details of membership in the Morris County Cooperative Pricing Council. Mr. Doherty explained the public bidding process which requires award of contract to lowest responsible bidder. After review and consideration, Mr. Bassani moved to award the contract for Holland Road Section II to Tilcon New York in the amount of \$89,897.84 for the Improvements to Holland Road, Section II. Mr. DeBoer seconded the motion. Upon roll call,

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

**Change Order #1 on Alder Terrace / Lakeview Drive Contract**

Mr. Doherty reported that by communication dated 10/2/2012 Township Engineer has certified various adjustments in line item amounts of materials on these projects based on site inspections, with the bottom line adjustment providing for a reduction of \$2,338.35 in the contract price.

Mr. Bassani moved to authorize Change Order #1 on Alder Terrace / Lakeview Drive Contract, providing for a reduction of \$2,338.35 in the contract price.

Mr. DeBoer seconded the motion. Upon roll call,

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

**Clove Hill Manor Roads**

Mr. Doherty reported that various Communications took place during the past month regarding concerns of the Homeowners Association of Clove Hill Manor, centering on the question of future road ownership within the development. The Homeowners Association hired an engineer who offered a report citing various concerns with the condition of the roads. Township Engineer Harold Pellow reviewed the sections of that report purported to have been in variance with his own findings, and concludes that all concerns cited are going to be dealt with during inspections of final paving. Mr. Doherty noted that no representatives of the Clove Hill Homeowners Association were present at the meeting this evening.

**Union Membership and Court Administrator**

Mr. Doherty reported that both the Judge and the Court Administrator believe the position of Court Administrator ought not to be included in the White Collar Union. Mr. Doherty is in communication with the Union seeking their response to this request. No response yet received, so no action is called for at this time.

**PERC Impasse Regarding Blue Collar Contract**

Mr. Doherty informed that a PERC Mediator has been assigned to deal with the impasse between the Township and the Blue Collar employees. The first meeting with the Mediator is scheduled for November 30.

**Administrator Report, Continued**

**Fund Balance Policy**

Mr. Doherty reported that as a part of the review of the Best Management Practices Survey between the CFO and the governing body, a request was made to create a Fund Balance (aka Surplus) Policy for Budget preparation. Mr. Doherty presented a proposed policy for the consideration of the governing body, who agreed to review it and offer consideration of approval at a future date.

**Request for Hiring Part Time Temporary Laborer for the DPW**

Mr. Doherty reported that DPW Mechanic John Card has presented the following proposed course of action: By hiring Richard Bootsma as a part time, temporary employee at \$18 per hour, and purchasing the materials necessary under the Morris County Cooperative Pricing Council, to complete the floor cement project for the Storage Shed/Garage in the rear of the municipal complex (which project was approved during the capital projects review of the 2012 budget preparation process), the Township can avoid a much larger bill that would have been incurred by seeking a contractual arrangement for the services of a cement mason who would have bought the same materials at a greater expense, and then tacked on a profit margin for the contract. Mr. Doherty stated that this recommendation seems sound.

Mr. DeBoer moved to hire Richard Bootsma of 67 Decker Road, as a part time, temporary employee of the Public Works Department for the time frame of October 15 through November 30, 2012. Mr. Bassani seconded the motion. Upon roll call,

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

**Declaring DPW Vehicle Scrap Surplus**

Mr. Doherty reported that the 1998 Chevy Pickup of the DPW has been off the road for several years now, and the Mechanic has been scavenging parts from it to repair other DPW vehicles on an as-needed basis. There's nothing left of value to scavenge any longer, and the Mechanic requests the Township declare the vehicle to be surplus equipment no longer required for public use, and to dispose of the vehicle for the value of the scrap metal through Beemerville Auto Wrecking. Mr. Doherty recommended this action be approved tonight. General review and consideration of the suggestion took place.

Mr. DeBoer moved to declare the 1998 Chevy Pickup of the DPW to be surplus equipment no longer needed for public use, to be disposed through Beemerville Auto Wrecking.

Mr. Bassani seconded the motion. Upon roll call,

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

**Shared Services Philosophy**

Mr. Doherty requested discussion of proposed Shared Services with other municipalities in closed session, under the exclusion for Negotiations.

Mr. Doherty reviewed the options available for pursuing shared service ventures with the governing body, as follows: Some municipalities do not pursue shared service ventures, under the premise that their current employees are or should be working up to the limits of their current workload capabilities for the salaries being paid to them, and as such, there should be no availability during the work day for serving the needs of another community. Some municipalities approach a shared service venture from the point of view that the employee(s) involved do not enter into the picture, in terms of consideration or additional compensation. Mr. Garofalo will inform you that this is an acceptable and defensible position to take. Other municipalities offer a stipend adjustment to an employee whose job duties would be impacted by a shared service venture. Mr. Doherty asked the governing body to confirm which of these options they endorse, which will allow him to respond in an informed manner when municipalities approach him seeking a shared service venture. General review and discussion took place, after which the governing body agreed to give this further review and consideration at a future date.

**Administrator Report, Continued**

**Animal Control Initiatives**

Mr. Doherty offered the following report: Wantage Township serves the animal control needs of Wantage, Montague, Hardyston, Hamburg, Franklin, Ogdensburg, Newton and Andover Township. The Wantage Dog Pound serves as a Pound facility for those same towns, and additionally for Lafayette Township (who employs their own ACO). On a 3 year average (2009 - 2011), the animal control operation has collected an average of \$105,100 per year (dog license fees, pound fees, donations, and shared service revenue). On a 3-year average (2009 - 2011), the animal control operation has cost \$138,200 to operate (salaries, health benefits, pension, social security, unemployment, operating expenses, utility costs, amortized annual cost of animal control van purchase). So, the Wantage Dog licenses and pound fees cover all operating costs of the pound. Shared Service revenue covers all salaries involved. Wantage taxpayers wind up paying for, on a net analysis, the costs of health benefits, social security, and pension for our animal control personnel, being represented in this analysis as an average of \$33,100 a year. Statistical analysis reveals that Wantage Township accounts for more than half the workload of this regional system of animal control, so even in a stand-alone situation, based on remaining workload needs, Wantage would require the services of a full time Animal Control Officer, as well as backup costs for when the ACO is on vacation, out sick, on disability, etc. As such, the planning conclusion traditionally reached is that Wantage taxpayers would be required to pay considerably more for animal control in a stand-alone operation than in this shared service venture. Even with a part time employee, it would be virtually impossible to match that \$33,000 net cost currently being incurred, and the current costs provide full time animal control service to our community.

Mr. Doherty observed that, with respect to pound operations, under state law, Wantage must care for the needs of both cats and dogs. More than half the annual cost of pound operations involves care for cats. Currently dog owners "pay the freight" on pound costs for both dogs and cats through dog license fees. Pound redemption fees, adoption fees and donations involving cats offset the cost to a minimal degree. The Wantage Dog Pound is more than 35 years old, and there have been no additions to the footprint of the facility since it was first built. Euthanization of cats becomes a necessary action because of the limited space available for housing the cats. Conceivably, a good number of these cats might be adopted out, or transferred to other shelters, except for the overwhelming volume of turnover requiring us to "make room" once the seven day waiting period is satisfied. While Wantage is seeing a general downward trend in the number of cats euthanized from last year, the closure of CLAWS, a no-kill cat shelter, is creating additional stress on the remaining shelters and pounds in the Sussex County area.

Mr. Doherty identified four initiatives he desired to pursue:

- 1) Build an addition to the pound - an annex, which would be used for additional housing area for cats. The pound, when originally constructed, was not designed to accommodate cats, and as mentioned above, no addition has been made to the facility in the past 4 decades. Mr. Doherty proposed to reach out to Municipal Architect, Charles Schaffer, and ask him to investigate with the County Health Department the design requirements for such an annex, which would (hopefully) increase room for cats from our existing 35 - 40 threshold up to 100 cats at any one time.
- 2) Initiate a cat licensing ordinance in Wantage. Mr. Doherty proposed the licenses come due July 1 each year, so that it doesn't interfere with the December -January- February workload of dog licensing. Mr. Doherty suggested a fee of \$5 per cat for a fixed cat, \$10 for non-spayed or neutered. Mr. Doherty also proposed a 3-cat fee exemption for any cat owner who is housing cats on farmland-assessed property. Mr. Doherty proposed utilizing these revenues to offset the cost of building the facility annex. The fee difference will hopefully encourage cat owners to fix their pets, which should over time reduce the number of feral cat colonies that continually pop up and create costs that the community must bear.

**Administrator Report, Continued**

- 3) Charge the Wantage Animal Control Office and staff with the challenge of raising \$20,000 from the cat supporters of Sussex County, to help defray the costs of the project.
- 4) Reach out to Vernon and see if they are interested in combining their operation and ours into a shared, Northwest NJ Regional Animal Control operation. Vernon currently serves the needs of Vernon and Sussex Borough, but they are going to be facing the same difficulties as Wantage in the future. Mr. Doherty believed it would be prudent to see if joining forces would make better sense than competing against each other for clients, certified personnel, and limited resources.

General review and consideration took place regarding this proposal, including discussion of current budget considerations, staffing capability, and shelter options for pets if a shared venture with Vernon were undertaken.

The governing body gave consensus for Mr. Doherty to reach out to Vernon and discuss shared venture options, after which the Wantage governing body would be in a better position to evaluate the other initiatives being suggested.

**HVAC Control System Upgrade**

General review and discussion took place regarding the existing system of Heating, Ventilation and Air Conditioning controls for the municipal building.

Mr. Bassani moved to endorse the action taken by Mr. Doherty to authorize an upgrade and replacement of the HVAC control system through installation of an iVu Web-based control system, at a price of \$5,700, from Automated Building Controls.

Mr. DeBoer seconded the motion. Upon roll call,

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

**Report From NJ Division of Taxation**

Mr. Doherty stated that he has received a copy of the report from the NJ Division of Taxation, regarding their investigation into the details surrounding the County Board of Taxation's approval of the Wantage Compliance Plan. The conclusion is that the State finds no action was taken which rises to the level of requiring legal action, a "do-over", or disciplinary action, but does believe that errors in judgment were made, apparently from processing the application in a manner deemed by the State to be too hasty. The State also concluded it was premature for them to decide what should be done with regard to the Wantage tax picture.

The members of the governing body requested Mr. Doherty to ask the County Board of Taxation for a response/reaction to the report.

**ATTORNEY REPORT:**

Mr. Garofalo requested an executive session to discuss pending litigation. Mr. Garofalo reported that the In Rem Tax foreclosures have been completed.

**COMMITTEE REPORTS:**

None

**OLD BUSINESS**

**Participation in the Passaic County Energy Cooperative Pricing System**

General review of the terms and conditions of membership were reviewed by the governing body.

**Old Business, continued**

Mr. Bassani moved to authorize A RESOLUTION AUTHORIZING THE TOWNSHIP OF WANTAGE TO ENTER INTO A COOPERATIVE PRICING AGREEMENT:

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and WHEREAS, the County of Passaic, hereinafter referred to as the "Lead Agency "has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, the governing body of the Township of Wantage, County of Sussex, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE: This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Wantage

AUTHORITY: Pursuant to the provisions of N.J.S.A. 40A:11-11(5) the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT: The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE: This resolution shall take effect immediately upon passage.

Mr. DeBoer seconded the motion. Upon roll call,

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

**NEW BUSINESS**

**FINAL ADOPTION ORDINANCE 2012-07**

Mr. Bassani moved to adopt on final reading, Ordinance 2012-07, entitled "ORDINANCE GRANTING UTILITY EASEMENT TO WANTAGE SOLAR FARM, LLC". Mr. DeBoer seconded the motion.

Prior to final roll call, Mayor Gaechter opened the meeting to the public for any questions or comments regarding this proposed Ordinance. There being no one present wishing to address the governing body on this proposed Ordinance, Mayor Gaechter closed the meeting to the public and requested a roll call vote. Upon roll call,

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

**Approval of Minutes**

Mr. Bassani moved to adopt the minutes of September 27, 2012. Mr. DeBoer seconded the motion. Upon roll call,

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

**OPEN PUBLIC SESSION**

William Gettler, Gemmer Road, expressed dissatisfaction with the Township's handling of meeting schedules; observed that an impending storm is forecast for next week, and suggesting impact on Lake Neepaulin might occur; offered comments and observations regarding the State Division of Taxation Report on the Compliance Plan; offered comments and observations regarding the FOLN Litigation involving the Lake Neepaulin Dam Special Assessment; offered observations regarding a complaint he filed with the Government Records Council concerning an OPRA request which has been referred to an Administrative Law Judge; offered an observation regarding Township owned property on Lake Neepaulin; and offered observations regarding the Clove Hill Manor issue.

Discussion took place among Mr. Gettler, the members of the governing body, and Mr. Garofalo regarding the accuracy of the statements being made by Mr. Gettler and the amount of time being devoted to listening to Mr. Gettler's comments.

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**OPEN PUBLIC SESSION, Continued**

Ann Smulewicz, 108 Route 23, commented regarding the presentation made by Mr. Doherty concerning Cat control; expressed her opposition to Cat licensing; expressed the belief that money could be found in the municipal budget for the costs of a pound expansion project.

Mrs. Smulewicz expressed support for Mr. Gettler's right to speak; stated her belief that criticism of Mr. Gettler was not appropriate; expressed a belief that Mr. DeBoer did not extend a proper amount of courtesy; expressed her input regarding the Compliance Plan issue; expressed the belief that the Township Committee failed to show sufficient leadership by taking forceful action in response to the Compliance Plan issue.

Mayor Gaechter, Mr. Bassani, and Mr. DeBoer responded to Mrs. Smulewicz's observations and comments.

Mayor Gaechter explained the many and varied efforts made by the Township with respect to the issue, and stated he had personally reviewed all meeting recordings of the past year and a half to determine if the Township had failed to respond or take action in any way possible, and found that everything had been done which could be done. Mayor Gaechter pointed out that Mr. Gettler's complaint to the State of New Jersey was a double edged sword, because as a result of the State's investigation into that complaint, the Township's application for a town-wide Reassessment program – which was the course of action most taxpayers of Wantage had expressed a desire to see happen - wound up being denied based on the State's desire to continue their review of the issue.

Mr. Bassani explained the issue of jurisdiction concerning the office of Tax Assessor and the separation of statutory oversight powers by a local governing body in this matter; Mr. Bassani suggested that residents pursue in depth fact finding for a full picture of issues, in order to get the whole story. Mr. Bassani stated that doing research will help residents get closer to the facts, rather than to rely on what another person's opinions may be on an issue.

Mr. DeBoer offered rebuttal comments regarding the matter of how Mr. Gettler is treated by him and the members of the governing body. Mr. DeBoer explained that he had worked long and hard to try and have the Compliance Plan overturned, as had the rest of the governing body, and that they had gone all the way to the State Attorney General with no success.

Mrs. Smulewicz stated, based on Mayor Gaechter's explanation, she now understands the governing body did what they could with respect to the Compliance Plan issue. Mrs. Smulewicz stated she does try to give consideration to all that is said. Mrs. Smulewicz expressed her appreciation for what Mr. DeBoer attempted to do with the Compliance Plan but still believed he should be more polite to Mr. Gettler.

Kathy Gorman, Fernwood Road, expressed support for Cat licensing.

Karen Merritt, Alpine Trail, asked for a clarification regarding Mr. Doherty's proposal as it relates to fee exemption on cat licensing for farmers. Mr. Doherty responded. Ms. Merritt also requested a copy of the recording of the regular meeting held after the Organization meeting in January; and offered observations and input on the issue of the compliance plan.

Mr. Gettler, Mrs. Merritt and Ms. Gorman spoke regarding tax bill impact of the Compliance Plan, assessment of land value vs. improvement value, and farmland assessment.

Rocco Russo, South Shore Drive, expressed concern regarding debris and washout in the vicinity of Cove Lane.

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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.

**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 the following matters:

Negotiation of the terms and conditions of potential shared service ventures with other municipalities

Pending or anticipated litigation involving Gorman vs. Wantage Township, and a claim against the Township Prosecutor

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.

Mr. DeBoer seconded the motion. Upon roll call,

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

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

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

Mr. Bassani moved to authorize the Mayor to sign a Shared Services Agreement with Sussex Borough for Wantage to provide Tax Collector services to Sussex, in accordance with the terms and conditions established in closed executive session this evening.

Mr. DeBoer seconded the motion. Upon roll call,

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

Mr. Bassani moved to authorize the Mayor to sign a Professional Services Agreement with John McChesney to provide Real Estate Appraisal Consultant services in connection with the litigation involving Gorman vs. Wantage Township, in accordance with the terms and conditions established in closed executive session this evening.

Mr. DeBoer seconded the motion. Upon roll call,

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

**ADJOURNMENT**

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

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

Mayor Gaechter declared this meeting adjourned.

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James R. Doherty, Administrator Clerk