

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 JUNE 27, 2013

Mayor Ronald Bassani 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 Ronald Bassani, Committeeman William Gaechter, and Committeeman William DeBoer. The following members were absent: None

Mayor Bassani 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."

FLAG SALUTE

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

CONSENT AGENDA

Mayor Bassani requested that the governing body Review the Consent Agenda.

Mr. Gaechter moved to approve payment of Bills for the meeting of June 27, 2013, excluding Purchase Orders 10490, 10538, and 10568. Mr. DeBoer seconded the motion. Upon Roll call, **Ayes:** Gaechter, DeBoer, Bassani **Nays:** None **Absent:** None **Abstain:** None

Mr. Gaechter moved to authorize the refund of \$80.00 to Solar Tire for refund of calendar advertisement. Mr. DeBoer seconded the motion. Upon Roll call, **Ayes:** Gaechter, DeBoer, Bassani **Nays:** None **Absent:** None **Abstain:** None

Mr. Gaechter moved to authorize refund of Completed Land Use Application Escrows, as follows:
\$ 380.00 to John Stearns/IP&E Inc., Block 43 Lot 10 for LC-08-04
\$2,396.09 to John Parmigiani, Block 18 Lot 1.02 for L-06-33
\$ 492.00 to Hope Church, Block 2 Lot 51.01 for L-09-03
\$ 550.00 to Hope Church, Block 2 Lot 51.01 for L-12-09
Mr. DeBoer seconded the motion. Upon Roll call, **Ayes:** Gaechter, DeBoer, Bassani **Nays:** None **Absent:** None **Abstain:** None

Mr. Gaechter moved to approve renewal of various liquor licenses in Wantage Township for the 2013-14 licensing term, as follows:
BE IT RESOLVED, that the Mayor and Committee of the Township of Wantage, in the County of Sussex, State of New Jersey, does hereby approve the renewal of the liquor licenses named below for the licensing term of July 1, 2013 through June 30, 2014:

PLENARY RETAIL CONSUMPTION LICENSES:

<u>License #</u>	<u>Licensee & Location:</u>	<u>Trading As:</u>
1924-33-001-006	Best of Sussex County, 65 Route 639	Airport Pub & Package
1924-33-005-006	Peasant LLC, 87 Route 23	Blackstone Bar & Grill
1924-33-006-006	Penne Vodka Inc., One Libertyville Road	Bella Vita Ristorante
1924-33-007-003	Presti Liquors LLC, 289 Route 23	Sussex Queen Diner
1924-33-008-003	Jersey Innovative Investments, LLC, 205 Route 23	Wantage Plaza Liquor Outlet

PLENARY RETAIL DISTRIBUTION LICENSES:

1924-44-011-003	HPlay Liquors LLC, 83 Hamburg Ave, Route 23	Woody's Liquor Shop
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CLUB LICENSES:

1924-31-012-001	Pvt. Charles Auberger Post 213 American Legion, 915 Route 23	American Legion Post 213
1924-31-013-001	Sussex Lodge #2288 BPOE, Route 565 Lewisburg Rd	Sussex Lodge #2288

Mr. DeBoer seconded the motion. Upon Roll call, **Ayes:** Gaechter, DeBoer, Bassani **Nays:** None **Absent:** None **Abstain:** None

CONSENT AGENDA, Continued

Mr. Gaechter moved to approve Shared Services Agreement with Ogdensburg, allowing Ogdensburg to make use of the Wantage Township vehicle washing station for public works vehicles. Mr. DeBoer seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to confirm renewal of Trailer License Application of Rayewood RV Campground for 2013. Mr. DeBoer seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to request the Director of the Division of Local Government Services to authorize the creation of a Dedication by Rider account within Wantage Township for handling Flexible Spending Account funds, as per the recommendation of the Township Auditor.

Mr. DeBoer seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to authorize the filing of Updated Safety Manuals of the Public Works Department for Hazard Communication Program, Bloodborne Pathogens Exposure Control Plan, Confined Space Entry, and Lockout/Tagout Program.

Mr. DeBoer seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to confirm action taken by Chief Finance Officer to change Payroll Services Company to CompuPay, at an annual cost of \$2,955.20.

Mr. DeBoer seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to confirm authorization for Wantage Township First Aid Squad to conduct fundraiser Coin Toss activity along the intersection of McCoy's Corner, subject to obtaining all necessary county authorizations for conducting this activity, on the dates August 2, 3 and 4, 2013.

Mr. DeBoer seconded the motion. Upon Roll call,

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

Payment of Bills – Non consent Items

Mr. Gaechter moved to approve payment of the following Bills:

- PO 10490, Public Works Supplies for Park Maintenance, \$203.97 payable to Bassani Power Equipment LLC
- PO 10538, Public Works Supplies for Park Maintenance, \$87.49 payable to Bassani Power Equipment LLC
- PO 10568, Mayor's Operating Expenses Line Item, Reimbursement for meal cost during a meeting with neighboring municipality's representatives (Vernon), \$29.51 payable to Ronald Bassani

Mr. DeBoer seconded the motion. Upon Roll call,

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

Administrator's Report

Mr. Doherty offered an update report on efforts by Sussex County Mosquito Control to deal with Mosquito spraying within Wantage Township.

Mr. Doherty reported on a request for waiver of fees from Sussex Wantage School District.

Mr. DeBoer moved to waive a \$200 application fee for a construction permit for the Sussex Wantage School District to install an Ultra violet water disinfecting system at the Lawrence School.

Mr. Gaechter seconded the motion. Upon Roll call,

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

Mr. Doherty reported on the outcome of the On Line Auction of surplus municipal vehicles and equipment.

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Mr. Gaechter moved to adopt the following resolution:

A RESOLUTION APPROVING SALE OF PERSONAL PROPERTY

WHEREAS, the Township of Wantage conducted an online municipal auction ending at 7:00 p.m. on Wednesday, June 26, 2013; and

WHEREAS, Stephan J. Miranti, Auction Liquidation Services, P.O. Box 1216, Eatontown, NJ conducted the auction on their website located at www.usgovbid.com for a commission rate of 5.5% of the gross selling price; and

WHEREAS, Local Public Contracts Law NJSA 40A:1 1-36 requires approval of the sale of said property via adoption of a Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Wantage that the Township approves the sale of the following vehicles and items as shown:

<u>ITEM</u>	<u>YEAR</u>	<u>MAKE/MODEL</u>	<u>Sale Price</u>
1	1991	Ford Bucket Truck 2FDLF47M3MCA43821	2,467.00
2	2002	Ford E250 Van 1FTNE24L72HB47363	1,200.00
3	2003	Dixie chopper 0-Turn Mower	2,700.00
4	2004	Dixie chopper 0-Turn Mower	2,700.00
5	2008	V-Box Bed Sander Air-Flo	705.00
6	2002	Myers Snow Plow Assembly MDII C9	711.99
7	2002	Myers Snow Plow Assembly MDII C9	752.00
8		ITEM REMOVED	
9	1996	Gledhill 11" Snow Plow 11TRPR2	555.00
10	1999	Gledhill 11" Snow Plow 11TRPR2	1,150.00
11		Vaulk 11" Snow Plow Low Barrel	550.00
12 & 13		2 Stihl Chain Saws	361.00
14		Lincoln Air Grease Gun 35.00	
15		JRI Parts Washer E9907596	220.00
16	2002	Ford F450 Super Duty Cab	8,700.88
17	2002	Smith 11' Stainless Steel Mason Dump Body	5,100.00
18		Three Sets of Under Truck Body Tool Boxes	260.00
19		Three Sets of Rear Dual Wheel Molded Fenders	280.00
20		30 Yard Roll Off Dumpster	1,900.00

Representing a total Sale of \$30,647.87 less 5.5% commission to USGovBid, for a Final Auction Sale amount of \$28,962.24.

Mr. DeBoer seconded the motion. Upon Roll call,

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

Mr. Doherty suggested **rescheduling the July meeting** of the governing body to be held on July 18 instead of July 11, in order to accommodate the schedules of all three members of the governing body. The governing body agreed to the rescheduled meeting date by consensus.

With regard to the **Issue of Concern Involving Encroachment Onto Township Lot** on South Shore Drive, after brief discussion, the members of the governing body agreed to give further consideration to this matter at the next meeting. The members of the governing body asked Mr. Doherty to obtain verification from the Fire Chief regarding the use of this lot for access to a water source by the fire department during a fire response.

With regard to the issue of **Restricting the Number of Peddler Permits** in existence at any one time in Wantage, the governing body agreed with the request of the attorney to give further consideration to this issue at the next meeting.

The governing body agreed with Mr. Doherty's recommendation to **replace a retiring full time DPW employee with a 32-hour per week employee** in January 2014, with the understanding that further consideration may be given to bring this individual up to full time status if deemed necessary due to workload requirements of the department next year.

The governing body agreed with Mr. Doherty's recommendation to **announce several promotions within the Public Works Department**, moving two employee up to the position of Road Repairer 1 and two employees up to the positions of Laborer 2. Mr. Doherty confirmed that these promotions would be for title advancement, but not involve salary adjustments.

Attorney's Report

Mr. Garofalo reported on the outcome of several complaints alleging Denial of Access to Public Records involving Wantage Township. Two cases from 2009 were heard by an Administrative Law Judge, who found in favor of Wantage Township. Mr. Garofalo read the Government Records Council final administrative determination, in which the Government Records Council has accepted the Judge's determination in this matter. The case was settled in favor of the Custodian Mr. Doherty, and no attorney fees were awarded to the complainant. Mr. Garofalo then offered background detail on the issue. Mr. Garofalo also reported on a Denial of Access complaint filed in 2012 by the same individual, which the Government Records Council dismissed in its entirety in favor of the Custodian of Records. Mr. Garofalo stated he was pleased to report that all of these complaints had been settled in favor of the Custodian of Records and the Township, but expressed disappointment that the person who filed these complaints had spent over four years of the taxpayers' time and money with these complaints when they could have been settled with little or no cost through mediation, which the individual chose to decline.

Mayor Bassani inquired if Mr. Garofalo knew how much money these complaints cost the taxpayers of Wantage Township. Mr. Garofalo confirmed the amount as being \$14,223.45.

Mr. DeBoer expressed a desire for the record to reflect that the complainant being discussed in these complaints is William Gettler. Mr. DeBoer stated that this same individual brought complaints against the Township back in 1999, and the Township also prevailed in court in that instance. Mr. DeBoer stated that he believed that case cost the taxpayers in excess of \$18,000. General discussion of that prior lawsuit took place.

Mayor Bassani asked if there were a means by which the Township could recover the taxpayers' expense in legal fees from the OPRA complaints cases. Mr. Garofalo stated the OPRA statute only allows a complainant to recover legal costs if he/she prevails; it has no provision by which a municipality may recover their costs if the municipality prevails.

General review of the 1999 issue took place at this time.

Mayor Bassani mentioned a case involving an individual named Thomas Caggiano, in which that individual had become a chronic complainant, causing a municipality extreme taxpayer expense in repeatedly having to defend themselves against his claims, until the municipality took legal action. Mr. Garofalo explained the details of that situation. Mayor Bassani inquired if there was a point at which a municipality may take such legal action to prevent unnecessary taxpayer expense, stating his belief that Mr. Gettler would continue to file complaints against the Township and continue to cost the taxpayers' money unless he were compelled legally to stop. Mr. Garofalo advised that the answer to this question is, "when the municipality believes it has had enough." Mr. Garofalo counseled that the bar is set very high for a municipality to prevail in such a legal action. Mayor Bassani expressed the belief that Mr. Gettler's lawsuits represented a flagrant waste of taxpayer dollars.

Township Committee Member Reports

Mayor Bassani offered an update on Land Use Board matters, advising the Committee members to stay aware of a developing issue involving skydive clubs at the Sussex Airport.

Mayor Bassani offered an update report on the status of Route 23 construction projects. General discussion took place regarding the current efforts of the State Department of Transportation to disseminate public information about the Route 23 Improvement Projects.

OLD BUSINESS

Soil Removal Permit Renewals

Route 284 Aggregates Soil Removal: The governing body agreed, by consensus, to have the attorney write a letter to 284 Aggregates, informing them of the need to file their 2013 soil removal fees and insurance certificate, and to pay their taxes current, as a condition of the Township continuing their temporary operating permit for soil removal for this calendar year.

OLD BUSINESS, Continued

Bicsak Soil Removal Site: general discussion took place regarding the status of this site.

Mr. DeBoer moved to approve the renewal of the Bicsak Soil Removal License for 2013 subject to the condition that the Township Engineer provides a letter of compliance with the operating requirements of the Wantage Township Soil Removal Ordinance.

Mr. Gaechter seconded the motion. On the question, Mayor Bassani reported on the outcome of a Land Use Subcommittee meeting last week where this operation was reviewed and discussed. The operators of the soil removal operation have installed dust suppression and control measures, relocated equipment in an effort to further address concerns, and installed new equipment to maximize return on investment for the type of aggregate being offered for sale. Township Engineer Harold Pellow will be monitoring the operation of the site. Upon Roll call,

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

Volcanic Hill Road Petition for Public Acceptance of Road

The governing body agreed to postpone discussion of this matter to the July meeting. The governing body expressed a desire for the petitioners to be prepared at that time to address details regarding those property owners on the road who did not sign the petition.

NEW BUSINESS

County-wide emergency 911 Communications

Mayor Bassani stated that he had spoken with the Wantage Fire Chief and the Wantage Emergency Management Coordinator, and had been present for a discussion on this issue at a recent Sussex County League of Municipalities Dinner meeting, and that there are widely varying opinions being presented with respect to need, cost and operational capabilities, so it appeared prudent to continue with due diligence. Mr. Gaechter observed that cost estimates on this endeavor from several years ago indicated a considerable cost increase if this concept was implemented. Mr. DeBoer stated that from his perspective as a First Aid Department member, the Township has never had any problems with Vernon Dispatch, and would think it was in the best interests of the community to remain with Vernon Dispatch.

After general discussion, the governing body agreed that this issue needed to be discussed further with all Wantage emergency response representatives, and further data needed to be obtained, before the governing body took a position on this issue. The governing body directed Mr. Doherty to respond to the letter from County Administrator John Eskilson by informing that Wantage Township is not ready to commit to joining a County-wide Emergency 911 communications system, but would be interested in receiving further details on the issue.

Request for Vacating a Portion of Turner Road

General review took place regarding a request that the Township officially vacate a portion of Turner Road which has been abandoned and not maintained for a period of time. Mr. Gaechter pointed out that a subdivision approval which created two new lots would lead to a third lot becoming land locked if Turner Road were to be vacated. After consideration, the members of the governing body chose to retain the road in its current situation of being abandoned but not vacated.

Approval of Minutes

Mr. DeBoer moved to adopt the Regular and Executive Session minutes of the meeting held on June 13, 2013. Mr. Gaechter seconded the motion. Upon Roll call,

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

OPEN PUBLIC SESSION

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

OPEN PUBLIC SESSION, Continued

Mrs. Kathy Gorman, Fernwood Road, asked if the Township was monitoring the Route 23 Improvements Schedule for progress, to avoid unnecessary delays in the completion of the project. Mayor Bassani stated that the Township was receiving regular progress reports, and would continue to monitor the projects. However, the ability of the Township to influence the activities of this state project is limited.

General discussion continued at this time regarding changes made to traffic light timing which is causing traffic backups during rush hour time frames. The governing body directed Mr. Doherty to contact the NJDOT representative and address these concerns.

Mrs. Gorman asked if the issue of concern regarding “Squatters Rights” was addressed in respect to the issue of encroachment of use along the Township lot owned on South Shore Drive. Mr. Garofalo confirmed that there is no legal issue involving Squatter’s Rights as it relates to this particular issue as Squatters Rights does not extend to government owned land.

There being no one else present wishing to address the governing body at this time, Mayor Bassani closed the meeting to the public.

ADJOURNMENT

There being no further items for the attention of the governing body, Mr. DeBoer moved to adjourn the meeting. Mr. Gaechter seconded the motion. Upon Roll call,
Ayes: DeBoer, Gaechter, Bassani Nays: None Absent: None Abstain: None

Mayor Bassani declared this meeting adjourned.

James R. Doherty, Administrator Clerk