

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 18, 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 the following Reports for Filing:

Registrar Report for June 2013

Construction Report for June 2013

Tax Collector Report for June 2013

Board of Health Report for June 2013

Municipal Clerk Report for June 2013

Mr. DeBoer seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to approve Payment of Bills for the meeting of July 18, 2013.

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 \$17,687.81 to US Bank, for the redemption of Tax Sale Certificate 12-13 on Block 138 Lot 6.08

Mr. DeBoer seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to authorize Mayor Bassani to sign the Agreement with the State of New Jersey to accept a grant in the amount of \$27,600 under the No Net Loss Grant, for the planting of Trees at Woodbourne Park. Mr. DeBoer seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to acknowledge notification from the New Jersey Ride Against Aids, for holding annual High Point to Cape May Bike Ride fundraiser event during the weekend of September 27, 2013. Mr. DeBoer seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to approve By Law Submittal of Wantage Township Fire Department establishing standard operating procedures for attendance at parades, wet downs and special events. Mr. DeBoer seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to approve certifying Compliance with Statutes and Regulations acknowledging receipt of Annual Report of Audit, as follows:

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 2012 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

CONSENT AGENDA, Continued

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

Administrator's Report

General discussion took place regarding the desired meeting date for the August meeting. Tentative schedule to hold the meeting on August 15 was agreed upon, pending confirmation of schedule by Mr. Gaechter.

Mr. Doherty requested a motion to authorize a contract for the Pidgeon Hill Road repaving project.

Mr. Gaechter moved to award a contract under the Morris County Cooperative Pricing Council, to Tilcon NY for Milling and Paving on Pidgeon Hill Road, in the amount of \$132,800.57; to Denville line Painting, Inc. in the amount of \$4,071.60 for Line Striping on Pidgeon Hill Road; and to Campbell Foundry in the amount of \$7,030 for Safety Grates on Pidgeon Hill Road.

Mr. DeBoer seconded the motion. Upon Roll call,

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

General discussion took place regarding the need to repave the parking lot at the Municipal Complex. Discussion involved whether to use the Morris County Cooperative Pricing Council or to conduct a stand-alone bid for this project. Consensus was reached to determine the amount of square feet for the project, and give further consideration to the discussion at the next meeting.

Regarding the issue of **Encroachment upon municipally owned property along Lake Neepaulin on South Shore Drive**, the members of the governing body reviewed the issue, and then agreed by consensus to offer the lot for sale to adjoining property owners, while retaining the easement of access, to the adjoining property owners the next time the Township pursues an auction of Township-owned lots. Mayor Bassani addressed Mr. Tom Jable at this time, stating that this lot serves to provide access to the lake as a water source for fire vehicles, and requested the said access be not blocked or hindered by FOLN.

Attorney's Report

Mr. Garofalo presented a request sent to the governing body via his office, by attorney Debra Nicholson, representing prospective Wantage property owners, who wished to have a portion of Turner Road vacated. After general review and consideration of the details of the request, the governing body agreed to consider the adoption of an ordinance to vacate a portion of Turner Road, provided that the costs of said process are borne by the individuals making this request.

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Discussion turned to the possible need for renaming a portion of the two remaining sections of Turner Road, for Emergency 911 purposes. Several other such streets were also named as possible points of consideration in this regard. Mr. Doherty stated he would discuss this with 911 Emergency Coordinator Joe Konopinski.

Mr. Garofalo brought the attention of the governing body to Senate Bill S-2340, which proposes to expand the ability of the court to order payment of attorney fees and costs by parties who file frivolous lawsuits. After general review and consideration, the governing body agreed by consensus to send a letter of support for the adoption of this bill to the area Legislators representing Wantage Township.

Township Committee Member Reports

Mayor Bassani reported that he had attended a recent Barbecue celebration recognizing the efforts and accomplishments of area Fire Departments and First Aid Squads, sponsored by Tall Timbers of Vernon and Double S Diner of Wantage. Mayor Bassani suggested doing some form of local celebration of congratulations to the Wantage Fire Department and First Aid Squad in the future, perhaps as an extension of Wantage Day.

Mayor Bassani reported that he and Mr. Doherty met with Vernon Police Chief Roy Wherry and Sergeant Dan Young to review the scope of services being provided by Vernon Dispatch. General mutual expressions of satisfaction with service delivery and cooperation were shared among all parties.

Mayor Bassani reported that he and Mr. Doherty met with Wantage Emergency Management Coordinator Joe Konopinski, who will be following up by attending a meeting later this year to discuss various information points and coordination of information for emergency preparedness.

Mayor Bassani requested an update report on the Reassessment Program for the next meeting in August. Mr. Doherty stated he would so inform Ms. Lockburner.

Mayor Bassani inquired regarding the status of the Township's COAH developer fees. Mr. Doherty responded.

Mayor Bassani offered details regarding the Senior Olympics being held in Woodbridge, NJ. After review and consideration, the members of the governing body agreed to promote the opportunity for participating in the Senior Olympics, and that Wantage Township would reimburse \$20 out of the \$25 entry fee for any Wantage resident wishing to compete.

Mayor Bassani offered an update report on the activities of the Open Space Committee, indicating that they are pursuing three different parcels of land for potential preservation.

Mr. DeBoer suggested sending a letter of congratulations to the new Superintendent of the High Point Regional High School system, Mr. Scott Ripley. The members of the governing body agreed with this suggestion.

Mayor Bassani mentioned that a new wood-carved Crest of the Wantage Township Logo was hanging on the wall behind the dais of this meeting room. All present agreed that it looked very nice.

OLD BUSINESS

Volcanic Hill Road Petition

General review and discussion took place regarding a Petition submitted from various property owners of Volcanic Hill Road, requesting the Township commence the process of accepting Volcanic Hill Road as a public street. Resident Ken Nelson led a discussion on behalf of the various residents present at the meeting from Volcanic Hill Road, being Maryellen Nelson, Kathryn Kelly Herkert, Susan Martin, and Betsy Garbaccio. Mr. Nelson stated that residents Christina Sarapuchiello and Greg and Bonnie Puzio were unable to attend the meeting this evening.

Discussion included review of the history of the road; ownership of the road; emergency vehicle access; snow plowing; property values; and status of positions of the property owners who did not sign the petition.

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After review and consideration, the members of the governing body agreed to give further considerations to this matter, after Mr. Doherty has had an opportunity to review Township files to ascertain whether the Fire at Town Hall years ago destroyed record details or not; residents submit documentation they have regarding status of ownership of Volcanic Hill Road; and prior cost estimates for improving the road up to municipal standards could be submitted.

General discussion turned again to the appointment of a new Superintendent of Schools at High Point Regional High School.

Mayor Bassani requested Mr. Nelson carry the message back to the Principal of the High School that the Pidgeon Hill Road repaving project is on target for completion before the start of school, provided that favorable weather conditions prevail.

Fire Hydrant Issue at Clove Hill Manor:

General review and consideration was given to the efforts undertaken to establish responsibility of ownership for the hydrants at Clove Hill Manor, so that they may be properly tested and flushed. Consensus was agreed to seek an audience before the homeowners association to resolve the concerns.

NEW BUSINESS

Introduction of Ordinance 2013-08

Mr. Gaechter moved to adopt on final reading, Ordinance 2013-08, entitled "AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN LANDS IN THE TOWNSHIP OF WANTAGE TO BE SOLD AT PRIVATE SALE IN ACCORDANCE WITH N.J.S.A. 40A:12-13(b)(5)."

Mr. DeBoer seconded the motion.

Mayor Bassani opened the meeting to the public for any questions or comments with respect to this proposed Ordinance. No one wishes to speak, so Mayor Bassani closed the meeting and requested a roll call vote. Upon Roll call,

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

Award of Contract: Roof Repair of Municipal Building

Mr. DeBoer moved to award a contract to Zitone Construction of Montague, NJ in the amount of \$144,670, as the lowest responsible, responsive bid submitted for the project entitled "Roof Covering Replacement for Wantage Municipal Building", with the record reflecting that the Certificate of Availability of Funds has been provided by the Chief Finance Officer. Mr. Gaechter seconded the motion. Upon Roll call,

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

Status of Project: Furnace Change Over from Oil to Natural Gas

Mr. Doherty reported on the results of July 2 Bid Opening for Replacement of Oil Burners at Wantage Township municipal building, reporting the low bid submitted was from Willco A/C R&H Inc of Branchville in the amount of \$74,575. However, no award of contract to be made until the Township obtains an Easement from Clove Hill Manor for natural gas service line. After general discussion, the governing body agreed to include this on the list of items to be discussed along with the fire hydrants when the Mayor and Administrator meets with the Clove Hill Homeowners Association.

Approval of Minutes

Mr. DeBoer moved to adopt the minutes of the meeting held on June 27, 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.

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Ann Smulewicz, 108 Route 23, asked for a clarification regarding the COAH money in the possession of the Township. Mayor Bassani, Mr. Doherty and Mr. Garofalo offered response.

Mrs. Smulewicz asked for the citation of the bill discussed earlier this evening dealing with frivolous lawsuits. Mayor Bassani stated it was S-2340. Mrs. Smulewicz asked if it had a companion Assembly Bill number. Mayor Bassani suggested Mrs. Smulewicz could research that for herself.

Mrs. Smulewicz expressed a desire to see committee reports from all three committee members at meetings.

General discussion took place regarding this request. Mr. Gaechter stated that he puts considerable time into municipal business but believes it is the position of Mayor to speak on behalf of the governing body, and when he was Mayor, he always had a report, and now that Mr. Bassani is Mayor, there is no reason to repeat the same information and positions as already stated by the Mayor. Mayor Bassani agreed with Mr. Gaechter's observations, and also stated that Mr. Gaechter and Mr. DeBoer do a lot of work on behalf of the municipality, as witnessed by the discussion involving Volcanic Hill Road and the property lot on South Shore Drive, where both of his colleagues made site visits and investigated the issue so they would be prepared to discuss it at the meeting, even though the discussion did not take place during committee reports. Mr. Smulewicz repeated her desire to see committee reports from all the elected officials.

Mrs. Smulewicz offered her views on the topic of the Township-owned property on South Shore Drive, stating for the record her opposition to having unauthorized parties utilizing Township property.

Mrs. Smulewicz inquired regarding the process by which bills are reviewed. Mayor Bassani responded to this inquiry. Mrs. Smulewicz stated that there have been allegations made regarding Wantage legal bills, and she wished to be assured of appropriate stewardship over the payment of bills. Mr. Doherty repeated the information that Mayor Bassani offered regarding review of all bills submitted for payment, and stated that the allegations to which Mrs. Smulewicz referred were unfounded and inaccurate. Mr. Garofalo offered his views on the issue of the questioning of legal bills, expressing his belief that the person who made these allegations should have the courage to come to a meeting and make the allegations face to face.

Mrs. Smulewicz and Mr. Garofalo then held a discussion reflecting their views on this issue. Mr. Garofalo expressed the belief that Mrs. Smulewicz was pandering to the unfounded allegations being made by others.

Mrs. Smulewicz then offered her views on a recent newspaper article which reported the outcome of OPRA lawsuits involving the Township. Mrs. Smulewicz expressed the belief that the Township had taken a position that these lawsuits were of important significance, and stated her belief that the story having been reported on page 8 of the newspaper reflects that the cases were not of significance. Mr. Garofalo disputed the position taken by Mrs. Smulewicz, stating that it was Mr. Gettler who informed the Township they would need to increase their legal budget to pay for his attorney's fees, as in Mr. Gettler's view, this was going to be a precedent-setting case, and then when Mr. Gettler loses the case, he says that it's no big deal.

General discussion took place between Mrs. Smulewicz and Mr. Garofalo, regarding Mrs. Smulewicz' memory of Mr. Gettler's statements. Mr. Garofalo expressed his belief Mrs. Smulewicz was pandering to the positions being expressed by Mr. Gettler, stating that Mr. Gettler only questioned the Township's legal fees after losing three court cases to the Township.

Mayor Bassani at this point expressed a desire to handle the rest of the open session. Mayor Bassani informed Mrs. Smulewicz that she is entitled to her opinion, and the Committee has listened to her opinion, and they always will, but that doesn't necessarily mean the Committee agrees with her opinions, but just as the Committee needs to respect her opinion, she too needs to respect hearing an opinion which may be contradictory to her own from time to time.

Mrs. Smulewicz expressed a belief that she had been dealt with disrespectfully, and the Township ought to give some thought to who they use as hired help.

OPEN SESSION , CONTINUED

Mayor Bassani stated that he appreciates Mrs. Smulewicz' comments, but asked Mrs. Smulewicz to understand and appreciate that a lot of time and energy goes in to running Wantage Township by the Committee and their professionals, who all do their best, and when the Township faces consistent attacks on every front they possibly can from certain individuals, it does at times become emotional. Mayor Bassani stated that Mr. Gettler has made threats and accusations against the Township, its employees, elected officials and appointed professionals repeatedly, and the newspaper article mentioned by Mrs. Smulewicz was an example of three lawsuits that Mr. Gettler had initiated against the Township, and lost, costing the Wantage taxpayers needless legal fee expense, whatever that expense may have been. And, rather than admit he was wrong, Mr. Gettler then turned right around and went into an attack on the legal fees of the attorney and his firm, who had defeated him in court. Mayor Bassani characterized these lawsuits as being frivolous, and a waste of taxpayer money.

Mrs. Smulewicz related details of a past experience she had with the Wantage Construction Department which she categorized as a frivolous lawsuit initiated by the Township. Mr. Garofalo disputed Mrs. Smulewicz' memory of the details of that situation. Mayor Bassani thanked Mrs. Smulewicz for her comments, but requested that this topic be revisited at another time, not this evening.

Mr. DeBoer expressed his memory of a lawsuit which he inquired about in 1999 prior to his term on the governing body, stating that Mr. Gettler cost the Township of Wantage over \$18,000 at that time, as well.

Mrs. Smulewicz shared a story line from the movie "The Godfather", expressing a belief that there is a moral to that story applicable to the situation being discussed this evening: don't get so obsessed that you cannot see the forest for the trees.

Mrs. Kathy Gorman, Fernwood Road, asked if the Township was receiving any money from the Tennessee Gas Pipeline expansion project. Mr. Doherty and Mayor Bassani explained that the Township received a grant to cover the cost of tree replacement, said trees to be planted at Woodbourne Park in compensation for trees destroyed during the project, but no monetary payment is being received.

Ms. Linda Fisher, South Shore Drive, expressed statements of support for the efforts of the governing body.

Mrs. Gorman reported on an award won by the Wantage Township First Aid Squad. Mr. DeBoer explained that the trophy was for nicest vehicle in the Port Jervis Firemen's Parade. The members of the governing body requested Mr. Doherty to send a letter of congratulations to the First Aid Squad.

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. Gaechter moved to adjourn the meeting. Mr. DeBoer seconded the motion. Upon Roll call,
Ayes: DeBoer, Gaechter, Bassani Nays: None Absent: None Abstain: None

Mayor Bassani declared this meeting adjourned.