

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 JANUARY 30, 2014

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

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

CONSENT AGENDA

Mayor DeBoer requested that the governing body Review the Regular Consent Agenda.

Mr. Gaechter moved to authorize the filing of:

- Construction Department Report for December 2013
- Tax Collector Report for December 2013
- Municipal Clerk Report for December 2013
- Registrar Report for December 2013
- Board of Health Report for December 2013

Mr. Bassani seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to authorize Payment of Bills for the Meeting of January 30, 2014

Mr. Bassani seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to confirm appointments to the position of Alternate Public Defenders for 2014: Alternate #1 – Daniel Colfax, Esq.; Alternate #2 – Shepard Kays, Esq.; Alternate #3 – Daniel Agostino, Esq.; Alternate #4: Michael Justice, Esq.

Mr. Bassani seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to confirm the appointment of Scott Readlinger of HUB International as the Risk Management Consultant for Wantage Township for the Statewide Insurance Fund for 2014.

Mr. Bassani seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to authorize the Annual Recycling Tonnage Grant Application to the NJDEP.

Mr. Bassani seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to confirm the action taken to hire Frederick MacDonald as a temporary part time Electrical Inspector at \$30 per hour. Mr. Bassani seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to approve Change Order to the contract for the project "Milling and Paving Armstrong Road," reducing the cost of the project by \$5,152 because of asphalt price de-escalation from the time of the Morris County Cooperative Pricing Contract Award and the time frame when the work was done. Mr. Bassani seconded the motion. Upon Roll call,

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

CONSENT AGENDA, Continued

Mr. Gaechter moved to approve Change Order to the contract for the project “Milling and Paving Lake NeePaulin Roads – Section II,” reducing the cost of the project by \$3,673.88 because of asphalt price de-escalation from the time of the Morris County Cooperative Pricing Contract Award and the time frame when the work was done. Mr. Bassani seconded the motion. Upon Roll call,
Ayes: Gaechter, Bassani, DeBoer **Nays:** None **Absent:** None **Abstain:** None

Mr. Gaechter moved to approve the renewal of Contract with Space Farms for removal of deer carcasses from municipal roads for the year 2014.
Mr. Bassani seconded the motion. Upon Roll call,
Ayes: Gaechter, Bassani, DeBoer **Nays:** None **Absent:** None **Abstain:** None

Mr. Gaechter moved to approve renewal of Shared Services Agreement with the Township of Frankford to provide Recycling Coordinator services for the year 2014.
Mr. Bassani seconded the motion. Upon Roll call,
Ayes: Gaechter, Bassani, DeBoer **Nays:** None **Absent:** None **Abstain:** None

Mr. Gaechter moved to approve the Shared Services Agreement with the Township of Lafayette for animal control and pound services for the year 2014.
Mr. Bassani seconded the motion. Upon Roll call,
Ayes: Gaechter, Bassani, DeBoer **Nays:** None **Absent:** None **Abstain:** None

Mr. Gaechter moved to approve renewal of Shared Services Agreement with the Township of Sussex and the Township of Stillwater for Court Services for the years 2014 through 2017.
Mr. Bassani seconded the motion. Upon Roll call,
Ayes: Gaechter, Bassani, DeBoer **Nays:** None **Absent:** None **Abstain:** None

Mr. Gaechter moved to approve Shared Services Agreement with the Township of Branchville for animal control and pound services for the year 2014.
Mr. Bassani seconded the motion. Upon Roll call,
Ayes: Gaechter, Bassani, DeBoer **Nays:** None **Absent:** None **Abstain:** None

Mr. Gaechter moved to approve Shared Services Agreement with the Township of Hardyston for animal control and pound services for the year 2014.
Mr. Bassani seconded the motion. Upon Roll call,
Ayes: Gaechter, Bassani, DeBoer **Nays:** None **Absent:** None **Abstain:** None

Mr. Gaechter moved to approve submission of strategic plan for the Sussex Wantage Municipal Alliance Against Drug and Alcohol Abuse Grant for fiscal year 2014.
Mr. Bassani seconded the motion. Upon Roll call,
Ayes: Gaechter, Bassani, DeBoer **Nays:** None **Absent:** None **Abstain:** None

Mr. Gaechter moved to approve the project entitled “Pidgeon Hill Road – Section I”, as per recommendation of Township Engineer Harold Pellow dated January 16, 2014.
Mr. Bassani seconded the motion. Upon Roll call,
Ayes: Gaechter, Bassani, DeBoer **Nays:** None **Absent:** None **Abstain:** None

Mr. Gaechter moved to approve the Annual Soil Removal Certification of Shotco for Block 44 Lot 25.01, for removal of less than 10,000 cubic yards of material in 2014.
Mr. Bassani seconded the motion. Upon Roll call,
Ayes: Gaechter, Bassani, DeBoer **Nays:** None **Absent:** None **Abstain:** None

Mr. Gaechter moved to approve the Annual Soil Removal Certification of Lois Wright for Block 136 Lot 5, for removal of less than 5,000 cubic yards of material in 2014.
Mr. Bassani seconded the motion. Upon Roll call,
Ayes: Gaechter, Bassani, DeBoer **Nays:** None **Absent:** None **Abstain:** None

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CONSENT AGENDA, Continued

Mr. Gaechter moved to approve the Annual Soil Removal Certification of Foothill Acres Farm for Block 2 Lot 18.01, for removal of less than 5,000 cubic yards of material in 2014.

Mr. Bassani seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to approve the refund of \$3,419.51 to US Bank, Block 88 Lot 44, for tax sale certificate 13-1; and \$1,500.00 to US Bank, Block 88 Lot 44, for tax sale premium; \$1,000.00 to US Bank, Block 19 Lot 7, for tax sale premium. Mr. Bassani seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to approve the refund of \$8.00 to Carl Russell, for overpayment of dog licenses 819 and 820. Mr. Bassani seconded the motion. Upon Roll call,

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

Administrator's Report: None

Attorney's Report: None

Township Committee Member Reports: Mayor DeBoer expressed concern that St. Clare's Hospital in Sussex was cutting back on Emergency Room hours on top of already having closed their in-patient services. Mayor DeBoer requested a letter be sent to various State representatives, urging them to take action to make St. Clare's Hospital in Sussex more available to the public. The governing body agreed with this suggestion by consensus.

OLD BUSINESS:

Status of Reassessment Program with Representatives of County Tax Board

Mr. John Fierro of the Sussex County Tax Board held discussion with members of the governing body regarding the status of the Reassessment program undertaken in Wantage Township. General review and consideration of this topic took place at this time.

Status of Sale of Sussex Airport

Attorney M. Richard Valenti, court-appointed attorney for seeking the sale of the Sussex Airport, offered the governing body a status report on this topic, indicating that in a best case scenario, a closing may take place in the summer.

Presentation: Emergency Management Plan and Activities

Wantage Township Emergency Management Coordinator Joe Konopinski offered a summary report of activities of the Emergency Management Council from 2013, highlighting several drills that were held. Mr. Konopinski also explained proposed actions for 2014, including further drills and updating the entire Emergency Management Plan in compliance with requirements of the State of New Jersey. General discussion and review took place at this time.

Status Update: Cell Tower Concept at Wantage Town Hall

Mr. Doherty reported that Verizon had concluded their feasibility study into the possible locating of a cell tower at Wantage municipal complex, and reached the conclusion that the site does not meet their needs. As such, this option has been concluded with no further action.

Lake Neepaulin Dam Special Assessment

Mr. Doherty offered a review of this topic, and proposed a course of action to follow for implementing the Lake Neepaulin Dam Special Assessment. Mr. Doherty proposed to introduce an ordinance for this special assessment on February 13, and adopt it on February 27.

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Mr. Doherty requested the governing body confirm their desires with respect to administrative, legal and litigation costs which could be attributable to the Dam issue and potentially included in the special assessment certification of costs.

General review and consideration took place at this time regarding whether the costs of litigation associated with this issue would be appropriate for inclusion in the special assessment.

Mr. Gaechter moved to include administrative and general legal fees attributable to the issue as a part of the special assessment certification of costs, but to exclude litigation costs.

Mr. Bassani seconded the motion. Upon Roll call,

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

NEW BUSINESS:

Adoption of Ordinance 2014-01

Mr. Bassani moved to adopt on final reading, Ordinance 2014-01, entitled "AN ORDINANCE ACCEPTNG THE DEDICATION OF STREETS WITHIN THE CLOVE HILL MANOR SUBDIVISION." Mr. Gaechter seconded the motion.

Prior to final roll call, Mayor DeBoer opened the meeting to the public for any questions or comments with respect to this proposed ordinance.

Mr. David Ramsey, attorney for the Clove Hill Manor Homeowners Association, offered thanks to the governing body for this ordinance.

There being no one else wishing to address the governing body at this time, Mayor DeBoer closed the meeting to the public and requested a roll call. Upon Roll call,

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

Adoption of Ordinance 2014-02

Mr. Gaechter moved to adopt on final reading, Ordinance 2014-02, entitled "AN ORDINANCE AMENDING CHAPTER XXI, FEES, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WANTAGE." Mr. Bassani seconded the motion.

Prior to final roll call, Mayor DeBoer opened the meeting to the public for any questions or comments with respect to this proposed ordinance.

There being no one wishing to address the governing body at this time, Mayor DeBoer closed the meeting to the public and requested a roll call. Upon Roll call,

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

Introduction of Ordinance 2014-03: Salaries

Mr. Bassani moved to introduce on first reading, Ordinance 2014-03, 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 2014." Final Hearing date scheduled for February 13, 2014.

Mr. Gaechter seconded the motion. Upon Roll call,

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

Approval of Minutes

Mr. Bassani moved to adopt the Organization and Regular Session minutes of January 2, 2014; and the Budget Workshop Minutes of January 16, 2014 and January 23, 2014.

Mr. Gaechter seconded the motion. Upon Roll call,

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

Mr. Bassani moved to adopt the Budget Workshop Minutes of January 9, 2014.

Mr. Gaechter seconded the motion. Upon Roll call,

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

OPEN PUBLIC SESSION

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

Rocco Russo, South Shore Drive, offered his belief regarding the impact of the Dam project on sale of homes in the lake community, and expressed concern about foreclosures. Mr. Russo spoke in opposition to the special assessment.

Ann Smulewicz, Route 23, spoke in opposition to the special assessment, and offered her views regarding legal fees associated with the project.

Kathy Gorman, Fernwood Road, expressed disappointment with the level of oversight on payment of bills associated with the dam rehabilitation; and expressed concern that several communications involved in this project referenced FOLN as being a Homeowners Association.

Tom Jable, South Shore Drive, clarified that FOLN is not a Homeowners Association and the correspondence referenced by Mrs. Gorman represented typographical errors.

Scott Thomas, 11 Valley View Trail, expressed the belief that access to use of the lake should be provided for nay one paying the special assessment. General discussion of this observation took place at this time.

Mondell Fisher, South Shore Drive, offered input regarding the fees charged by FOLN for membership and use privielges at the Lake.

Tom Jable also addressed the fees charged, and stated that FOLN was working on an arrangement in which some access for use of the Lake would be accommodated for those paying a special assessment.

Mayor DeBoer reminded the public that this repair project was not the idea of the governing body; that the NJDEP ordered the project to be done, and stated his position that it made no sense to allow the lake to be drained.

Matt Toy, South Shore Drive, requested a clarification on the special assessment process. General discussion took place.

Nick Luciano, Old Clove Road, asked what happened in the event of a default of payment by FOLN. Mayor DeBoer responded that title to the lake would be turned over to the Township.

Warren Wisse, Valley View Trail, expressed disagreement with the 10% figure for the amount of the loan that FOLN is required to pay, and offered concern with rude behavior by members of FOLN. Mayor DeBoer offered a response to this input.

Ken Collura, 41 Union Road, expressed support for the concept of fishing rights being given to persons who pay the special assessment.

Mr. Bassani explained that many of the details involved in this matter have already been decided in court, a long time ago. This is not a 2014 issue for decisions. Mr. Bassani stated that he understood the frustration being expressed this evening, but there is no flexibility to the decisions which have already previously been made.

Kathy Gorman offered input regarding homeowner insurance and the effect of the lake on that insurance, stating that her experience is that it has no impact. Mrs. Gorman expressed her opposition to the special assessment.

Ann Smulewicz expressed disappointment that no collateral was required, and no credfit check done on FOLN.

OPEN PUBLIC SESSION, Continued

Mrs. Smulewicz expressed her position with respect to things she believed Mr. Fierro stated about Wantage. Mr. Bassani requested clarification, which led to a general discussion. Mrs. Smulewicz expressed comments regarding the assessment of the Parrott property. General discussion of Mrs. Smulewicz' comments took place.

Mr. Bassani stated that the governing body opposed the 2012 Compliance Plan right up to the office of the Attorney General of New Jersey, and they shared the expressed frustration of that subject, but ultimately it was confirmed that the Office of Assessor is autonomous from the governing body, as Mr. Fierro stated this evening. Mr. Bassani stated that the Reassessment program should address much of the public's concerns about inequity in assessments. Mayor DeBoer agreed with these comments, stating that the people he has spoken with to date seem very satisfied with the results of the reassessment program.

Mrs. Smulewicz stated that Melissa Rockwell was the Assessor who drove the Compliance Plan.

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

ADJOURNMENT

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

James R. Doherty, Administrator Clerk