

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 FEBRUARY 20, 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 January 2014
- Tax Collector Report for January 2014
- Municipal Clerk Report for January 2014
- Registrar Report for January 2014
- Board of Health Report for January 2014

Mr. Bassani seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to approve Raffle Application RA14-01, for American Legion Post 213 to conduct an Off Premise 50/50 Raffle on June 29, 2014.

Mr. Bassani seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to approve Raffle Application RA14-02, for PTO Sussex Wantage to conduct an Off Premise Merchandise Raffle on May 9, 2014 at High Point High School.

Mr. Bassani seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to approve Raffle Application RA14-03, for PTO Sussex Wantage to conduct an On Premise 50/50 Raffle on May 9, 2014 at High Point High School.

Mr. Bassani seconded the motion. Upon Roll call,

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

CONSENT RESOLUTIONS

Mr. Gaechter moved to approve Payment of Bills for the Meeting of February 20, 2014.

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 Patrick Stefanelli to the Civil Service position of Fire Protection Inspector, in accordance with the Notice of Certification from NJ Civil Service Commission. Mr. Bassani seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to confirm the Promotion of David Stewart to the Civil Service position of Heavy Equipment Operator of the Public Works Department, in accordance with the Notice of Certification from NJ Civil Service Commission.

Mr. Bassani seconded the motion. Upon Roll call,

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

PAGE TWO OF THE MINUTES OF FEBRUARY 20, 2014

CONSENT AGENDA, Continued

Mr. Gaechter moved to approve Place to Place Transfer of Liquor License 1924-33-003-007 from “Inactive” status to active status at 1 Libertyville Road, as follows:

WHEREAS, on January 21, 2014, an application was filed for a place to place transfer of Plenary Retail Consumption License #1924-33-003-007, heretofore issued to ARETEO LLC, for the purpose of activating a previously inactive “pocket” license in the Township Of Wantage, New Jersey; and

WHEREAS, proof of publication of the said pending application for transfer has been submitted, and no objection from the public has been filed against this proposed transfer; and

WHEREAS, the submitted application form is complete in all respects, and the transfer fees have been paid; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent ordinances and conditions consistent with Title 33;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee of the Township Of Wantage in Sussex County, New Jersey, does hereby approve, effective February 20, 2014, the aforesaid Plenary Retail Consumption License of Areteo, LLC, is hereby transferred to 1 Libertyville Road, and does hereby direct the Township Administrator Clerk to endorse the license certificate to the new ownership as follows:

“This license, subject to all its terms and conditions, is hereby transferred to 1 Libertyville Road, effective February 20, 2014.”

Mr. Bassani seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to confirm the Promotion of Larry Caton to the Civil Service position of Road Repairer I of the Public Works Department, in accordance with the Notice of Certification from NJ Civil Service Commission.

Mr. Bassani seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to approve the Application for Use of Township Facilities to NJMA Mining, Gravel and Sand, LLC, to hold training seminar on March 17, 2014 in the municipal meeting room, 888 Route 23. Mr. Bassani seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to accept, with regrets, the resignation of Michael Garrett from the Wantage Township Open Space Advisory Committee. Mr. Bassani seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to approve the Request of Larry Caton for contractual benefit allowance of “Additional Sick Leave” for up to 33 days, based on years of service to the Township.

Mr. Bassani seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to approve Canceling Capital Ordinance 2013-11, as these funds are no longer needed to purchase a DPW vehicle. Mr. Bassani seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to approve authorizing the refund of \$8.00 to Carl Russell for overpayment on 2014 Dog License fees. Mr. Bassani seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to approve authorizing the refund of \$ 3,319.77 to Actlien Holding, Inc, Block 130 Lot 6.09 for tax sale certificate 13-31; \$25,000.00 to Actlien Holding, Inc. Block 130 Lot 6.09 for tax sale premium; and \$664.79 to US Bank, LLC, Block 151 Lot 2 for tax sale certificate 13-45

Mr. Bassani seconded the motion. Upon Roll call,

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

Mr. Gaechter moved to approve authorizing Renewal of Soil Removal License for Bicsak Brothers Realty at 80 Route 23. Mr. Bassani seconded the motion. Upon Roll call,

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

Administrator’s Report: Mr. Doherty requested another Budget work session. The governing body agreed to hold a meeting on February 27 for this purpose. Mr. Doherty reviewed the proposed Newsletter with the governing body.

PAGE THREE OF THE MINUTES OF FEBRUARY 20, 2014

Attorney's Report: None

Township Committee Member Reports:

Mr. Bassani reported on his attendance at the most recent Sussex County League of Municipalities Dinner Meeting, along with Mayor Bill DeBoer, at which the topic of the current unfair distribution of tax burden on municipalities in situations of refunds from tax appeals was discussed. Mr. Bassani presented a sample Resolution supporting proposed legislation which would redistribute this tax burden among county and school district obligations, as well as municipal obligation. The members of the governing body agreed to place this resolution on the next agenda for consideration of approval.

Mayor DeBoer reported on his attendance at a public officials gathering held at Home Depot in Newton recently. Mayor DeBoer provided Mr. Doherty with file material from the gathering, so the Township could review potential purchasing opportunities for various items would prove beneficial.

Mr. Gaechter inquired regarding the status of salt supply in the DPW yard, given recent backlogs in delivery from salt suppliers. Mr. Doherty confirmed that supplies were critically low.

OLD BUSINESS:

Volcanic Hill Road

Township Engineer Harold Pellow discussed his report to the governing body dated 12/30/13. Mr. Ken Nelson, resident of Volcanic Hill Road, also joined in the discussion. The members of the governing body directed the Administrator to send a letter to all 9 property owners of Volcanic Hill Road, informing them that the Township is giving consideration to a request that the private road be accepted by the Township as a public road, a special assessment process is being considered as a means of paying for the costs of improving the road to public road standards; inviting the property owners to discuss their positions on this issue with the governing body.

Township Engineer Report

Township Engineer Harold Pellow offered his Year-End Report for 2013, and discussed anticipated projects of the Township for 2014.

Lake Neepaulin Dam Special Assessment

The governing body reviewed of this topic with Mr. Doherty, Mr. Garofalo, and Tax Assessor Kristy Lockburner. Mr. Doherty presented a summary of the Assessor's report, explaining her proposed plan for handling tiers and payment obligations under the special assessment. Mr. Garofalo informed the governing body of a state statute which explains the process under which the Township would consideration to formally accepting the report offered by the Tax Assessor, and recommended the governing body follow this procedure outlined in state law.

NEW BUSINESS:

Adoption of Ordinance 2014-03

Mr. Bassani moved to adopt on final 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." 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.

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

PAGE FOUR OF THE MINUTES OF FEBRUARY 20, 2014

Introduction of Ordinance 2014-04: Special Assessment

Mr. Bassani moved to introduce on first reading, Ordinance 2014-04, entitled "AN ORDINANCE AUTHORIZING SPECIAL TAX ASSESSMENT FOR LAKE NEEPAULIN DAM RECONSTRUCTION." Final Hearing date scheduled for March 6, 2014.

Mr. Gaechter seconded the motion. Upon Roll call,

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

Introduction of Ordinance 2014-05: Purchase of Truck

Mr. Bassani moved to introduce on first reading, Ordinance 2014-05, entitled "ORDINANCE APPROPRIATING THE SUM OF \$10,000 FOR THE PURCHASE OF DPW VEHICLE." Final Hearing date scheduled for March 6, 2014.

Mr. Gaechter seconded the motion. Upon Roll call,

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

Introduction of Ordinance 2014-06: Purchase of SCBA Equipment

Mr. Bassani moved to introduce on first reading, Ordinance 2014-06, entitled "ORDINANCE APPROPRIATING THE SUM OF \$52,000 FOR THE PURCHASE OF SELF-CONTAINED BREATHING APPARATUS." Final Hearing date scheduled for March 6, 2014.

Mr. Gaechter seconded the motion. Upon Roll call,

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

Approval of Minutes

Mr. Gaechter moved to adopt the minutes of January 30, 2014.

Mr. Bassani seconded the motion. Upon Roll call,

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

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.

Peter Johr, South Shore Drive, inquired regarding details of the proposed special assessment ordinance and access to the Assessor for answering questions. The Mayor informed Mr. Johr that the Assessor is available to the public during regular office hours.

Kathy Gorman, Fernwood Road, expressed disagreement with comments offered by Ms. Lockburner, expressed disagreement with proposed wording in the special assessment ordinance, and offered views regarding the geographic delineation of tiers within the special assessment plan.

Bob Heiden, Old Clove Road, thanked the Township for taking action to repair the Lake Neepaulin Dam.

Ann Smulewicz, Route 23, inquired regarding total project costs and legal fees incurred in the project. Mr. Doherty stated that the decision of the governing body was to exclude litigation costs but include legal fees of a non-litigation nature. Ms. Smulewicz also expressed concern regarding foreclosures and its potential impact on default of loan repayment.

Scott Thomas, Valley View Trail, inquired regarding the procedure by which notification is given of the presence of a special assessment upon the sale of a property. Mr. Garofalo and Mr. Doherty responded to this question.

Warren Wisse, Valley View Trail, requested a clarification on the issue of a default on loan repayment. Mayor DeBoer responded to this question.

Ken Collura, Union Road, expressed concern with the high foreclosure rate on properties.

PAGE FIVE OF THE MINUTES OF FEBRUARY 20, 2014

OPEN SESSION, Continued

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 any one paying the special assessment. General discussion of this observation took place at this time.

Mondell Fisher, South Shore Drive, thanked the governing body for taking action to repair the dam.

Rocco Russo, South Shore Drive, expressed disagreement with previous discussions about the cost of decommissioning the dam and draining the lake. Mr. Russo stated that the silt at the bottom of the lake has considerable financial value and could have been used to offset costs of draining the lake.

Mr. Bassani suggested that this input is contrary to previous assertions made by Mr. Russo that the lake was polluted. General discussion took place regarding this topic.

Ken Collura, Union Road, expressed concern that fishing rights are not being offered for individuals paying a special assessment.

Nick Luciano, Old Clove Road, expressed concern with the cost burden of the special assessment and expressed disappointment that this financial impact would be placed upon him so long after he had made the decision to purchase property within the Lake Neepaulin area.

Mr. Bassani stated that much of what is being brought up for discussion involves decisions made by previous governing bodies and court decisions that cannot be undone now, and urged the public to recognize that the 2014 governing body, just as those previous governing bodies, are doing their best to deal with the situation that has been presented to them.

Mr. Luciano repeated his belief that the decision represents an unfair burden being placed upon him.

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

Mayor DeBoer declared this meeting adjourned.

James R. Doherty, Administrator Clerk