

**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 17, 2014.**

Mayor DeBoer called the regular meeting to order, and requested the Clerk call the roll. Upon roll call, the following members of the governing body were present: Mayor Bill DeBoer, Committeeman Ron Bassani, and Committeeman Bill Gaechter. The following members were absent: None.

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 and certified by the Clerk."

FLAG SALUTE

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

CONSENT AGENDA

Mayor DeBoer requested that the governing body review the Consent Agenda.

Mr. Bassani moved to approve the following reports for filing:

- Construction Department Report for June 2014
- Board of Health Report for June 2014
- Registrar of Vital Statistics Report for June 2014
- Municipal Clerk Report for June 2014
- Tax Collector Report for June 2014

Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to approve Raffle License RL 14-12, for Kiwanis Club Sussex to conduct an Off Premise 50/50 on August 13, 2014 at the Sussex Queen Diner.

Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to approve Membership Application in New Jersey Exempt Firefighters Association for Hunter Space of Wantage, NJ. Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to approve Payment of Bills for the Meeting of July 17, 2014, excluding Purchase Order 11640 for Bassani Power and Equipment in the amount of 75.90.

Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to approve the Execution of Contract with Tilcon NY, under the terms of the Morris County Cooperative Pricing Council, for Paving Improvements to Old Clove Road in the amount of \$25,412.42; August Lane, Maida Drive, Philip Terrace and Kearney Drive in the amount of \$202,299.94; and Lake Neepaulin roads in the amount of \$113,724.12. The Certificate of Availability of Funds from the Chief Finance Officer is on file in the Clerk's office.

Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to approve the Execution of Contract with Campbell Foundry Company, under the terms of the Morris County Cooperative Pricing Council, to supply safety grates and inlets for August Lane, Maida Drive, Philip Terrace and Kearney Drive in the amount of \$3,806.00; and Lake Neepaulin roads in the amount of \$3,514.00. The Certificate of Availability of Funds from the Chief Finance Officer is on file in the Clerk's office.

Seconded by Mr. Gaechter. Upon Roll Call:

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

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CONSENT AGENDA, Continued

Mr. Bassani moved to approve the Execution of Contract with Denville Line Painting, under the terms of the Morris County Cooperative Pricing Council, to provide Line Striping for Improvements to Old Clove Road in the amount of \$168.00; August Lane, Maida Drive, Philip Terrace and Kearney Drive in the amount of \$525.00; and Lake Neepaulin roads in the amount of \$288.00. The Certificate of Availability of Funds from the Chief Finance Officer is on file in the Clerk's office.

Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to authorize Patrick Stefanelli to serve as Acting Temporary Plumbing Sub Code Official effective July 8, 2014 through August 8, 2014.

Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to authorize a waiver of Developer Fee for Block 125 Lot 3.03 under the terms of NJAC 5:97-2.5, dealing with situations of rebuilding a home after a fire.

Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to authorize the refund of:

\$12,896.19 to M & V Liens, Block 52 Lot 4 for tax sale certificate 13-24

\$12,559.29 to US Bank, Block 156 Lot 1.04 for tax sale certificate 13-48

\$11,200.00 to US Bank, Block 156 Lot 1.04 for tax sale premium

\$172.54 to Jayne Konkol, Block 150 Lot 23.03 for tax overpayment

Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to authorize reimbursement of \$50.00 for a vendor's fee for Wantage Day submitted in error, to Keith Anson, Highland Lakes, NJ. Seconded by Mr. Gaechter. Upon Roll Call:

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

Mr. Bassani moved to approve a Resolution Opposing Expansion of Federal Controls Under Clean Water Act, as follows:

WHEREAS, the U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps.) have released a 371 page draft regulation for Definition of Waters of the U.S. under the Clean Water Act; and

WHEREAS, both agencies are seeking a rule change to give the federal government more authority by expanding the definition of "navigable waters" in the Clean Water Act; and

WHEREAS, the rule change proposed by the EPA and the Corps would subject almost all physical areas with a connection to downstream navigable waters, including features such as ditches, natural or man-made ponds, and flood plains, to the jurisdiction of the Clean Water Act; and

WHEREAS, the proposed rule change, if adopted, will cause significant harm to local farmers, stall the development of businesses, take control of land use for sustainable food production out of our local providers' hands, and negatively impact County-owned and maintained infrastructure such as roadside ditches and flood control channels; and

WHEREAS, the cost to our farms, municipalities and taxpayers will pose yet another undue economic burden; and

WHEREAS, it is impractical for the federal government to regulate every ditch, pond and rain puddle that may have some tenuous connection, miles away, to a body of water currently defined as "navigable";

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Committee of Wantage Township hereby strongly opposes the EPA and Corps expansion of the Clean Water Act, as proposed; and

BE IT FURTHER RESOLVED that three (3) copies of this Resolution be forwarded to "Water Docket, Environmental Protection Agency, Mail Code 2822T, 1200 Pennsylvania Avenue NW, Washington, D.C. 20460, Attention: Docket ID NO EPA-HQ-OW-2011-0880; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the Honorable Chris Christie - Governor of the State of New Jersey; the Honorable Robert Menendez - U.S Senator; the Honorable Corey Booker - U.S. Senator; the Honorable E. Scott Garrett U.S. Representative, 5th Congressional District; the Honorable Steven Oroho, State Senator, 24th Legislative District; the Honorable Alison McHose Assembly Representative, 24th Legislative District; the Honorable Parker

Space - Assembly Representative, 24th Legislative District; the New Jersey League of Municipalities and the 24 municipalities of Sussex County.

Seconded by Mr. Gaechter. Upon Roll Call:

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

BILL LIST Continued

Mr. Gaechter moved to approve the Purchase Order 11640 for Bassani Power and Equipment in the amount of \$75.90. The motion was seconded by Mayor DeBoer. Mr. Bassani excused himself from participation in this matter, and cast no vote. Upon roll call,

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

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ADMINISTRATOR'S REPORT

Mr. Doherty requested the governing body adopt a resolution acknowledging receipt of the Report of Audit for the Year 2013.

Audit

Mr. Bassani moved to adopt the following Resolution:

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 2013 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

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.

Seconded by Mr. Gaechter. Upon Roll Call:

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

August Meeting

Mr. Doherty inquired if the governing body wished to reschedule the August meeting date. Consensus was expressed to reschedule the meeting previously scheduled for August 14 to be held instead on August 21, 2014.

Rolling Hills Development Bond

Mr. Doherty presented a letter from Township Attorney Harold Pellow, recommending the Township Call the Bond on the Rolling Hills Development (former Toll Brothers) to obtain the money necessary to complete the outstanding, unfinished improvements required by the Land Use Board for that development.

Mr. Gaechter moved to authorize the Township Attorney to take all necessary actions to call Bond No. 1048631, in the amount of \$270,293.64, in accordance with the provisions of the Township Engineer letter dated July 17, 2014. Mr. Bassani seconded the motion. Upon Roll Call:

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

Multi-Town Court

Mr. Doherty informed that several other municipalities have contacted him regarding the possibility of expanding the current 3-town court system. Mr. Doherty expressed a desire to update the governing body on this topic in closed executive session, under the exclusion provided in the Open Public Meetings Act for Negotiations.

ADMINISTRATOR REPORT, Continued

Colesville Parking Lot Improvement

Mr. Doherty informed that the bid opening for this project will take place on August 12, with the award of contract being made at the August meeting of the governing body, assuming the fully funded Ordinance for this purpose is adopted at the August meeting.

Reardon Property Issue

Mr. Doherty presented a situation in which property owners on Hickory Lane found themselves in a situation of having inadvertently encroached upon a Township-owned lot next to their property by placement of a swimming pool and fencing. They desire to clear up this encroachment in order to sell their property with a clear title. Various options were explored regarding this issue. The governing body expressed a desire to review the situation on site before making a decision regarding what action to take. No further action was taken at this time.

ATTORNEY'S REPORT: None

TOWNSHIP COMMITTEE REPORTS:

Committeeman Bassani offered an update report on the activities of the Open Space Advisory Committee (OSAC). Mr. Bassani explained that OSAC has been hard at work reviewing potential sites for open space preservation, and have reached a consensus that they would like the Township to seek a grant from NJDEP Green Acres that would provide up to \$35,000 for the possible acquisition of a lot on Berry Road, which is directly across the street from existing Woodbourne Park.

Mr. Gaechter moved to authorize the Administrator to send a letter to NJDEP Green Acres, seeking the funding grant explained by Mr. Bassani. Mayor DeBoer seconded the motion. Upon Roll Call:

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

Mr. Bassani stated OSAC also was reviewing the viability of pursuing another tract of land on Route 519, which would be in close proximity to the Appalachian Trail. A meeting of OSAC is scheduled for the coming week and Mr. Bassani asked for permission for the Administrator to amend the above funding request to also include a request for \$400,000 grant toward the preservation of the Route 519 property if such is the recommendation of OSAC after they meet.

Mr. Gaechter moved to authorize the Administrator to send the amended letter to NJDEP Green Acres, seeking the additional funding grant explained by Mr. Bassani, if such is recommended by OSAC. Mayor DeBoer seconded the motion. Upon Roll Call:

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

OLD BUSINESS:

Volcanic Hill Road

Mr. Doherty reviewed the procedures to be followed for improvements to Volcanic Hill Road and implementation of the special assessment to pay for those improvements. No action was taken at this time.

Lake Neepaulin Issue

Mayor DeBoer read the following Mayor's Statement at this time:

MAYOR'S STATEMENT

In April of this year, an attorney representing FOLN contacted the Wantage Township Attorney offering a reaction to the adjusted obligation of FOLN for the NJDEP Loan Repayment on the Dam project.

This attorney explained FOLN could not meet the financial obligation of the new special assessment plan, and therefore FOLN proposed to voluntarily relinquish ownership of Lake Neepaulin. This would set in motion already-established procedures for dealing with a default of the NJDEP loan payment by FOLN. The attorney stated FOLN did not envision pursuing legal action against the Township if certain understandings could be reached.

OLD BUSINESS, Continued

Mayor's Statement, Continued

The Township always stands prepared to defend its actions if and when necessary. But the best interests of the community are served if lawsuits can be avoided, so the Administrator and the Attorney have engaged in discussions with representatives of FOLN for this purpose.

From May through mid-June, discussions took place between the attorneys for FOLN and the Township, reviewing proposed wording of an agreement which would transfer ownership of the Lake to the Township.

The Administrator provided the governing body with various options for dealing with a situation in which ownership of the Lake, Beach and Dam were transferred to the Township, and for options to raise the money necessary to repay the NJDEP loan if and when the Township owns the lake.

The governing body met on June 12 and reviewed the status of this situation in closed executive session. Direction was provided at that time for desired changes in the proposed Turnover Agreement.

From Mid-June to Mid-July, the Administrator and the Attorney have worked with representatives of FOLN and their attorney with the goal of revising the Turnover Agreement into an acceptable final draft.

Two representatives of FOLN requested a meeting with the Mayor and the Administrator on July 9. I agreed to this request, as I would for any other Wantage citizen who wants to meet with their Mayor. The details of that meeting are available as a matter of public record, even though the meeting itself was a private conversation.

Tonight, the governing body will review the proposed final draft of the Turnover Agreement. If the wording proves acceptable, I shall recommend the Township take the following actions:

- 1) Introduce an Ordinance for acceptance of Ownership of Lake Neepaulin, to be introduced tonight and adopted at our August meeting. This Ordinance would, simultaneously, repeal Ordinance 2014-04, which authorized a special tax assessment for the Lake Neepaulin dam reconstruction project.
- 2) Plan on a closing to take place on or about September 1, 2014.
- 3) Adopt a Resolution for the Chief Finance Officer to prepare necessary amendments to the Wantage Township Budget, to incorporate the annual cost obligations of the NJDEP Loan Repayment as a Green Acres Loan repayment, which will be treated the same as all other Wantage Township NJDEP Green Acres Loans.
- 4) Adopt a resolution recognizing Lake Neepaulin and the Beach as a Wantage Township Municipal Park, and in accordance with existing Township Ordinances, directing the Recreation Commission to prepare a transition plan for handling future recreational programs, if any, and lake treatment and maintenance, and reporting to the governing body the anticipated budget impact of this plan by November 1, 2014, for review and approval for the coming year.
- 5) Authorize the Administrator to make full disclosure available for the entire municipal record of communications between him, members of the governing body, attorneys and FOLN representatives, with respect to this matter, commencing with the relevant portion of the Executive Session minutes of April 24, 2014, when this topic was first brought to the attention of the Township.

The governing body will enter into executive session tonight to discuss these matters, and action may be taken when we return from closed session.

Bill DeBoer, Mayor
Township of Wantage

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NEW BUSINESS:

Re-Introduction of Bond Ordinance 2014-07: Purchase of Fire Truck and Road Improvements

Mr. Bassani moved to Re-introduce on first reading, Ordinance 2014-07, entitled "BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF WANTAGE, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$1,209,600 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,149,120 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF", with a final hearing date of August 21, 2014. The Supplemental Debt Statement is on file in the Clerk's office.

Mr. Gaechter seconded the motion. Upon Roll Call:

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

Introduction of Ordinance 2014-14: Improvement to Colesville FD Parking Lot

Motion made by Mr. Bassani to introduce on first reading, Ordinance 2014-14, entitled "ORDINANCE APPROPRIATING THE SUM OF \$40,000 FOR THE IMPROVEMENT OF THE COLESVILLE FIRE DEPARTMENT PARKING LOT with a final hearing date scheduled for August 21, 2014.

Mr. Gaechter seconded the motion. Upon Roll Call:

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

Resolution Clarifying Procedure For Submittal of Petitions

The governing body reviewed a proposed policy statement for submission of Petitions in Wantage Township. No action was taken on this matter at this time.

Approval of Minutes

Mr. Bassani moved to adopt the minutes of the Regular Meeting and Executive Session of the Wantage Township governing body held on June 12, 2014.

Mr. Gaechter seconded the motion. Upon Roll Call:

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

Mr. Gaechter moved to adopt the minutes of the Wantage Township governing body Special Meeting held on June 25, 2014. Mayor DeBoer seconded the motion. Mr. Bassani excused himself from participation in this matter, and cast no vote. Upon roll call,

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

CLOSED EXECUTIVE SESSION

Mr. Bassani made a motion to close the meeting in order to go into Executive Session.

Attorney Glenn Kienz read the reasons for the public to be excluded from the Executive Session:

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 matter(s):

- 1) Negotiation of the terms of a potential Shared Services Agreement with Sussex Borough
- 2) Negotiations of the terms of a potential Shared Service Agreement for court services with Hampton, Green, Andover Borough and Fredon
- 3) Matters falling within the attorney-client privilege and potential litigation: Review and Consideration of the FOLN Response to the Township's Decision to Adjust Cost Responsibility for Repayment of NJDEP Loan on the dam at Lake Neepaulin

BE IT FURTHER RESOLVED that 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. Gaechter seconded the motion. Upon roll call,

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

After meeting in closed executive session, Mr. Bassani moved to return to open session. Mr. Gaechter seconded the motion. Upon roll call,

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

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Mr. Bassani moved to introduce Ordinance 2014-15, entitled AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY KNOWN AND DESIGNATED AS TAX BLOCK 69.01, LOT 40 AND TAX BLOCK 69.02, LOT 55 ON THE TAX AND ASSESSMENT MAP OF THE TOWNSHIP OF WANTAGE AND KNOWN AS LAKE NEEPAULIN IN THE TOWNSHIP OF WANTAGE, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AND REPEAL OF ORDINANCE 2014-04, with a final hearing date scheduled for August 21, 2014.

Mr. Gaechter seconded the motion. Upon roll call,

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

Mr. Kienz stated that the other items discussed in closed session, as described in the resolution to enter executive session, are ongoing, and no action will be taken in their regard at this time.

OPEN PUBLIC SESSION:

Mayor DeBoer opened the meeting to the public at this time.

William Gettler, Gemmer Road, offered his views regarding the Lake Neepaulin issue, expressing concern regarding the amount of money that various taxpayers of the Township would have to pay for the repair of the Lake Neepaulin Dam.

Karen Merritt, Alpine Road, thanked the governing body for the action taken this evening regarding Lake Neepaulin. Mrs. Merritt requested an update on a previously expressed concern regarding a school bus stop on Arrowhead Drive. General discussion took place at this time with Mayor DeBoer, Mr. Gaechter and Mr. Bassani on this topic. Mayor DeBoer stated efforts were ongoing to deal with this issue.

Kathy Gorman, Fernwood Road, thanked the governing body for the action taken this evening regarding Lake Neepaulin.

Darren Marquart, South Shore Drive, expressed concern regarding the height of grass at an abandoned property neighboring his own. Mr. Doherty requested Mr. Marquart to provide him with the address and he would report it to the Code Enforcement Officer for review.

Mayor DeBoer closed the public portion of the meeting.

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

Mayor DeBoer declared this meeting adjourned.

James R. Doherty, Municipal Clerk