

ANDOVER TOWNSHIP COMMITTEE AGENDA

**BOB SMITH, MAYOR
GAIL PHOEBUS, DEPUTY MAYOR
PHILIP BOYCE
ALEX GILSENAN
THOMAS WALSH**

MARCH 09, 2009

EXECUTIVE SESSION - 6:00 P.M.

REGULAR MEETING - 7:30 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

SUNSHINE NOTICE: Adequate notice of this meeting has been posted in accordance with the Open Public Meetings Act by posting written notice and agenda of the meeting at the Andover Township Municipal Building, by mailing such notice and agenda to the New Jersey Herald, the Star Ledger and Daily Record and by filing same with the Township Clerk.

RULES FOR MEETING: *No new business to be brought before the Committee after 8:30 P.M. The time allotted to the public will be determined by the Committee.*

EXECUTIVE SESSION:

Personnel Matters:

1. ***Chief Phil Coleman Review***
2. ***Municipal Clerk Vita Thompson Review***

Contract Negotiations:

1. ***St. Paul's Abby - Field Usage***
2. ***Daughtry Alarm Services***

Attorney-Client Privilege:

1. ***PSE&G Intervention***
2. ***Investigation of personnel complaint***
3. ***Sparta Pumped Storage Project***
4. ***Hazardous Roads***

Potential Litigation

1. ***Al Roberts - Wall Removal***
2. ***John Cilo, Jr. - Invoices***
3. ***Hudson Farms***

EXECUTIVE SESSION:

Pending Litigation

APPROVAL OF AGENDA

APPROVAL OF CONSENT AGENDA All items listed with an asterisk (*) are considered to be routine and non-controversial by the Committee and will be approved by one motion. There will be no separate discussion of these items unless a citizen or Committee member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

1. *Approval of Vouchers for Payment*
2. *Approval of Tax Collector's February Report - \$3,582,184.30*
3. *Acceptance of the 2008 Annual Tax Collector's Statement of Receipts*
4. *Approval of On Premise Merchandise Raffle - R. L. 856 - Hilltop Country Day School - To Be Held on April 3, 2009, at Perona Farms from 7:00 pm To 11:30 pm.*

***RESOLUTIONS:**

1. **#R2009-56 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TERMINATING ERIC BUDINGER, PART TIME COMMUNICATIONS OPERATOR**
2. **#R2009-57 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP COUNTY OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY APPOINTING JOSEPH WUNDER TO THE PERMANENT POSITION OF ROAD LABORER FOLLOWING THE NINETY (90) DAY PERFORMANCE REVIEW**

*CONSENT AGENDA: (CONTINUED)

*RESOLUTIONS:

1. #R2009-58 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ISSUE A TAX REFUND TO CRUSADER LIEN SERVICES IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE #07-00005 SOLD FOR DELINQUENT TAXES FOR BLOCK 120, LOT 12.03 IN THE AMOUNT OF \$33,494.39

2. #R2009-59 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP COUNTY OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE AWARD OF PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO MATTHEW J. MULHALL, P.G. OF M2 ASSOCIATES, INC. FOR HYDROGEOLOGY SERVICES ASSOCIATED WITH THE SPARTA PUMP STORAGE PROJECT

3. #R2009-60 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO WILLIAM J. FRIEDMAN, ESQ. OF WOLFBLOCK, LLP FOR LEGAL SERVICES ASSOCIATED WITH THE OPPOSITION TO THE SPARTA PUMP STORAGE PROJECT

REGULAR AGENDA

REPORT FROM THE FIRE CHIEF

REPORT FROM THE RESCUE SQUAD CHIEF

REPORT FROM THE CHIEF OF POLICE

OPEN TO THE PUBLIC

RULES FOR THE PUBLIC PORTION OF THE MEETING

1. Please come forward when recognized and state your name and address.
2. Please direct your comments to the Township Committee.
3. The committee may comment or respond when you conclude your comments.
4. Normally, each member of the public will be recognized and given the floor. When you have concluded, you may be recognized again during that public portion of the meeting upon Committee approval.
5. Anyone that is disruptive and/or speaks when they are not recognized will be considered to be disruptive to the meeting and may be asked to leave.

ORDINANCES: PUBLIC HEARING

1. #2009-04 TO AMEND CHAPTER 190 - ZONING, ARTICLE VII
"PARKING AND LOADING REQUIREMENTS"

"AN ORDINANCE TO AMEND CHAPTER 190, ZONING, ARTICLE VII, PARKING AND LOADING REQUIREMENTS, SECTION 190-57, COMMERCIAL USES, PARAGRAPH A, OF GENERAL ORDINANCES OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY"

2. #2009-05 TO AMEND BOND ORDINANCE #2005-17

"BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 2005-17 OF THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX, NEW JERSEY FINALLY ADOPTED JULY 27, 2005 IN ORDER TO AMEND THE DESCRIPTIONS OF THE PROJECTS"

ORDINANCES: INTRODUCTION

1. #2009-09 TO AMEND AND SUPPLEMENT CHAPTER 167,
"TOWING AND STORAGE FEES SCHEDULE"

"AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 167, "TOWING AND STORAGE", SECTION 167-16, "TOWING AND STORAGE FEES SCHEDULE" OF THE REVISED GENERAL ORDINANCES

ORDINANCES: INTRODUCTION, CONT.

2. #2009-10 TO AMEND THE REVISED GENERAL ORDINANCES
BY THE CREATION OF A NEW CHAPTER 68, ENTITLED
"DRIVEWAYS"

AN ORDINANCE TO AMEND THE GENERAL ORDINANCES OF THE
THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW
JERSEY, BY THE CREATION OF A NEW CHAPTER 68, ENTITLED
"DRIVEWAYS"

3. #2009-11 TO AMEND CHAPTER 74, LAND USE PROCEDURES,
SECTION 74-56; SECTION 74-57, CHAPTER 136,
SECTION 136-11; CHAPTER 140, , SECTION 140-11,
CHAPTER 155 SECTION 155-2, SECTION 155-3,
CHAPTER 159 ,SECTION 159.8 SECTION 159-10
CHAPTER 190 ZONING, SECTION 190-28

AN ORDINANCE TO AMEND CHAPTER 74, LAND USE PROCEDURES,
SECTION 74-56, PROFESSIONAL REVIEW AND EXPERT WITNESS FEES
AND SECTION 74-57, FEE SCHEDULE; CHAPTER 136, SOIL EROSION,
SECTION 136-11, FEES, CHAPTER 140, SOIL REMOVAL, SECTION 140-11,
APPLICATION AND INSPECTION FEES; CHAPTER 155, STREETS AND
SIDEWALKS, SECTION 155-2, APPLICATION DEPOSIT AND FEE, AND
SECTION 155-3, AMOUNT OF DEPOSIT; CHAPTER 159, SUBDIVISION
OF LAND, SECTION 159.8 SUBMISSION OF PLAT AND APPLICATION,
MAJOR SUBDIVISION, APPROVAL, AND SECTION 159-10, SUBMISSION
OF FINAL PLAT OF MAJOR SUBDIVISION; AND CHAPTER 190, ZONING,
SECTION 190-28, PEAT HARVESTING OPERATIONS, OF THE GENERAL
ORDINANCES OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX,
STATE OF NEW JERSEY

4. #2009-12 TO PROVIDE FOR VARIOUS ROAD IMPROVEMENTS,
OVERLAYS & EQUIPMENT AND TO PROVIDE FOR THE FUNDING
THEREOF

AND ORDINANCE TO PROVIDE FOR VARIOUS IMPROVEMENTS TO
STICKLES POND ROAD AND ROAD IMPROVEMENTS & OVERLAYS FOR
THE TOWNSHIP OF ANDOVER AND TO PROVIDE FOR THE FUNDING THEREOF

RESOLUTIONS

1. #R2009-61 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY ENDORSING THE FINDINGS OF THE TOWNSHIP ENGINEER REGARDING THE PERFORMANCE OF IMPROVEMENTS AT THE HIGHLAND FARMS AT ANDOVER SUBDIVISION, BLOCK 118, LOT 3

2. #R2009-62 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY SUPPORTING START EAGLE DEVELOPMENT CORP.'S APPLICATION FOR OBTAINING FUNDS FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS, NEIGHBORHOOD PRESERVATION BALANCED HOUSING PROGRAM FOR THE PURPOSE OF DEVELOPING 8 UNITS OF AFFORDABLE HOUSING ON MULFORD ROAD, BLOCK 117, LOT 33

NEW BUSINESS

1. Possible Creation of Personnel Committee

OLD BUSINESS

1. Discussion re proposed Ordinance #2009-08 to vacate a portion of the paper streets known as Squirrel Road and Woodland Drive, adjacent to Block 90, Lot 1, Block 91, Lots 3 and 4 and Block 92, Lots 1 and 4 on the tax map, sheet No. 42 of the Township of Andover.

2. PSE & G Coalition Discussion

OTHER BUSINESS

1. Approval of Off Premise 50/50 Raffle - R. L. 857 - Our Lady of Consolation Church - To Be Held on May 14, 2009 at Farmstead Golf and Country Club at 8:00 pm.

COMMITTEE REPORTS

REPORT FROM THE TOWNSHIP ADMINISTRATOR

REPORT FROM THE MUNICIPAL ATTORNEY

NEXT SCHEDULED MEETINGS:

Monday, March 23, 2009

Monday, April 13, 2009

Executive Session - 6:30 p.m.

Regular Meeting - 7:30 p.m.

ADJOURNMENT

**TOWNSHIP OF ANDOVER
AGENDA SYNOPSIS
February 23, 2009**

Dear Mayor Phoebus and Township Committee:

Following is a review of the agenda for Monday evening, beginning at 6:30 P.M.

EXECUTIVE SESSION

Personnel Matters:

1. P. Coleman, Chief of Police. Chief Coleman received a RICE Notice and he requested discussion in Executive Session. The Township Committee requested to discuss the 2007 and 2008 statistical reports with the Chief.

2. J. Alfano, Township Administrator. Ms. Alfano requested a RICE Notice for this evening. She has requested Executive Session.

Contract Negotiations:

1. St. Paul's Abbey. Ms. Alfano requested this matter be placed on the agenda in order to speak further on the due diligence process.

Attorney-Client Privilege

Potential Litigation:

1. Leenstra vs. Andover Township Police Department. On February 13th, the Township was served with a Tort Claim Notice from Jeffrey Patti who represents Linda Leenstra. The Tort Claim Notice and supporting documentation are enclosed for your review.

2. Sparta Pumped Storage Project. Environmental Commission Chair Lois de Vries will be present for this discussion.

Pending Litigation:

APPROVAL OF AGENDA**APPROVAL OF CONSENT AGENDA*****CONSENT AGENDA:*****OTHER BUSINESS:**

1. **Release of SESC Cash Bond.** Mr. Cutler inspected the property and has recommended release of this bond.

2. **Acceptance of the 2008 Environmental Commission Annual Report.** Enclosed you will find the annual report submitted by Lois de Vries, Chair on behalf of the Environmental Commission.

***RESOLUTIONS:**

1. **#R2009-43** This resolution is for professional engineering services associated with the St. Paul's Abbey project. The total fee for the contract will not exceed \$15,000 without written approval of the Township Committee. A copy of the agreement is also enclosed for your review.

2. **#R2009-44** Discussion was held during the February 9th Executive Session with Ms. Tillotson regarding the possibility of extending her temporary appointment. It was decided that the appointment be extended three months and there will be discussion with Judge Mulhern regarding the possible staggering of office hours in the Court.

3. **#R2009-45** This resolution will authorize the Tax Collector to issue a refund to the property owners due to an overpayment in the first quarter 2009 taxes in the amount of \$286.78. This payment was made by the State of New Jersey from the Homestead Rebate Program because of delinquent 2007 taxes. Because the taxes are now current, this payment has created an overpayment. The property has been sold and payment will be sent to their new residence.

4. **#R2009-46** This resolution will authorize the Tax Collector to issue a refund to the property owners due to an overpayment in first quarter 2009 taxes in the amount of \$2,000. Payment was made by the State through the Homestead Rebate Program due to a previous delinquency. American Real Estate Tax Service also made a payment resulting in the overpayment. The taxes are now current, the property owners have requested that \$2,000 be sent to them.

CONSENT AGENDA: (CONTINUED)**RESOLUTIONS: (CONTINUED)**

5. **#R2009-47** This resolution will authorize the Tax Collector to issue a refund due to an overpayment. The property owners made a payment for first quarter taxes while Advanced Financial Services did the same. The property owners made the payment in error and therefore have requested the refund of \$956.89 be sent to them.

6. **#R2009-48** We received notice from Dan Freed, Records Manager and PARIS Project Manager that he will be resubmitting the PARIS Purging Project application which was approved but not funded last year. He asked that Andover Township once again provide a supporting resolution to this application.

7. **#R2009-49** Susan Hough from Sussex County, Office of Conservation & Farmland Preservation notified us that they will be finalizing their application on behalf of Dick and Fran Wash at Block 166/Lot 1. The Township Committee provided a supporting resolution in September for the preliminary application.

8. **#R2009-50** This is a supporting resolution of intent to join a coalition of concerned municipalities affected by the PSE&G transmission line project. Andover Township is one of 16 impacted municipalities in which this project will run through. The resolution also states that the Township will appoint a representative or representatives to act as liaison to the Coalition on behalf of the Township.

9. **#R2009-51** Enclosed is the resolution which will authorize the signing of a petition by Andover Township residents to the Post Master General requesting a post office in this municipality. Residents will have until April 30th to sign the petition before it is sent to the PM General for consideration.

10. **#R2009-52** This resolution will allow the transfer of funds from Court S & W to Prosecutor's line item in order to pay an invoice as a result of two special court sessions.

***APPROVAL OF MINUTES**

1. **JANUARY 26, 2009 REGULAR MEETING.** The minutes are enclosed for your review and consideration.

PRESENTATION**1. LIFE CARE MEWS**

Enclosed you will find correspondence from Joel Kobert, attorney for Life Care Mews to Attorney Semrau requesting that they be placed on the agenda in order to discuss the current status of this property and the issues relating to the acquisition of some existing structures on the properties. In speaking with Mr. Kobert, Ms. Alfano asked me to place this matter on this agenda for discussion.

REGULAR AGENDA

PROCLAMATION - READ ACROSS AMERICA, MARCH 02, 2009

The proclamation is enclosed for your review. It will be read and signed by Mayor Smith. The original will be sent to the School for their records.

OPEN TO THE PUBLIC

ORDINANCES: INTRODUCTION

1. #2009-03 AMEND SECTION 74-50 - LOT LINE ADJUSTMENT

This Ordinance was suggested by the Land Use Board and they have recommended for same for introduction by the Township Committee. This Ordinance eliminates the need for minor subdivision approvals. It calls for 5 copies of the application and a survey to be submitted to the Township Engineer. The applicant needs to file an application fee of \$100 and review fees of \$500. Upon approval \$100 administrative fee is submitted to cover the cost of the revisions to the tax maps.

As you are aware, this Ordinance was tabled at the last meeting in order for Mr. Walsh to obtain additional information. If introduced, the public hearing will be scheduled for March 23rd.

RESOLUTIONS

1. **#R2009-53** This resolution was removed from the Consent Agenda at the last meeting in order to address some miscalculations. Also enclosed is a copy of the spreadsheet showing the rate of increase for each position.

NEW BUSINESS

1. ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

Enclosed you will find two drafts of this Ordinance for your review and discussion. They both amend our current Ordinance which is very outdated. One version renames the Economic Development Advisory Committee to the "Business Advisory Committee".

2. SPARTA PUMPED STORAGE PROJECT

Enclosed you will find correspondence with reference to this proposed project in Sparta. Ms. Alfano requested this matter be placed on the regular agenda in order for Attorney Semrau to provide a status report.

OLD BUSINESS

1. CONSTRAINTS ORDINANCE DISCUSSION

Enclosed you will find a copy of this Ordinance first introduced under Ordinance #2008-12. The Ordinance failed during final adoption with a 2 to 2 vote. Mr. Gilsenan requested at the last meeting that this Ordinance be brought before the Township Committee again for reconsideration.

OTHER BUSINESS

1. APPROVAL OF VOUCHER TO RUSSELL STERN FOR NJ ATHLETIC.

This bill was paid by approval of the Vouchers at the February 9th meeting. Mr. Stern was asked to hold on to the check until the Township Committee could discuss its payment under this agenda. A copy of the bill is enclosed for your review.

COMMITTEE REPORTS

REPORT FROM THE TOWNSHIP ADMINISTRATOR

REPORT FROM THE MUNICIPAL ATTORNEY

NEXT SCHEDULED MEETINGS:

**Monday, March 09, 2009
Monday, March 23, 2009**

**Executive Session - 6:30 p.m.
Regular Meeting - 7:30 p.m.**

ADJOURNMENT

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Andover on the 9th day of March, 2009, that:

1. Prior to the commencement of this Regular Meeting, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):

- () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
- () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
- () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
- () b. (4) A collective bargaining agreement including negotiations.
- () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.

Contract Negotiations:

- 1. *St. Paul's Abby - Field Usage*
- 2. *Daughtry Alarm Services*

Attorney-Client Privilege:

Pending Litigation

Potential Litigation

- 1. *Al Roberts - Wall Removal*
- 2. *Sparta Pumped Storage Project*
- 3. *Laura Coleman - Dispatch Issue*
- 4. *Hazardous Roads*
- 5. *John Cilo, Jr. - Invoices*

- (X) b. (8) Personnel matters.
 - 1. *P. Coleman, Chief of Police*
 - 2. *V. Thompson, Municipal Clerk*
- () b. (9) Deliberations after a public hearing that may result in penalties.
 - 1. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: March 09, 2009

Moved: _____ Seconded: _____

Voted Aye:

Voted Nay: None

Abstained:

Resolution adopted. March 9, 2009

FEBRUARY 23, 2009

MAYOR SMITH,

PLEASE AMEND THE AGENDA AS FOLLOWS:

UNDER EXECUTIVE SESSION

UNDER CONSENT AGENDA

UNDER RESOLUTIONS

THANK YOU

VITA

2. #2009-04 AMEND CHAPTER 190 "ZONING" PARKING AND LOADING REQUIREMENTS, SECTION 190-57 "COMMERCIAL USES"

This Ordinance was also suggested by the Land Use Board and for introduction by the Township Committee. It amends our current parking ordinances for ***Restaurants or similar places dispensing food, drink or refreshments to one space for every three seats at a table, plus one space for every seat or stool at a bar, plus one space for every employee at peak shift.*** If introduced, the public hearing will be scheduled for March 09th.

3. #2009-05 TO AMEND BOND ORDINANCE - #2005-17

This Ordinance will amend the following from c) Upgrades to the salt shed/fuel depot for the DPW.....

To ***add brine system.*** Under e) from Providing for various drainage projects....., including all work and materials necessary therefor and incidental thereto ***to....., equipment, and materials necessary therefor and incidental thereto to complete the improvements. The amounts remain unchanged.***

If introduced, the public hearing will be scheduled for March 09th.