

ANDOVER TOWNSHIP COMMITTEE AGENDA

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

JANUARY 26, 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. ***D. Dickinson, Supervisor of Public Works***
2. ***2009 Salary Increase for Non Contractual Employees***

Contract Negotiations:

1. ***Shared Services Agreements -
Newton & Hampton
9-1-1 Dispatching Services***

Discussion pertaining to negotiations with the Towns of Newton (Truck Washing Facility) and Hampton (Calcium Chloride Storage) and 911 Dispatching Services.

2. ***St. Paul's Abbey***

There will be discussion regarding the due diligence process.

Attorney-Client Privilege:

1. ***Annual Performance Review & Evaluation Process***
Discussion regarding the legal issues pertaining to the evaluation process.

Pending Litigation

1. ***Szatkiwicz vs. Andover Township***

This matter is pending in Federal District Court. It is a claim against the Township of Andover. Eric Harrison, Esq., who is representing the Township in this matter, will be present to update the Mayor and Township Committee as to the status and strategies of this litigation.

2. ***Roberts Matter - Block 7/Lot 10.01***

Discussion regarding correspondence received regarding this property and the issues surrounding the drainage.

EXECUTIVE SESSION: (CONTINUED)

Attorney-Client Privilege:

Potential Litigation

1. Possible Violation of the Law

A matter involving a potential investigation.

2. Haber Escrow Matter - Block 111/Lot 19.05

There is an outstanding escrow amount for a matter that was before the Land Use Board and the Township will be discussing how to handle the outstanding balance.

3. Dina's, LLC - Block 106/Lot 9

This is a matter that pertains to the failure of this particular property owner to comply with the conditions of their Land Use Board approval. Letters from legal counsel have been sent and there is a potential for litigation which will be discussed.

4. Highland Farms - Block 118/Lot 3 & Lakeview Ridge - Block 71/Lot 9

This pertains to incomplete improvements for the developments and the Township taking action to compel the completion of such improvements.

5. Brecia Court - Block 111/Lot 12.01 Dorset Farm - Phase VI

This pertains to the responsibility of the maintenance of the roadway. There were legal documents that have been located by the Clerk's Office and various options will be discuss on how to proceed.

6. Fees for Copies and Public Records

Mr. Semrau will give the Committee an overview as to some of the case law that has recently been decided pertaining to fees for copies and public records and options that the Committee may explore.

APPROVAL OF AGENDA

APPROVAL OF CONSENT AGENDA

***CONSENT AGENDA:**

***OTHER BUSINESS:**

1. Approval of Vouchers for Payment

2. Acceptance of the Tax Collector's December Report - \$202,771.41

3. Approval of Raffle Licenses - Andover Regional PTA - To Be Held at Long Pond School on March 06, 2009 from 6:00 p.m. to 11:00 p.m.

a) R.L. #849 - On Premise 50/50

b) R.L. #850 - On Premise Merchandise

4. Acceptance of the Chief Financial Officer's Budget Status Report - 2008

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS:**

1. **#R2009-27 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE RENEWAL OF THE VOLUNTEER ACCIDENT POLICY NUMBER SPS012241 FROM LIFE INSURANCE COMPANY OF NORTH AMERICA AT AN ANNUAL PREMIUM OF \$438.00 FOR THE TERM FEBRUARY 01, 2009 THROUGH FEBRUARY 01, 2010**

2. **#R2009-28 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP COUNTY OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE A REFUND IN THE AMOUNT OF \$56.00 TO UP AND ABOVE CONTRACTORS FOR THE WITHDRAWAL OF A BUILDING PERMIT APPLICATION #08-348**

3. **#R2009-29 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND TO HERMAN J. GRAMPP IN THE AMOUNT OF \$250.00 FOR AN OVERPAYMENT IN THE FOURTH QUARTER 2008 TAXES FOR BLOCK 130/LOT 5.01**

4. **#R2009-30 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING AN APPLICATION AND ACCEPTANCE OF FUNDING FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS SHARING AVAILABLE RESOURCES EFFICIENTLY 2009 (SHARE) GRANT FUNDS FOR THE PURPOSE OF PROVIDING STREET SIGN MANUFACTURING SERVICES TO ANDOVER TOWNSHIP BY THE COUNTY OF SUSSEX**

5. **#R2009-31 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ADOPTION OF THE 2009 FEE SCHEDULE FOR ROADWAY AND BRUSH SERVICES TO BE PERFORMED BY THE ANDOVER TOWNSHIP DEPARTMENT OF PUBLIC WORKS TO VARIOUS JURISDICTIONS UPON REQUEST**

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

6. **#R2009-32 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE TOWNSHIP OF HAMPTON FOR THE STORAGE OF CALCIUM CHLORIDE**

7. **#R2009-33 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING AN AGREEMENT WITH THE TOWN OF NEWTON PURSUANT TO THE UNIFORM SHARED SERVICES AND CONSOLIDATION ACT CONCERNING THE PURCHASE, ADMINISTRATION AND MAINTENANCE OF THE TRUCK WASHING FACILITY**

8. **#R2009-34 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING THE TOWNSHIP'S OFFICIAL REQUEST FOR GOVERNMENT RECORDS FORM**

9. **#R2009-35 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO DECLARE THE GYPSY MOTH A PUBLIC NUISANCE AND TO AUTHORIZE THAT ALL MEASURES DEEMED NECESSARY, IN COMPLIANCE WITH THE STATE OF NEW JERSEY, DEPARTMENT OF AGRICULTURE ARE TAKEN TO SUPPRESS THIS FOREST AND SHADE TREE PEST**

10. **#R2009-36 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT ANGELA THIES TO THE POSITION OF CLERK-TYPIST TO PROVIDE SECRETARIAL SERVICES FOR THE OPEN SPACE, RECREATION AND FARMLAND AND HISTORIC PRESERVATION COMMITTEE**

11. **#R2009-37 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE EXECUTION OF THE EQUIPMENT LEASE AGREEMENT WITH MUNICIPAL CAPITAL CORPORATION FOR THE LEASE OF SAVIN 9050SPF & C4040SPF COPIERS FOR THE ANDOVER TOWNSHIP MUNICIPAL BUILDING**

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

12. **#R2009-38 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ACCEPT THE APPLICATIONS AND AUTHORIZE THE ISSUANCE OF THE RENEWAL OF LIMOUSINE OWNER'S AND DRIVER'S LICENSE TO OWNER/OPERATOR MARCELLO APOLITO T/A SAFE AND SECURE LIMOUSINE, LLC EFFECTIVE IMMEDIATELY THROUGH DECEMBER 31, 2009**

13. **#R2009-39 2008 BUDGET APPROPRIATIONS RESERVE TRANSFER - \$10,100**

***RELEASE OF APPROVED 2008 EXECUTIVE SESSION MINUTES AS REDACTED:**

1. OCTOBER 13
2. OCTOBER 27 "A" & "B"
3. NOVEMBER 10 "A" & "B"

REGULAR AGENDA

APPROVAL OF MINUTES

1. DECEMBER 08, 2008 REGULAR MEETING
2. DECEMBER 08, 2008 EXECUTIVE SESSIONS "A" & "B"
3. DECEMBER 20, 2008 REGULAR MEETING

REPORT FROM THE FIRE CHIEF

REPORT FROM THE RESCUE SQUAD CHIEF

REPORT FROM THE CHIEF OF POLICE

OPEN TO THE PUBLIC

ORDINANCES: INTRODUCTION

1. **#2009-01 SALARY ORDINANCE AMENDMENT**
POSITION OF EMERGENCY MANAGEMENT COORDINATOR

"AN ORDINANCE TO AMEND THE 2008 SALARY ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, ORDINANCE #2008-09 TO PROVIDE AND DETERMINE RATES OF COMPENSATION FOR EMPLOYEES OF THE TOWNSHIP"

RESOLUTIONS

NEW BUSINESS

1. ROAD VACATION REQUEST - SQUIRREL ROAD AND WOODLAND DRIVE
2. FEES FOR COPIES AND PUBLIC RECORDS - REVIEW AND CONSIDERATION OF ORDINANCE AMENDMENT FOR INTRODUCTION
3. ANNUAL PERFORMANCE REVIEW AND EVALUATION PROCESS

OLD BUSINESS

1. BALLANTINE ROAD
2. MARTIN STREET
3. 9-1-1 DISPATCHING SERVICES

OTHER BUSINESS

1. APPROVAL OF ON PREMISE MERCHANDISE RAFFLE LICENSE R.L. #851 ST. JOSEPH HOME & SCHOOL ASSOCIATION TO BE HELD ON FEBRUARY 28, 2009 AT PERONA FARMS FROM 6:30 P.M. - 11:00 P.M.
2. APPROVAL OF RAFFLE LICENSES - HILLTOP COUNTRY DAY SCHOOL TO BE HELD ON APRIL 3, 2009 AT PERONA FARMS FROM 7:00 P.M. - 11:30 P.M.
 - A) R.L. #852 - CASINO NIGHT
 - B) R.L. #853 - ON PREMISE MERCHANDISE
 - C) R.L. #854 - ON PREMISE 50/50
3. APPROVAL OF OFF PREMISE 50/50 RAFFLE R.L. #855 - CATHOLIC FAMILY & COMMUNITY SERVICES PARTNERSHIP FOR SOCIAL SERVICES TO BE HELD ON MAY 13, 2009 AT ROLLING GREENS GOLF CLUB AT 4:00 P.M.

COMMITTEE REPORTS

REPORT FROM THE TOWNSHIP ADMINISTRATOR

REPORT FROM THE MUNICIPAL ATTORNEY

NEXT SCHEDULED MEETINGS:

Monday, February 09, 2009
Monday, February 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 26th day of January 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. ***Shared Services Agreements - Newton and Hampton
9-1-1 Dispatching Services***
- 2. ***St. Paul's Abbey***

Attorney-Client Privilege:

- 1. ***Performance Review and Evaluation Process***

Pending Litigation

- 1. ***Szatkiewicz vs. Andover Township***
- 2. ***Roberts Matter***

Potential Litigation

- 1. ***Possible Violation of the Law***
- 2. ***Haber Escrow Matter***
- 3. ***Dina's, LLC***
- 4. ***Crepeau Developers***
- 5. ***Highland Farms & Lakeview Ridge***
- 6. ***Fees for Copies and Public Records***

- (X) b. (8) Personnel matters.
 - 1. ***D. Dickinson, Supervisor of Public Works***
 - 2. ***2009 Salary Increases for Non Contractual Employees***
- () 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: January 26, 2009

Moved: _____ Seconded: _____

Voted Aye: _____

Voted Nay: None

Abstained: _____

Resolution adopted. January 26, 2009
