

## ANDOVER TOWNSHIP COMMITTEE MEETING AGENDA

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

APRIL 13, 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 sending 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. ***L. Paolucci, Land Use Board Secretary***
2. ***Non-Contractual Salary Increases***

Discussion regarding the procedure for the 2010 increases as related to the evaluation process.

#### **Contract Negotiations:**

1. ***St. Paul's Abbey - Use of Fields***
2. ***Shared Services - Police Dispatch***

Discussion regarding the possibility of providing services to other municipalities.

#### **Attorney-Client Privilege:**

1. ***Sparta Pumped Storage Project***
2. ***Proposed Tree Policy***

Discussion regarding a status report on this matter.

There will be continued discussion regarding the need for a tree policy.

#### **Potential Litigation**

#### **Pending Litigation**

1. ***Ballantine Road***

There will be discussion regarding proposed modifications to the Ballantine Woods Developer's Agreement.

2. ***Leenstra vs. Andover Township***

There will be a status report from legal counsel on the Tort Claim Notice.

**Andover Township Committee Agenda**

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**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. *Acceptance of the Tax Collector's March Report - \$138,188.42  
Year to Date Total - \$4,661,405.42*

**\*RESOLUTIONS:**

1. **#R2009-66 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE THE FILING OF AN ANJEC GRANT APPLICATION**
2. **#R2009-67 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE THE PROMOTION OF ADELE PIERAGOWSKI TO SENIOR CLERK-TYPIST, PERMANENT STATUS, EFFECTIVE IMMEDIATELY**
3. **#R2009-68 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE THE PROMOTION OF KAREN REED TO SENIOR CLERK-TYPIST, PERMANENT STATUS, EFFECTIVE IMMEDIATELY**
4. **#R2009-69 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE THE PROMOTION OF ROBYN HATTERSLEY TO SENIOR CLERK-TYPIST, PERMANENT STATUS, EFFECTIVE IMMEDIATELY**

**\*CONSENT AGENDA: (CONTINUED)**

**\*RESOLUTIONS: (CONTINUED)**

5. **#R2009-70 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE THE PROMOTION OF T. LINDA PAOLUCCI TO SENIOR CLERK-TYPIST, PERMANENT STATUS, EFFECTIVE IMMEDIATELY**
6. **#R2009-71 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE FINAL PAYMENT TO JOHN CILO, P.E.**
7. **#R2009-72 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY ENDORSING THE SUBMISSION OF THE 2008 RECYCLING TONNAGE GRANT APPLICATION TO THE NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION**
8. **#R2009-73 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE THE AMENDMENT OF THE BALLANTINE WOODS LLC DEVELOPER'S AGREEMENT APPROVED BY THE ANDOVER TOWNSHIP LAND USE BOARD**

**\*APPROVAL OF MINUTES**

1. **FEBRUARY 23, 2009 REGULAR MEETING**

**PROCLAMATION**

**SILVER STAR BANNER DAY - MAY 1, 2009**

REPORT FROM THE FIRE CHIEF

REPORT FROM THE RESCUE SQUAD CHIEF

REPORT FROM THE CHIEF OF POLICE

PRESENTATION

JULIA SOMERS - NEW JERSEY HIGHLANDS COALITION

REGULAR AGENDA

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. #2009-10 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"**

ORDINANCES: PUBLIC HEARING (CONTINUED)

2. #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"

3. #2009-13 EXCEED CAP BANK FOR 2009

"AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR THE CALENDAR YEAR 2009 PURSUANT TO N.J.S.A. 40A:4-45.14"

ORDINANCES: INTRODUCTION

1. #2009-14 BOND ORDINANCE

"BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF ANDOVER IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$769,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$552,050 BOND OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF"

ORDINANCES: INTRODUCTION (CONTINUED)

2. #2009-15 TO AMEND CHAPTER 190 "ZONING"  
SECTION 190-36

*"AN ORDINANCE TO AMEND THE GENERAL ORDINANCES OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, CHAPTER 190 "ZONING" SECTION 190-36 "PRIVATE HOUSING OF EQUINE ANIMALS"*

RESOLUTIONS

1. #R2009-74 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO DECLARE MAY 2009 AS SERVICE OF COMMUNITY MONTH
2. #R2009-75 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE AN EMERGENCY TEMPORARY APPROPRIATION TO THE 2009 TEMPORARY BUDGET

OLD BUSINESS

1. PERSONNEL COMMITTEE DISCUSSION

NEW BUSINESS

OTHER BUSINESS

APPROVAL OF RAFFLE LICENSES

- A. R.L. #861 - WASHINGTON ELEMENTARY HOME & SCHOOL ASSOCIATION ON PREMISE MERCHANDISE TO BE HELD ON MAY 18, 2009 AT THE FARMSTEAD GOLF & COUNTRY CLUB FROM 8:00 A.M. TO 4:00 P.M.
- B. R.L. #862 - LAFAYETTE AMATEUR ATHLETICS, INC. ON PREMISE 50/50 TO BE HELD ON MAY 28, 2009 AT THE FARMSTEAD GOLF & COUNTRY CLUB FROM 7:00 A.M. TO 3:00 P.M.
- C. R.L. #863 - SENIOR QUALITY OF LIFE FOUNDATION, INC. OFF PREMISE 50/50 TO BE HELD ON SEPTEMBER 27, 2009 AT THE FARMSTEAD GOLF & COUNTRY CLUB FROM 3:00 P.M. TO 6:00 P.M.
- D. R.L. #864 - HILLTOP COUNTRY DAY SCHOOL ON PREMISE 50/50 TO BE HELD ON MAY 15, 2009 AT THE NEWTON COUNTRY CLUB FROM 8:00 A.M. TO 4:00 P.M.

**Andover Township Committee Agenda**

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**COMMITTEE REPORTS**

**REPORT FROM THE TOWNSHIP ADMINISTRATOR**

**REPORT FROM THE MUNICIPAL ATTORNEY**

**NEXT SCHEDULED MEETINGS:**

**Monday, April 27, 2009**

**Monday, May 11, 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 13<sup>th</sup> day of April, 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 Abbey - Use of Fields***
- 2. *Shared Services - Police Dispatch***

**Attorney-Client Privilege:**

- 1. *Sparta Pumped Storage Project***
- 2. *Proposed Tree Policy***

**Potential Litigation**

**Pending Litigation**

- 1. *Ballantine Road***
- 2. *Leenstra vs. Andover Township***

- ( X ) a. (8) Personnel matters.
  - 1. *L. Paolucci, Land Use Board Secretary***
  - 2. *Non-Contractual Salary Increases***
- ( ) 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: April 13, 2009

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Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

Voted Aye:

Voted Nay: None

Abstained:

Resolution adopted. April 13, 2009

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