

**ANDOVER TOWNSHIP COMMITTEE  
THOMAS D. WALSH, MAYOR  
CHARLES GROTYOHANN, DEPUTY MAYOR  
ROBERT D. WEBSTER  
GAIL PHOEBUS  
ALEX GILSENAN**

**MEETING MINUTES  
SEPTEMBER 11, 2006  
6:30 P.M.**

**REGULAR MEETING BEGINS AT 7:30 P.M.**

The regular meeting of the Andover Township Committee was called to order at 6:44 P.M. by Mayor Walsh, followed by a salute to the flag. Those present:

**ROLL CALL:** Present: Ms. Phoebus, Mr. Grotyohann,  
Mr. Webster, Mayor Walsh  
Also present: Administrator Stewart, Attorney Semrau  
Those absent: Mr. Gilsenan (excused)

**OPEN PUBLIC MEETING STATEMENT** Statement of compliance with Chapter 231, P. L. 1975 was made by Mayor Walsh.

**EXECUTIVE SESSION:** On a motion by Ms. Phoebus, seconded by Mr. Webster, the resolution to go into executive session to discuss

**Personnel Matters:**

1. M. Perugini, Tax Assessor
2. M. Spector, Planning/Zoning Board Secretary
3. V. Thompson, Municipal Clerk
4. Position of Violations Clerk for Municipal Court
5. Position of Municipal Chief Financial Officer

**Contract Negotiations:**

1. Professional Services

**Attorney-Client Privilege:**

1. Mulford Road Developer's Agreement
2. Update on the Steep Slopes Ordinance Litigation
3. Liquor License Renewal for Ray C. Inc., was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:46 P.M. Ms. Phoebus moved to adjourn executive session at 7:46 P.M., seconded by Mr. Webster and carried unanimously.

**REGULAR MEETING**

Mayor Walsh asked if Attorney Semrau would briefly discuss those items from the Executive Session in which he can provide details.

**REGULAR MEETING**

**ATTORNEY'S REPORT ON THE EXECUTIVE SESSION (CONTINUED)** He stated on Mulford Road Developer's Agreement there was discussion regarding Howell's Pond and if the Township would consider accepting the pond and taking responsibility or having the developer being responsibility for the long term maintenance and storm water management for the premises. The consensus was to move forward and place the responsibility on the developer and eventually, the homeowners' association. There may be certain requirements and easements around Howell's Pond as well as a requirement that the developers post an escrow to make sure that the preservation of Howell's Pond is maintained in the future.

He reported on the liquor license renewal for Ray's Inn, the license was not renewed before June 30, 2006, the license holder applied for the Ad Interim Permit to allow him to operate until a resolution of the governing body is adopted for the renewal of this license. The Township Committee was advised of a potential resolution that would address the renewal with certain restriction and requirements of that license for the 2006-2007 year.

With regard to the Steep Slopes Litigation, there was some discussion regarding a possible resolution of the matter which the Township Committee is not entertaining at this time because of a lack of information provided.

**APPROVAL OF AGENDA** Mayor Walsh asked that the agenda be amended as follows:

**UNDER CONSENT AGENDA:****\*RESOLUTIONS:**

7. #R2006-155 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO DIRECT THE DEPARTMENT OF PUBLIC WORKS TO PREPARE CERTAIN SURPLUS MUNICIPAL EQUIPMENT THAT IS CONSIDERED UNREASONABLY EXPENSIVE TO REPAIR FOR SALE AT THE SUSSEX COUNTY COOPERATIVE SURPLUS AUCTION 2006
8. #R2006-156 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AWARD A CONTRACT FOR THE RENOVATION OF THE SOCCER FIELD LOCATED ON GOODALE ROAD TO BOB VIERSMA & SON, INC.

Mr. Grottyhann moved to amend the agenda as stated, seconded by Ms. Phoebus and carried unanimously. Ms. Phoebus moved to approve the agenda as amended, seconded by Mr. Grottyhann and carried unanimously.

**APPROVAL OF CONSENT AGENDA ITEMS** Ms. Phoebus moved the following consent items be approved, as amended, seconded by Mr. Grottyohann and carried unanimously.

**\*CONSENT AGENDA:**

**\*OTHER BUSINESS:**

***APPROVAL OF VOUCHERS FOR PAYMENT***

(See Insert Attached to These Minutes)

***TAX COLLECTOR’S AUGUST REPORT - \$2,241,036.51***

***APPROVAL OF RAFFLE LICENSES – PRIDE FOUNDATION  
TO BE HELD AT THE HILLSIDE PARK HALL ON OCTOBER 27, 2006  
FROM 6:00 P.M. TO 10:00 P.M.***

A) ***ON-PREMISE 50/50 R.L. #760***

**\*RESOLUTIONS:**

**#R2006-149 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE  
TO APPOINT DARLENE CANFIELD TO THE POSITION OF  
CLERK-TYPIST IN A TEMPORARY STATUS EFFECTIVE  
AUGUST 28, 2006 THROUGH DECEMBER 31, 2006**

**#R2006-150 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY  
OF SUSSEX AND STATE OF NEW JERSEY DENYING THE  
CONSENT FOR TREATMENT WORKS APPROVAL WITH  
RESPECT TO PROPERTY KNOWN AS BLOCK 1/LOT 17 IN  
THE TOWNSHIP OF ANDOVER**

**#R2006-151 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF ANDOVER REGARDING VOLUNTEERING  
OF ITS POLICE OFFICERS TO ASSIST THE SUSSEX  
COUNTY PROSECUTOR’S TASK FORCE**

**#R2006-152 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF ANDOVER AWARDED THE BID FOR  
ONE (1) 1,500 GPM TRIPLE COMBINATION PUMPER  
TO PIERCE MANUFACTURING, INC.**

**APPROVAL OF CONSENT AGENDA ITEMS (CONTINUED)**

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

**\*RESOLUTIONS: (CONTINUED)**

#R2006-153 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER TO AUTHORIZE MAYOR WALSH TO EXECUTE THE EMPLOYMENT AGREEMENT WITH STEVEN PADULA, TOWNSHIP ADMINISTRATOR

#R2006-154 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER TO AUTHORIZE THE TOWNSHIP ATTORNEY TO PREPARE FOR EXECUTION THE SEPARATION AGREEMENT WITH FORMER TOWNSHIP ADMINISTRATOR RICHARD W. STEWART

(See Inserts Attached to These Minutes)

**PROCLAMATION:**

***JEFFREY HAINES, CUB MASTER PACK 181***

Mayor Walsh read the following Proclamation into the record and presented this plaque to Mr. Haines in honor of his dedication to the Cub Scouts in Andover Township.

**TOWNSHIP OF ANDOVER  
COUNTY OF SUSSEX  
STATE OF NEW JERSEY  
OFFICE OF THE MAYOR  
SPECIAL RECOGNITION TO  
JEFFREY HAINES  
CUBMASTER – PACK 181**

**WHEREAS,** Jeffrey Haines has been an active member of the scouting community for a number of years first serving as the assistant cub master for Pack 181.

**WHEREAS,** In June 2002 Jeffrey Haines was appointed Cubmaster for Pack 181 and served in that capacity until June 2006.

**WHEREAS,** Following his resignation from the position of Cubmaster he is serving once again as the Assistant Cubmaster in order to properly train his replacement, while volunteering his time with the local Boy Scout Troop.

**NOW, THEREFORE, BE IT PROCLAIMED** that I, Mayor Thomas D. Walsh and the Township Committee of the Township of Andover, County of Sussex, State of New Jersey hereby accord special recognition to JEFFREY HAINES for his commitment to Andover Township Cub Scout Pack 101. His willingness to serve the community through voluntary contribution is exemplary to the civic dedication that is the mainstay of the American Way of Life and the foundation upon which communities succeed and progress.

**BE IT FURTHER PROCLAIMED,** that I, Mayor Thomas D. Walsh and the Township Committee of the Township of Andover wishes JEFFREY HAINES continued success in his contribution to the Scouting program.

**THOMAS D. WALSH, MAYOR**

At this time Mayor Walsh read a letter addressed to the Township Committee from Chief of Police Coleman commending Officers Eric Danielson and Stephen Murrell for their efforts in saving the life of an Andover Township resident, retired police sergeant for Newton Police Department and father to an Andover Township Police Officer. Mayor Walsh stated that these men will be formally honored at the September 26<sup>th</sup> meeting.

**PRESENTATION:**

***POLICE OFFICER ROD MOSNER***

Officer Mosner stated that he is one of two DARE Officers. He has served for 4.5 years on the police department. In his tenure they have provided identification and DNA kits which includes photographs of the children. The schools are 95% compliant and he is hoping for 100% participation. The DARE programs provide Gang Awareness education beginning in the fifth grade. He discussed the peer pressure and the effects of gangs. He explained good gangs versus bad gangs.

He talked about the bicycle helmet poster contest. The top three winners receive prizes donated by Hinckley Bike. When officers see riders not wearing helmets, they stop them, talk to them about the dangers and hand them pamphlets on bicycle safety.

Officer Mosner then spoke regarding instant messages and chat rooms. He then spoke in length on the dangers of MY SPACE.COM. There are currently 51 billion users and that number is growing. He added that every pedophile is on that website and chat rooms.

He spoke about Sergeant Smith and his involvement in New Jersey Safe Community. He spoke about the car seat checks program, the department checks approximately 10 a month. If the car seat is broken a new seat is provided through a grant program. There is also a pedestrian safety program which bandoliers were available through a grant and distributed to the residents.

Officer Mosner spoke about two websites, Safety.Com and SafeChild.Com which he highly recommends.

Ms. Phoebus asked if the identification program can be extended to high school students. Mr. Grotzmann wanted to know why there wasn't 100% compliance with this program. Officer Mosner explained that some parents do not want their child's information available to anyone. He assures them that that is not the case and some parents then allow their children to participate.

Mayor Walsh explained he asked Officer Mosner to do a presentation before the Township Committee. He added that his daughter attends Pope John and they prohibit use of that site.

Resident Diane Gillespie stated that she appreciates all that the police department is doing in order to keep the children safe.

**REPORT FROM THE FIRE CHIEF:** Assistant Fire Chief Danielson thanked Officer Mosner for doing a great job. He reported for the month of August, four activated fire alarms, one carbon monoxide alarm, one monthly drill, one Med-Evac landing, one monthly meeting, two mutual aids, out of town, four motor vehicle accidents, one special work drill, one standby out of town, and one downed power line. He reported 19 calls for the month of August, which is down from prior months. There have been a total of 227 hours for the month, year to date 3558 hours for 214 calls.

Assistant Fire Chief Danielson announced that the Sussex County Fire Department Parade is scheduled for October 9<sup>th</sup> in the Town of Newton. The department is hosting a Rib Fest on October 14<sup>th</sup>, tickets are \$15.00. On behalf of the Fire Department, he thanked the Township Committee for assistance in getting the new fire truck.

**OPEN TO THE PUBLIC** Resident Diane Gillespie asked about the website, stating she is having difficulty accessing the site. It was explained that there will be a new site which is currently under construction. This new site will be more user friendly. It was also explained that the old email addresses will for the time being be forwarded to the new addresses. The old site, which was purchased earlier this year, has many limitations due to cost constraints.

Ms. Phoebus explained that Recreation Committee member Bob Smith has been assisting the employees with providing better website service. This new site will be a benefit to the general public because there will be more information available and the cost is \$90.00 a year. Mr. Smith is donating his time to the Township. Right now there are two sites and they are linked together.

Administrator Padula explained that there is a contract with the other website providers for the next year and one-half. He added that when you enter the old site it would direct you to the new site. The old site was inadvertently shut down but will be back up and running shortly.

Dan Freed from the Open Space Subcommittee provided an update stating that they are getting ready for the Open House scheduled for October 10<sup>th</sup>. They are continuing with their marketing efforts by talking to residents. People want the information so that they have a better understanding on what they are voting on. People are concerned about their taxes and that seems to be the hardest battle. Mr. Webster stated that one to two cents on the tax rate is minimal when you think of increased residential development which would far exceed that rate.

Mayor Walsh asked the Township Committee to consider moving the monthly meeting to October 10<sup>th</sup> and have a joint meeting with the Open Space committee. Mayor Walsh also stated that we can invite residents from both sides of this matter, to discuss the pros and cons. Mr. Freed agreed that more information we provide to the voting public, the better it will be. Mr. Webster suggested having someone from the county open space committee attend the meeting in order to provide additional information.

Environmental Commission Chairperson Lois D'Vries reported on the NRI Grant Application for the built out analysis. Representatives will be attending an Environmental Commission meeting in October. They are looking for feedback from the commissioners and then they will present their plan to Land Use Board.

**OPEN TO THE PUBLIC** Resident Phil Boyce asked to explain the litigation update on the steep slopes ordinance. Attorney Semrau explained if there were questions regarding legal implications he wanted to make sure all questions were addressed and as soon as a consensus is reached, the instructions are to make that public. One litigant made a proposal and the consensus was to get a proposal from all litigants before the committee considers resolution. There are a total of five and we need to hear from the other four.

Hearing nothing further from the public, Mayor Walsh closed the public portion of the meeting.

**ORDINANCES: INTRODUCTION**

**#2006-22 TO REPEAL SECTION 115-6(F)**  
**“LONGEVITY”**

***“AN ORDINANCE REPEALING SECTION 115-6(F) “LONGEVITY” OF THE CODE OF THE TOWNSHIP OF ANDOVER AND PROVIDING A ONE TIME INCREASE IN SALARY FOR ALL EMPLOYEES OF THE TOWNSHIP WHO ARE NOT EMPLOYED PURSUANT TO A COLLECTIVELY NEGOTIATED AGREEMENT”***

***BE IT RESOLVED*** by the Mayor and Committee of the Township of Andover, that Ordinance #2006-22, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on September 26, 2006 at 7:30 P.M. local prevailing time, or as soon thereafter as the matter can be reached in the Municipal Building, 134 Newton-Sparta Road, Roll call vote:

- |                      |                       |
|----------------------|-----------------------|
| Mr. Grotyohann – yes | Ms. Phoebus – yes     |
| Mr. Webster – yes    | Mr. Gilsenan – absent |
| Mayor Walsh – yes    |                       |

**#2006-23 TO SUPPLEMENT SECTION 115-11(A)(4)**  
**“LEAVE OF ABSENCE”, “SICK LEAVE”**

***“AN ORDINANCE SUPPLEMENTING SECTION 115-11, “LEAVE OF ABSENCE”, PARAGRAPH (A) “SICK LEAVE”, SUBPARAGRAPH (4) OF THE CODE OF THE TOWNSHIP OF ANDOVER TO PROVIDE FOR AN ANNUAL BUYBACK OF ACCUMULATED SICK LEAVE IN EXCESS OF SEVENTY-FIVE (75) DAYS PER YEAR, NOT TO EXCEED \$5,000.00”***

***BE IT RESOLVED*** by the Mayor and Committee of the Township of Andover, that Ordinance #2006-23, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on September 26, 2006 at 7:30 P.M. local prevailing time, or as soon thereafter as the matter can be reached in the Municipal Building, 134 Newton-Sparta Road, Roll call vote:

- |                      |                       |
|----------------------|-----------------------|
| Ms. Phoebus – yes    | Mr. Webster – yes     |
| Mr. Grotyohann – yes | Mr. Gilsenan – absent |
| Mayor Walsh – yes    |                       |

**OTHER BUSINESS/CORRESPONDENCE:**

**APPROVAL OF RAFFLE LICENSE – SENIOR QUALITY OF LIFE FOUNDATION – TO BE HELD AT FARMSTEAD GOLF & COUNTRY CLUB ON OCTOBER 1, 2006 AT 3:00 P.M. TO 6:00 P.M.**

**A) ON-PREMISE 50/50 R.L. #761**

Mr. Webster moved to approve this license as presented, seconded by Mr. Grotyohann.  
Roll call vote:

Mr. Webster – yes  
Ms. Phoebus – abstain  
Mayor Walsh – yes

Mr. Grotyohann – yes  
Mr. Gilsenan – absent

**DISCUSSION REGARDING THE PROPOSED BUS TRANSPORTATION SERVICES ORDINANCE FOR NEWLY CONSTRUCTED HOMES**

Attorney Semrau reported that there have been many complaints from homebuyers, especially those in new developments as to where the school bus stops are located. There was a suggestion that an ordinance be developed where the sellers have to notify prospective buyers as to where the closest bus stop is located. A draft was provided for committee review and comments were received. Attorney Semrau added that we are still in the discussion stage.

Mr. Webster stated that Administrator Padula and he reviewed the draft and he remarked that the way the ordinance is constructed is that it is geared to the first purchase of the home. He would like to amend the draft to include all purchases of the home. There was discussion as to how something like this can be enforced. He added that there should be an exception for age-restricted homes. He added that evidence that this information has been provided will be filed with the Clerk, Board of Education and the Planning Office.

There was discussion regarding how this ordinance can be enforced. School bus stops change regularly and this information will be provided as the routes change. Ms. Kostelnik argued that it would be impossible to enforce this either through the seller or his realtor. She also asked how the school would know where the bus stop will be prior to the home being built and the signing of the contract. She voiced her concerns that this might open the township to potential litigation. Attorney Semrau stated Mr. Webster reported that there are many new residents who are shocked when they find out where their child’s bus stop is. This is a huge problem and the school board does not know what more to do. This ordinance is just requesting disclosure of information which has been overlooked by prospective buyers. We are trying to do this from an administrative point.

Mr. Grotyohann remarked that we are going to be hard-pressed if we think we can get realtors to provide this information and abide by the ordinance. Attorney Semrau will revise the draft for review by the Township Committee.



**COMMITTEE REPORTS**

**MR. GROTYOHANN.** He reported that the next Board of Health meeting is scheduled for September 13, 2006, resuming after summer recess.

**MS. PHOEBUS.** She reported on the Recreation Committee, next meeting is tomorrow night, September 12<sup>th</sup>. The message board is now up. Thanked Administrator Padula for all his help in finally making this a reality. She added that the sign will be nicely landscaped and there will be no cost to the township. A local Boy Scout will be working on this for his Eagle Scout project.

She reported that the senior luncheon scheduled for the end of October. The recreation committee members all prepare the foods. Bob Smith plays the piano and he is making song sheets for a sing along.

The annual New York City bus trip is scheduled for December 2<sup>nd</sup>. Seats go fast. She reported that the teen dance and holiday party is scheduled for later this year,

She reported that due to a meeting conflict, she was unable to attend the fire department meeting. There was a golf outing that was very successful.

**MAYOR WALSH.** He reported at the last meeting he spoke with resident Rocky Rich and he is donating 10 signs, which read, Keep Our Kids Alive, Drive 25. The township has purchased 10 also. They will be put up shortly.

Mayor Walsh reported that he, Attorney Semrau and Township Planner Chuck McGroarty drove around the township in order to be more familiar with the area. They discussed several ideas for town centers. He called the owner of the Rolling Greens Golf Course which is currently on the market to discuss the possibility of a town center. Ian spoke with one interested buyer and there was a meeting to discuss this concept further. The two schools would be in this area. Mayor Walsh stated they are very interested in hearing from the township to continue these talks. He asked Planning Board Chair Christodlous, Mr. Grotyohann as the Economic Development liaison and Chief of Police Coleman for public safety reasons. This is in a very preliminary stage. This would be a true town center, a step in the right direction.

**REPORT FROM THE TOWNSHIP ADMINISTRATOR** He reported that the County Health Nurse blood pressure screenings began on September 5<sup>th</sup> from 2:00 to 4:00 and will return on October 3<sup>rd</sup>. She is promoting Andover Township and is trying to get the residents to attend this monthly screening and answer questions anyone may have.

He also reported that Sparta Township will be hosting their annual countywide auction on October 7<sup>th</sup>. Andover Township has a list of items we will be sending.

He met with officials from JCP&L regarding the construction of the new substation of Limecrest Road. They are awaiting county approval and expect construction to begin in the Spring of 2007. If not then, it will begin in the fall of 2007.

**REPORT FROM THE TOWNSHIP ADMINISTRATOR (CONTINUED)**

Administrator Padula asked the Township Committee to consider for 2007 having both meetings on the same night. Mr. Grotyohann agreed and added that having both meetings on Mondays will be fine. He stated the reason for moving the second meeting to Tuesday was because of a conflict for one of the former committee members.

Two bids were received on the Skytop Road Phase III Project, one for \$611,000.00 and the other for \$975,000.00, both over the \$300,000.00 budget. Attorney Semrau stated that a resolution rejecting the bids will be placed on the next agenda.

Administrator Padula stated he has been in contact with Tim Prime, attorney for the Wawa project and he asked him what the status was on this project. He had informed that he is waiting county approval, submitted plans to the NJDEP and when he receives the go-ahead he will be back before Planning Board. He has already received preliminary approval from the board.

**REPORT FROM THE MUNICIPAL ATTORNEY** He stated that for the next meeting there will be discussion regarding revision of the Criminal Background Check Ordinance. He has been given direction to begin the process for the sale of a new retail distribution liquor license for the township. He also reported that he has begun drafting an ordinance with regard to Cistern/Hydrant Parking restrictions. He stated that there were some minor adjustments made to the Space Farms contract for deer removal. He added a provision that in the event the State will resume the responsibility for deer carcass removal we will have the right to terminate the contract.

The Township Committee had a brief discussion regarding rescheduling of the remainder of the meetings from Tuesdays to Mondays. Mr. Webster moved to adjust the second meetings of October, November and December meetings from Tuesdays to Mondays. At this time the motion was withdrawn and will be further discussed at the next meeting.

**NEXT SCHEDULED MEETING: Tuesday, September 26, 2006 at 6:30 P.M.  
Regular Meeting to Begin at 7:30 P.M.**

**Monday, October 09, 2006 at 6:30 P.M.  
Regular Meeting to Begin at 7:30 P.M.**

**ADJOURNMENT** No further business appearing before the Committee at this time, Ms. Phoebus moved the meeting be adjourned at 9:44 P.M., seconded by Mr. Grotyohann and carried unanimously.

Respectfully submitted,

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Tom Walsh, Mayor

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Vita Thompson, R.M.C.  
Municipal Clerk

