

ANDOVER TOWNSHIP COMMITTEE MINUTES

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

SEPTEMBER 26, 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 6:30 P.M. by Mayor Walsh, followed by a salute to the flag.

ROLL CALL: Present: Mr. Grotyohann, Mr. Gilsenan, Ms. Phoebus,
Mr. Webster, Mayor Walsh
Also present: Administrator Padula, Attorney Semrau

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

EXECUTIVE SESSION: Administrator Padula asked that the Executive Session agenda be amended by adding under Personnel Matters: H. Kinney and under Attorney-Client Privilege: Letter from Roseman. On a motion by Ms. Phoebus, seconded by Mr. Webster, the resolution to go into executive session to discuss

Personnel Matters:

- 1. M. Spector, Planning/Zoning Board Secretary**
- 2. Phillip A. Coleman, Chief of Police**
- 3. H. Kinney, Police Sergeant**

Attorney-Client Privilege:

- 1. Discussion Regarding Criminal Background Check Ordinance**
- 2. Beazer Homes – Andover Borough**
- 3. Steep Slopes Ordinance Litigation**
- 4. Letter from Attorney Roseman – Jump Property,**

was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:43 P.M. Ms. Phoebus moved to adjourn executive session at 7:25 P.M., seconded by Mr. Webster and carried unanimously.

REGULAR MEETING

APPROVAL OF AGENDA
amended as follows:

Administrator Padula asked that the agenda be

Under Consent Agenda:

*Resolutions:

- 7. #R2006-162 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE AMENDING RESOLUTION #R2006-155, DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO PREPARE CERTAIN SURPLUS MUNICIPAL EQUIPMENT FOR SALE AT THE SUSSEX COUNTY COOPERATIVE SURPLUS AUCTION 2006

APPROVAL OF CONSENT AGENDA ITEMS Resident/Environmental Commission Chair Lois D’Vries requested that Resolution #R2006-158 be removed from the Consent Agenda for further discussion. Mayor Walsh requested that Resolution #R2006-160 also be removed.

Ms. Phoebus moved the following consent items be approved, as amended, seconded by Mr. Webster and carried unanimously.

*CONSENT AGENDA:

*OTHER BUSINESS:

APPROVAL OF VOUCHERS FOR PAYMENT

(See Insert Attached to These Minutes)

*RESOLUTIONS:

- #R2006-157 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AWARD A CONTRACT FOR THE INSTALLATION OF TEE BALL FIELD AT HILLSIDE PARK TO BOB VIERSMA & SONS, INC.

- #R2006-159 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY APPROVING AN AGREEMENT WITH EMPLOYEES WHO ARE NOT MEMBERS OF COLLECTIVE BARGAINING UNITS PURCHASING EMPLOYEES’ SICK TIME

APPROVAL OF CONSENT AGENDA ITEMS (CONTINUED)

***RESOLUTIONS: (CONTINUED)**

#R2006-161 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY ***TO REJECT BIDS RECEIVED FOR "SKYTOP ROAD SECTION III DRAINAGE IMPROVEMENTS"***

#R2006-162 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE ***AMENDING RESOLUTION #R2006-155, DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO PREPARE CERTAIN SURPLUS MUNICIPAL EQUIPMENT FOR SALE AT THE SUSSEX COUNTY COOPERATIVE SURPLUS AUCTION 2006***

(See Inserts Attached to These Minutes)

APPROVAL OF MINUTES

JULY 24, 2006 REGULAR MEETING
JULY 24, 2006 EXECUTIVE SESSION

Ms. Phoebus moved to approve these minutes as presented, seconded by Mr. Gilsean.
Roll call vote:

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

AUGUST 8, 2006 SPECIAL MEETING

Ms. Phoebus moved to approve these minutes as presented, seconded by Mayor Walsh.
Roll call vote:

Ms. Phoebus – yes	Mayor Walsh – yes
Mr. Webster –yes	Mr. Grotyohann – abstain
Mr. Gilsean - yes	

POLICE DEPARTMENT COMMENDATIONS***POLICE OFFICER ERIC DANIELSON******POLICE OFFICER STEVEN MURRELL***

Mayor Walsh read the Letters of Commendation for Officers Danielson and Murrell. Chief of Police Coleman presented the officers with plaques and life saving pins.

LETTERS OF COMMENDATION***SERGEANT RONALD SMITH******POLICE OFFICER DAVID SZATKIEWICZ***

Plaques were also awarded to these officers for assisting. At this time Steven Mills, retired Sergeant of the Newton Police Department, whose life was saved by the efforts of these officers spoke and thanked everyone involved in his rescue.

PROPOSAL BY MICHAEL MAROTTE, ESQ. This matter was removed from the agenda at this time.

REGULAR AGENDA

OPEN TO THE PUBLIC: David Mosner, former Township Committee member questioned the governing body about a bill he submitted to the township for payment. Administrator Padula stated he forwarded the request to Attorney Semrau for his review. Mr. Mosner stated he would like a response in this matter as soon as possible. Attorney Semrau replied that he will look into his request and report back to Administrator Padula and he will contact Mr. Mosner.

Open Space Committee Chairperson Dan Freed provided an update on the pending referendum. He informed everyone again that there will be an Open House on October 10th at Hillside Park Hall from 7:00 to 9:00. This will be an informational meeting. There will be panelists with knowledge and experience to offer their expertise on this issue. He added that he has worked with open space committee members from Green, Lafayette and Byram to prepare for the meeting. He stated that active discussion is expected.

Resident Phil Boyce asked if the township will be taking a position on the Beazer Homes matter in Andover Borough. Attorney Semrau responded that discussion during Executive Session is the township's position in supporting Andover Borough by resolution. No legal funds are to be expended.

OPEN TO THE PUBLIC: (CONTINUED) Resident Vic Capo spoke regarding his concerns regarding the Master Plan efforts. The August 30th report to the Planning Board showed discrepancies. Mr. Webster responded that he is satisfied with the report provided and is not concerned. Mr. Capo voiced objections. Attorney Semrau explained that in his experience and what he sees Township Planner McGroarty doing and from only seeing certain aspects of this project, often with planners, they “boiler-plate” plans, put them out there and they go forward. Chuck McGroarty does not work that way. He continued that after conversations with the Planning Board Chair and Mr. Webster and the Mayor, and these individuals have been around the municipality so Mr. McGroarty can understand the community and have a good grasp of the issues. With the correspondence with COAH, they are trying to raise ideas and suggestions and put together a finished work product. He concluded by saying if there is something written that is subject to some type of dispute, it isn't consistent with the effort that is being made to make this right.

Resident Phil Boyce stated while speaking on COAH, a citizens' advisory committee would be helpful. They could meet as needed and have discussions. Diana Boyce commented on some confusion regarding information on pages 1 and 3, the information is different and it needs to be amended. Planning Board Chair Christodlous was present and stated that this was addressed earlier and changes were made. Mayor Walsh stated he will speak with Chuck regarding this matter. Mr. Webster stated that inadvertently a mistake was made and compared to the past this is not serious. He added that the Planning Board also had agreed that this was not serious. It was also suggested that this matter could have been discussed by a citizens' advisory committee and not take up time at a township committee meeting. Lois D'Vries agreed that Banish is working hard on this issue and Planning Board members can always contact them for clarification.

Resident Diane Gillespie remarked that the trash receptacle outside the front door of the building is overflowing. Administrator Padula stated he will take care of this problem.

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

RESOLUTIONS:

#R2006-158 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-012-007 FOR RAY C. INC. T/A RAY'S INN FOR THE TERM JULY 1, 2006 THROUGH JUNE 30, 2007 WITH CERTAIN CONDITIONS

Mayor Walsh explained that Ms. D'Vries requested that this resolution be removed from the consent agenda for further discussion. She commented on the situation in the parking lot outside of Ray's Inn where the inhabitants of the premises are not properly clothed. Attorney Semrau explained the conditions agreed upon for the renewal of this license and the governing body can only do so much. He added that if they fail alternatives are available. One of the conditions being that they will hire an expert to give bi-monthly inspections and report is made to the police department. Another condition is that there will be no tenant in the upstairs apartment.

RESOLUTIONS: (CONTINUED)

#R2006-158 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-012-007 FOR RAY C. INC. T/A RAY'S INN FOR THE TERM JULY 1, 2006 THROUGH JUNE 30, 2007 WITH CERTAIN CONDITIONS

At this time, Ms. Phoebus moved to adopt this Resolution as presented, seconded by Mr. Webster and carried unanimously.
(See Insert Attached to These Minutes)

#R2006-160 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER TO ACCEPT THE DEVELOPER'S AGREEMENT FOR MULFORD ROAD, LLC MAJOR SUBDIVISION FOR BLOCK 105/LOTS 6.01 AND 12.02, BLOCK 105.01/LOT 7, BLOCK 105.02/LOT 12, BLOCK 72.03/LOT 1.02 AND BLOCK 117/LOT 10.02

Attorney Semrau provided an overview of the changes made in the developer's agreement. Mr. Webster moved to adopt this Resolution as presented, seconded by Mr. Grotyohann and carried unanimously.

ORDINANCES: PUBLIC HEARING

#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"

Mr. Webster moved to open the public hearing for this Ordinance, seconded by Mr. Grotyohann and carried unanimously. Hearing no comments from the public, Ms. Phoebus moved to close the hearing, seconded by Mayor Walsh and carried unanimously.

An ordinance of which the foregoing is the title was introduced and passed on first reading at the regular meeting of the Andover Township Committee on September 11, 2006, was advertised according to the law and was brought before the public for final consideration. There being no objections, Ms. Phoebus moved the adoption of the above entitled ordinance, seconded by Mayor Walsh. Roll call vote:

Ms. Phoebus – yes

Mayor Walsh – yes

Mr. Grotyohann – yes

Mr. Gilsenan – yes

Mr. Webster - yes

ORDINANCES: PUBLIC HEARING (CONTINUED)**#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”

Mr. Grotyohann moved to open the public hearing for this Ordinance, seconded by Mr. Webster and carried unanimously.

Lois D’Vries asked to explain why 75 days is used in the Ordinance as a base. Mayor Walsh explained that this proposal is available in the police department contract. He added that when employees are ready to retire they are entitled to their sick time balance at the rate of 50%. This may be time received when they were hired, they bank the time and when retiring receive 50% compensation at the time when they max out with their salary. Implementing a program such as this is and giving an option assists the municipality in turn. This reduces the amount of accumulated sick time through the years.

Hearing nothing further from the public, Ms. Phoebus moved to close the hearing, seconded by Mr. Webster and carried unanimously.

An ordinance of which the foregoing is the title was introduced and passed on first reading at the regular meeting of the Andover Township Committee on September 11, 2006, was advertised according to the law and was brought before the public for final consideration. There being no objections, Ms. Phoebus moved the adoption of the above entitled ordinance, seconded by Mayor Walsh. Roll call vote:

Ms. Phoebus – yes

Mr. Webster – yes

Mr. Grotyohann – yes

Mr. Gilsenan – yes

Mayor Walsh - yes

COMMITTEE REPORTS

MR. GROTYOHANN. He reported on the Economic Development meeting stating that their purpose is to encourage businesses to relocate in Sussex County, preferably Andover Township. He conducted a short survey of individuals present and asked their opinion as to what type of business they would welcome. Ideas ranged from book stores, coffee shops and card stores.

COMMITTEE REPORTS (CONTINUED)

MS. PHOEBUS. She reported that she will have a report from the Fire Department at the next meeting. She then reported that the Recreation Committee has scheduled the Senior Luncheon for Sunday, October 29th at 1:00. There will be music and food. The Teen Dance is scheduled for November 17th for grades 7th and 8th. On December 2nd there will be a bus trip to New York City and on December 3rd, the Holiday Party will be held for the children.

On December 8th the Recreation Committee will be hosting the Andover Township Holiday Party for all employees, board members, professionals and their guests at Hillside Park Hall.

The heading for the message board has been ordered. The Eagle Scout candidate has begun work on the landscaping surrounding the sign. She commented on the available playground equipment and hopefully the insurance company will support the purchase.

MAYOR WALSH. He reported that he attended the retirement party for Ann Dennison and her dispatcher No.1 designation was retired. She served Andover Township for 26 years. It was a great celebration and a wonderful write-up was in the NJ Herald.

Because the legal budget for the Planning Board is just about depleted, he asked the Township Committee if they would support his request to ask Attorney Semrau to look into addressing our current Growth Share Ordinance which desperately needs amendments. They agreed and Attorney Semrau will begin researching this matter as soon as possible.

He reported on the meetings held regarding the Town Center and he has spent a great deal of time attempting to resolve issues in order to make this concept plan a reality.

MR. WEBSTER. He reported that he and Administrator Padula have been working on finalizing the agenda for the Joint Meeting with the Board of Education. The meeting will be held on October 12, 2006 at the Hillside Park Hall. The agenda will be dedicated solely to issues that pertain to both entities.

MR. GILSENAN. He provided a follow up to the Statewide Municipal Court Security Policy stating that each municipal court must provide a detailed security plan. The preparation will be coordinated by the municipal court judge, the court administrator in consultation with local law enforcement the chief of police. The meeting is scheduled for October 16th. There was a brief discussion regarding the need of a metal detector. Mr. Gilsenan then reported the Solid Waste Advisory Committee meeting for September meeting was cancelled and the next meeting is scheduled in October.

REPORT FROM THE CHIEF OF POLICE Chief Coleman reported that the police department computer server was replaced and transferring this information is taking quite a bit of time.

REPORT FROM THE TOWNSHIP ADMINISTRATOR He reported that the Huntsville Road repaving project will begin tomorrow, September 27th. The township will be going out for re-bid on the Skytop Road Project. The plans will be revised by scaling down the project by omitting some drainage issues. We need to move quickly so that the township does not lose the State funding. On the Fenner Road drainage project, we can not proceed due to unavailability of funds.

The Board of Education/Township Committee Joint meeting agenda will be available by October 9th. The Sussex County League of Municipalities dinner is scheduled for October 19th and if anyone is interested in attending to please let him know.

REPORT FROM THE MUNICIPAL ATTORNEY He reported that at the next meeting we will be discussing the bus stop ordinance. Copies of the draft with the changes suggested have been distributed this evening for the Committee's review.

He discussed the amendments to the Criminal Background Check Ordinance. He added that hopefully with these changes this will assist the organizations with compliance. He asked that the Recreation Committee take a look at this Ordinance before it is considered for introduction. Ms. Phoebus suggested another meeting with the organizations presidents.

The contracts have been completed for the field renovations projects. With the deer carcass removal contract there was a minor change. He will have a draft ordinance regarding the fire cisterns/hydrants for the next meeting. In closing he will be reviewing the legal bills submitted by Dave Mosner.

Mr. Webster asked if former attorney Rafanello is still doing legal work for the township. Mayor Walsh stated there are several items such as the roller rink and the Killam litigation. Attorney Semrau stated that the issues in their early stages have been transferred to him but the more mature issues; it was found that it would be more cost effective to keep them with Rafanello. He will find out the status with these issues and report back to the Township Committee.

Mayor Walsh commended all Township Committee members for their hard work on their responsible groups. He thanked everyone for their interest in their assignments, adding he had never heard anyone give a report on the municipal court. With the former committee, he never saw anyone work

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

Tuesday, October 24, 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, Mr. Grottyhann moved the meeting be adjourned at 9:26 P.M., seconded by Ms. Phoebus and carried unanimously.

Respectfully submitted,

Tom Walsh, Mayor

Jackie Huelbig,
Assistant Municipal Clerk

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Andover on the 26th day of September, 2006, 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.
- () b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - 1.
 - 2.
 - 3.
- () b. (8) Personnel matters.
- () 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:

Moved:

Seconded:

Voted Aye:

Voted Nay: None

Abstained:

Resolution adopted.

