

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

**OCTOBER 24, 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 6:35 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: On a motion by Ms. Phoebus, seconded by Mr. Webster, the resolution to go into executive session to discuss

Personnel Matters:

1. **Administrator's Contract**

Contract Negotiations:

1. **Discussion Regarding Contract Negotiations & Holiday Leave**

Attorney-Client Privilege:

1. **Investigation of Possible Violations of the Law**
2. **Status of Steep Slopes Litigation**, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:36 P.M. Ms. Phoebus moved to adjourn executive session at 7:41 P.M., seconded by Mr. Gilsenan and carried unanimously.

REGULAR MEETING

APPROVAL OF AGENDA Ms. Phoebus moved to approve the agenda as presented, seconded by Mr. Grotyohann and carried unanimously.

APPROVAL OF CONSENT AGENDA ITEMS Ms. Phoebus moved the following consent items be approved, seconded by Mr. Webster.

Ms. Phoebus – yes, but abstains to Resolution #R2006-166
Mr. Webster – yes
Mr. Gilsenan – yes
Mr. Grotyohann – yes
Mayor Walsh - yes

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Inserts Attached to These Minutes)

APPROVAL OF RAFFLE LICENSES – ANDOVER REGIONAL PTA - TO BE HELD AT LONG POND SCHOOL ON NOVEMBER 18, 2006 FROM 9:00 TO 4:00 P.M.

- A) ***R.L. #764 - ON-PREMISE MERCHANDISE RAFFLE***
- B) ***R.L. #765 – ON-PREMISE 50/50***

APPOINTMENT OF ED BURGIO TO THE RECREATION COMMITTEE - ALTERNATE NO. 3 - TERM TO EXPIRE DECEMBER 31, 2006

***RESOLUTIONS:**

#R2006-166 RESOLUTION 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 JON BRODY, MAI. CRE. OF APPRAISAL CONSULTANTS CORP. FOR PROFESSIONAL APPRAISAL SERVICES

#R2006-167 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO OFFER THE STATE LONG-TERM CARE INSURANCE PLAN

#R2006-168 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO ISSUE A TAX REFUND TO JESSE WOLOSKY IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE # 06-00004 SOLD FOR DELINQUENT TAXES FOR BLOCK 157/LOT 300036 IN THE AMOUNT OF \$1641.10

#R2006-169 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A DUPLICATE TAX SALE CERTIFICATE TO DIANE E. BOFFA, PURSUANT TO CHAPTER 99 OF THE PUBLIC LAWS OF 1997

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

**#2006-170 RESOLUTION OF THE ANDOVER TOWNSHIP
COMMITTEE APPOINTING TINA SUGAR TO THE
POSITION OF DEPUTY COURT ADMINISTRATOR
EFFECTIVE IMMEDIATELY**

(See Inserts Attached to These Minutes)

***APPROVAL OF MINUTES:**

**AUGUST 22, 2006 REGULAR MEETING
AUGUST 22, 2006 EXECUTIVE SESSION**

APPROVAL OF MINUTES:

**SEPTEMBER 11, 2006 REGULAR MEETING
SEPTEMBER 11, 2006 EXECUTIVE SESSION**

Mayor Walsh asked that the September 11, 2006 Executive Session minutes be tabled at this time.

Mr. Webster moved to approve the Regular Minutes of September 11th as presented, seconded by Mr. Gilsenan. Roll call vote:

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

Mr. Webster moved to table the Executive Session Minutes of September 11th until the next Regular meeting, seconded by Mr. Grotyohann and carried unanimously.

OPEN TO THE PUBLIC Diane Gillespie asked for a status report regarding the caterpillar equipment stationed on Ballantine Road. Attorney Semrau explained after speaking with the Administrator he wrote the Attorney for the owner of the vehicle and advised that his client should remove the vehicle by October 6th. After receiving a call from the attorney he was going to send him a letter which he received and based on his understanding that the township has given him consent to park the vehicle where it is. He stated it is not okay and something that is being pursued. Ms. Gillespie stated she finds it very disturbing and does not know if it is a lack on communication within the municipal building or whether people are taking it upon themselves to interpret ordinances. Attorney Semrau stated that he was advised of this condition at the September meeting and he agreed with Ms. Gillespie that this was a routine issue and should have been handled quickly. He added that when an issue is brought to his attention, it is an issue of compliance; a letter was written seeking compliance. Ultimately, the next step will then be taken by the proper official.

OPEN TO THE PUBLIC (CONTINUED) Ms. Gillespie stated that she does not feel that this issue should have gone to the point where need to get the Municipal Attorney involved. Administrator Padula stated that the construction official was advised of this situation and he stated he was going to contact Attorney Semrau because early in the investigation there was discussion that the vehicle was under the weight limit and following further discussion it was determined that the vehicle did violate the ordinance.

Dan Freed of Lawrence Road, Open Space Committee member reported on the success of the Open Space Referendum Open House held on October 10th. He stated it was a great success. The Open Space Committee has yard signs available for anyone interested in placing one on their lawn.

Linda Golonski of Valleyfield Road asked if the vehicle is in violation of a township ordinance, why there can't be a daily fine imposed on the owner of the vehicle until it is removed. She stated that she enjoyed the Joint Meeting between the Township Committee and the Board of Education. She said that it was very interesting and was sorry that not more people attended. She also commended the municipality directing the Department of Public Works to assist the school in making sure that all school equipment was in place for the start of school so that there would be no further delay. She was surprised to here that a bill was sent to the Board of Education from the township for this service. Administrator Padula explained that there are two separate budgets for each entity. The work done for the school board had to be paid by the school board because the DPW was not doing work for the township at that time. Also he stated that the school has also offered the soccer teams the use of two fields. Mayor Walsh stated that the school board had funds available for this service and he believes that the bill was then submitted to the contractor. Administrator Padula explained that the Joint Meeting advertisement was placed in the newspaper by the school board and they in turn will charge the township for half of that cost.

Carla Kostelnik stated that the Open Space meeting was a great success and 48 people attended. A comment was made at that meeting that this was better than going to a township committee meeting because no one was timed when they wanted to speak. She asked this gentleman that if the township had informational meetings would he come and he said yes. Ms. Kostelnik suggested this concept for next year. Mayor Walsh replied that the township had that kind of meeting and no one came.

Attorney Semrau commented that in his career he has been at 18 different township meetings and seen them conducted. He said that as a credit to the governing body and the public in attendance, as far as timing the speakers, he can give a list of municipalities where a member of the public gets up speaks and you receive no response, you sit down because your time is up. He does not see that here. Here you can have a dialogue with the governing body.

OTHER BUSINESS**CURRENT DRIVE – DISCUSSION REGARDING THE REQUEST FOR VACATION OF THE RIGHT-OF-WAY**

Attorney Semrau stated that there are some people that are concerned about Current Drive and legal history regarding litigation with this right-of-way. Many months back a request was made to vacate the right of way based on the litigation history and keeping it in its current character. He asked the Planner and Engineer for feedback to see what if any concerns would arise if this action was taken. The township Engineer has responded by requesting the matter be surveyed to a certain extent. He added that he does not have a recommendation at this point. There is a proposal available to the Township Committee for surveying services. The surveyor would attempt to obtain data to verify and review deeds to the accuracy of its location.

Resident Tony Massaro stated this issue was litigated and surveyed. The court made a decision that this is a private road not owned by the township and the township had no right to widen this road. This litigation cost the township about \$100,000.00. After all was said and done, the court found that the road is a traveled way, cannot be closed and must be maintained by the municipality. The questions were answered years ago and why would we reopen the issue once again. He stated that in order to put this to rest the road return should be vacated. No one knows where this road return begins and ends. Mrs. Grace Massaro echoed her husband's comments.

Jeffrey Wolk of Payne Road stated he was one of the litigants. It was a long, exhausted and costly litigation for everyone. He stated that he and Mr. Massaro informed the Planning Board when the issue of widening the road came up, that the township did not own any right of way to Current Drive. He informed the governing body that he and Mr. Massaro did everything then that Engineer Golden is now suggesting. A survey was done along with an aerial view. They laid the transparent road return over the aerial view and Judge Stanton commented that this is not the same road return that applies to this roadway.

Attorney Semrau stated that many years ago this road return was set. What happened over time an actual road was developed. Mr. Massaro stated the so called road was a driveway to his house. From the other end the road was a driveway to someone else's house. So if someone wanted to build a house beyond his, they allowed them to use this driveway.

Mr. Wolk stated a people began coming to the area, Payne and Current eventually met and these roads have nothing to do with any road return. In the sixties and seventies the town began to maintain these roads. The town began to chip and oil. Because this road was never closed off it became a public traveled way. Judge Stanton ordered that this road remain open and the public had a right to continue to travel. Attorney Semrau stated that the question for the Township Committee to consider to vacate the interest in the public roadway. Mr. Wolk stated that the Township should consider vacating the road return itself. Attorney Semrau stated suppose that action is taken is there anybody presently residing on the roadway that would object to this. Mr. Wolk never asked everyone that question, adding that Judge Stanton never intended that the road be vacated, only the right of way.

OTHER BUSINESS (CONTINUED)**CURRENT DRIVE – DISCUSSION REGARDING THE REQUEST FOR VACATION OF THE RIGHT-OF-WAY**

Attorney Semrau asked the Township Committee that he will reach out to Engineer Golden and come back with a draft of the vacation of the right of way.

Mr. Grotyohann moved to direct Attorney Semrau to discuss this matter with Engineer Golden and subject to that discussion, draft a vacation resolution/ordinance with regard to Current Drive. Motion was seconded by Ms. Phoebus and carried unanimously.

DISCUSSION REGARDING THE DRAFT ORDINANCE FOR THE BLOCKING OF FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS

Attorney Semrau stated he was asked to draft an ordinance because the Fire Department was concerned with vehicles being parked in front of cisterns. In his research it was found that this issue has never been addressed by the NJDOT. He asked if this ordinance should include in addition to parking the placement of mailboxes, garbage cans, fences, etc. Decision was made to keep it to parking at this time. Chief Coleman stated in his opinion the distance should be increased from 10 feet to 20 feet. Attorney Semrau was concerned with existing structures out that are now located within 20 feet of the cistern. Following this discussion it was decided to take this draft to the Fire Department for their review and opinion. Ms. Phoebus as their liaison will address this ordinance with the Fire Department at their next monthly meeting.

COMMITTEE REPORTS

MR. GROTYOHANN. He reported that he and Administrator Padula have been working on review of the health benefits for the employees. They have had several meetings with outside firms and discussion of options available. He stated that they are attempting to save the township money, medical costs and premiums continue to rise. We are looking to save the township money on premiums and also maintain a high level of benefits for the employees. He has another meeting on Friday with another firm.

He then reported on the proposed Town Center. He met with an architectural firm to get some ideas and designs. Mr. Webster had emailed several concepts to him. He stated that they are finding many nice designs that will be complimentary to the area. He added that an informal survey was conducted as to what people are looking for in a Town Center. It is coming along slowly but some headway has been made.

COMMITTEE REPORTS (CONTINUED)

MR. GROTYOHANN. Mr. Grotyohann reported on the Board of Health meeting, the County sent a DVD regarding “pandemics and how to prepare for them”. There are County and State websites available for more information. One thing they looked at was the Bird Flu as a possible pandemic. Research is being done to prevent and cure this outbreak.

MS. PHOEBUS. She reported that the Recreation Department is having a Senior Luncheon on October 29th at 1:00, 55 and older. Recreation Department is preparing the buffet and music provided by Recreation Member Bob Smith. There will also be a sing-along.

She then reported that Recreation Director Huelbig worked with Selective Risks on obtaining a piece of playground equipment without cost but after all was said and done, because of insurance mandates the Township can not accept this equipment. Following further research, Ms. Huelbig found that Game-Time provides 45% grants to municipalities to purchase playground equipment. Equipment at \$24,000. will cost the Township \$13,000. Funds are available through several budget amendments. Some of the older pieces will be relocated at Goodale Park.

The Recreation Committee is continuing to prepare their list for purchases with the funds made available through the sale of township property to Green Acres. In speaking with several people it was recommended that some of the funds be saved in an interest bearing account until such time a decision is made on what to use the money on. She added that one proposal was received for renovating the tennis courts in the amount of approximately \$75,000. The Recreation Department is attempting to locate another vendor for a quote.

The newly appointed member of the Recreation Committee did some research on the roller hockey rink. She stated that he has Boy Scouts that will be willing to paint the interior and exterior of the rink. The surface will also be painted blue. There was a brief discussion regarding the possibility of flooding the rink this winter for ice skating. The consensus of the Township Committee was to try it to see if it leaks.

Ms. Phoebus stated that due to an Eagle Scout project the landscaping surrounding the message board is being completed.

She then reported on the Fire Department’s monthly meeting and they are looking at taking the vacate house on Newton-Sparta Road that is owned by Carafello and use it as a practice house to bang through walls and ceilings. They are running a fundraiser for November 11th at 6:30 p.m., a Joint Benefit with the Andover Township F.O.P. Tickets are \$50.00 each.

In closing, she addressed the fees for the barn rental collected versus what it takes to maintain the facility are being reviewed and there is a possibility that the Recreation Department will be coming before the Township Committee for a Resolution to increase these fees.

COMMITTEE REPORTS (CONTINUED)

MR. GILSENAN. He reported that on October 20th he attended the Municipal Court Security Seminar with Chief Coleman. Judge Bozonelis presided over the meeting. The US Marshalls office, Security Awareness in Federal Courts and the State Police Central Security Unit discussed threats to judges and court staff. He stated that we have until February 5th 2007 to submit our security plan to Judge Bozonelis. He stated that we have our equipment vendor information, metal detectors, etc.

Saturday, November 4th is Household Hazardous Waste Disposal Day at SCMUA in Lafayette and he placed flyers on the table for the public.

MR. WEBSTER. He reported on the Joint Meeting with the Board of Education which was not well attended, but a good meeting with very good topics for discussion. He felt both sides benefited from this meeting. He stated that from this meeting it was suggested that a subcommittee be formed with the Land Use Board and Board of Education to meet on an as needed basis. Roads issues were discussed and they are attempting to schedule a meeting to discuss the Payne Road issues which restrict the school bus from traveling this road.

He then reported on the Department of Public Works and in speaking with Administrator Padula he found funds for the completion of the drainage work for Hillside Drive. Mayor Walsh stated that Bob Campbell did a lot of work for the township without cost.

He reported that he attended the County's Open Space meeting where they review applications submitted for Open Space monies. He stated that we pay \$.045 and Westby Farm asked Andover Township as a joint applicant for \$750,000. of that money with the NJ Conservation Foundation who are the primary purchasers. The bulk of the land is in Byram and their presentation was excellent and from here approval is needed from the Freeholders. Their application was well received.

MAYOR WALSH. He reported that the School Board gave the Recreation Committee permission to use their field hockey field as a soccer field as long as the clubs complete the proper applications. He stated that soccer president Eric Stanton is handling the application process. Administrator Padula stated that the players must be students from Andover Regional School District.

He reported on the Keep Kids Alive, Drive 25 campaign. This information was made available through Channel 10 and the NJ Herald. Ten signs were placed throughout the municipality. There are 20 to 40 more signs ordered. Mayor Walsh stated he is trying to get as many signs up before Halloween.

He reported on the Town Center concept, things are intricate, slow but trying to move things as quickly as possible.

COMMITTEE REPORTS (CONTINUED)

Mayor Walsh thanked Dan Freed for his presentation at the Joint Meeting regarding the Open Space Referendum. He then thanked Lois D'Vries for all her hard work and dedication. He added that her work is greatly appreciated.

REPORT FROM THE TOWNSHIP ADMINISTRATOR He reported that on October 18th the Township held a tax sale and \$46,725.46 was collected. Tomorrow, October 25th, the Department of Health County nurse will be at the Andover Borough Senior Center administering flu shots for \$15.00 and pneumonia shots for \$30.00.

In tomorrow's NJ Herald there will be advertisements for the positions of Alternate School Crossing Guard, Assistant/Tax Assessor and CFO.

He also reported that the Board of Education will be sponsoring their annual Senior Breakfast this Friday, October 27th at 9:00 a.m. at the Long Pond School. The bid advertisement for the Plenary Retail Distribution License will be published in the Friday, October 27th and November 3rd for a minimum bid of \$150,000.00. The advertisements will be in the NJ Herald, Start Ledger, the Daily Record and Bergen Record.

We received the Municipal Block Grant in the amount of \$23,734.00 used to offset the budget. On November 1st we will be receiving \$50,000.00 grant from Homeland Security Assistance.

The State approved our COAH escrow Trust Agreement. He reported that he will meet with Engineer Golden regarding the drainage basins and they will recommend some type of fund for developers to cover the costs of these perpetuated cares.

On Hillside Drive project there is \$98,924.58 budgeted in the 2005 ordinance. The engineering costs can be about \$75,000.00. He recommended that if there are any funds remaining from this project we should amend the Ordinance to cover the improvements on the Fenner Drive project.

The JCP&L project on Limecrest Road is in design phase with the driveway. That application is being considered by the County. He discussed with Engineer Golden the acceptance of the roads at Lakeview Ridge. The contractor told Golden that he has a punch list from a previous engineer that he's met all the qualifications.

He asked that if anyone on the Township Committee interested in setting up a joint meeting with Andover Borough with regard to shared services. Mr. Gilseman then asked if funds from the Homeland Security grant could be used to offset the costs of the metal detector mandated by the court system. He then asked Chief Coleman if the meeting room is filled to capacity during court sessions. Chief Coleman replied that it can be from time to time depending on the calendar.

REPORT FROM THE TOWNSHIP ADMINISTRATOR (CONTINUED) For the next meeting on November 13th, he asked that the Executive Session begin 15 minutes earlier in order to properly interview candidates. The Township Committee agreed.

REPORT FROM THE MUNICIPAL ATTORNEY He reported that in regard to the Steep Slopes litigation one litigate, Schaffer vs. Andover Township has dismissed. There are four other complaints. The litigation is scheduled for trial in April 2007. At the request of Mayor Walsh, he put Attorney Semrau drafted a Growth Share and Developers Fee Ordinance. He lined out portions of the existing ordinance and with Planner McGroarty's assistance put together questions into this draft. He asked if this ordinance could be referred to the Ordinance Review Committee for their review and recommendation to the Township Committee. He stated that the way the township's ordinance is currently written it does not comply with COAH requirements. Copies were distributed to the governing body for their review.

REPORT FROM THE CHIEF OF POLICE Chief Coleman reported 12,093 calls for service. Andover Township had 6,958 calls, which is about 300 calls over 2005 numbers. He reported that Andover Borough had 223 calls, Hamburg had 4,482 and Green Township 430. The other three towns are below from 2005 numbers. There have been 98 arrests and 750 summonses.

Chief Coleman commended Detective Tagliatela for solving a case involving over \$100,000.00 in stolen items from a local physician. Based on information he put together he was able to apprehend the suspect. A round of applause followed.

Administrator Padula stated that earlier in the week he pulled from the vouchers a bill submitted from Shain, Schaffer and Rafanello in the amount of \$3,000.00 for Underground Utilities work.

Mayor Walsh stated he received a letter from the General Assembly regarding Ethics Reform. He read the resolution into the record, gave the resolution to Attorney Semrau for his review and recommendation for adoption at the next meeting.

NEXT SCHEDULED MEETINGS:

November 13, 2006 at 6:15 P.M.
Regular Meeting to Begin at 7:30 P.M.

November 28, 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 9:21 P.M., seconded by Ms. Phoebus and carried unanimously.

Respectfully submitted,

Tom Walsh, Mayor

Vita Thompson, R.M.C.
Municipal Clerk

