

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

**NOVEMBER 13, 2006
6:00 P.M.**

REGULAR MEETING BEGINS AT 7:30 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

The regular meeting of the Andover Township Committee was called to order at 6:15 P.M. by Mayor Walsh, followed by a salute to the flag.

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

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

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

Personnel Matters:

- 1. M. Spector, Land Use Secretary**
- 2. Department of Public Works (Removed)**

Contract Negotiations:

- 1. Professional Auditing Services**

Attorney-Client Privilege:

- 1. Steep Slopes Ordinance Litigation**
- 2. Status of Legal Issues Pertaining to Tree Ordinance, was carried unanimously.**

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:15 P.M. Mr. Grotyohann moved to adjourn executive session at 7:53 P.M., seconded by Mr. Webster and carried unanimously.

REGULAR AGENDA TO BEGIN AT 7:30 P.M.

RESOLUTION:

#R2006-170A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY APPOINTING AN ACTING DEPUTY CLERK

Mr. Gilsenan moved to adopt this Resolution as presented, seconded by Mr. Webster and carried unanimously.

(See Insert Attached to These Minutes)

APPROVAL OF AGENDA

Mayor Walsh asked that the Agenda be amended as follows:

UNDER EXECUTIVE SESSION:

REMOVE FROM PERSONNEL MATTERS:

- 2. DEPARTMENT OF PUBLIC WORKS

AND ADD

UNDER ATTORNEY-CLIENT PRIVILEGE

- 2. TREE ORDINANCE

Mr. Webster moved to approve the agenda as amended, seconded by Mayor Walsh and carried unanimously.

APPROVAL OF CONSENT AGENDA Mayor Walsh asked that Resolution #R2006-173 be removed from the Consent Agenda. Mr. Gilsenan moved the following consent items be approved, as amended, seconded by Mayor Walsh and carried unanimously.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Insert Attached to These Minutes)

ACCEPTANCE OF THE TAX COLLECTOR'S OCTOBER REPORT - \$2,474,181.58

RELEASE OF SOIL EROSION AND SEDIMENT CONTROL CASH BOND – JOHN ZISA BLOCK 102/LOT 7.04 – 124 CURRENT DRIVE - \$2,000.00 – ESCROW #T-13-56-717-137

***CONSENT AGENDA: (CONTINUED)**

***OTHER BUSINESS: (CONTINUED)**

RELEASE OF VARIOUS CASH BONDS – CREPEAU DEVELOPMENT (HIGHLAND FARMS AT ANDOVER)

- A) ***SOIL EROSION AND SEDIMENT CONTROL - BLOCK 118/7 – 7 WALNUT TRAIL \$3,000.00 – ESCROW #T-13-56-717-167***

- B) ***DRIVEWAY BOND - BLOCK 118/8 – 9 WALNUT TRAIL - \$2,000.00 ESCROW #T-13-56-717-169***

- C) ***SOIL EROSION AND SEDIMENT CONTROL - BLOCK 118/10 – 11 WALNUT TRAIL - \$3,000.00 – ESCROW T-13-56-717-148***

- D) ***BLOCK 118/19 - 8 COVE HOLLOW RD.***
 - 1. ***SOIL EROSION AND SEDIMENT CONTROL - \$3,000.00 ESCROW #T-13-56-717-186***
 - 2. ***DRIVEWAY BOND - \$2,000.00 – ESCROW #T-13-56-717-187***

RELEASE OF DRIVEWAY BOND - CREPEAU DEVELOPMENT (LAKEVIEW RIDGE AT ANDOVER))BLOCK 71/9.12 – 8 AUTUMN TRAIL - \$1,000.00 ESCROW #T-13-56-717-027

***RESOLUTIONS: (CONTINUED)**

#R2006-171 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY *TO AUTHORIZE MAYOR WALSH TO EXECUTE AN AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH STEVEN PADULA, TOWNSHIP ADMINISTRATOR*

#R2006-172 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY *TO ADOPT THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)*

#R2006-174 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSEX AND STATE OF NEW JERSEY *TO REJECT THE SECOND ROUND OF BIDS RECEIVED FOR THE “SKYTOP ROAD SECTION III DRAINAGE IMPROVEMENTS” AND TO AUTHORIZE THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS*

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

#R2006-175 2006 BUDGET APPROPRIATIONS TRANSFER - \$46,786.00

(See Inserts Attached to These Minutes)

***APPROVAL OF MINUTES:**

**SEPTEMBER 26, 2006 REGULAR MEETING
SEPTEMBER 26, 2006 EXECUTIVE SESSION**

APPROVAL OF MINUTES:

**SEPTEMBER 11, 2006 EXECUTIVE SESSION
OCTOBER 09, 2006 REGULAR MEETING
OCTOBER 09, 2006 EXECUTIVE SESSION**

Mr. Grottyhann moved to approve the foregoing minutes as presented seconded by Mr. Gilseman and carried unanimously.

REPORT FROM THE FIRE CHIEF Fire Department President Melfi was present and he gave his monthly report to the governing body. He included the department's budget request for 2007. He also reported that at a recent fire a member was injured, taken to the hospital and released.

REGULAR AGENDA

OPEN TO THE PUBLIC Stan Christodlous asked a question about the Planning Board budget, but will reserve comment until after the Ordinance discussion.

Anthony Massaro of Current Drive commented on the recent benefit held by the FOP and Fire Department and the hard work by those involved to make the benefit a great success. Mr. Massaro added that it is this type of publicity that we should read in the papers. Mayor Walsh agreed and thanked Detective Tagliatalata, Fire Chief Crater for their hard work and dedication to this benefit/dinner/dance for an officer with leukemia and is undergoing bone marrow transplant. He stated that \$30,000.00 was raised that evening.

Detective Tagliatalata was present and he also commented on the success of the fundraiser.

Diane Gillespie of Andover-Mohawk Road thanked the Recreation Committee for hosting the Senior Luncheon. It was a wonderful job and they thought of everything to make everyone happy. She added that her mother can't wait until next year.

OPEN TO THE PUBLIC (CONTINUED) She said unfortunately, she asked about the status of the removal of the caterpillar. She stated that in speaking with Administrator Padula, a citation had been issued and if the vehicle was not removed by a date certain a summons would be issued along with the appropriate fines. Mayor Walsh stated that a date of November 15th was given. Attorney Semrau stated if the equipment is not removed by that date, the fines will accrue on a daily basis. She then asked if there was a way to get the vehicle's owner to remove this equipment without going through this process, adding it should be resolved in a much more efficient matter. Attorney Semrau replied that at this point this is a pending matter and no further comment should be made. At this point, he added this matter will only be resolved with compliance.

She stated that Dan Freed is out of town and he asked her to comment on his behalf, the Open Space Committee wants to thank everyone for all the support received to pass the Open Space Referendum with 62% of the vote. The Committee is beginning the reorganization process and will be providing the Township Committee with a summary of action items before the end of the year for any comment or discussion. If any committee member would like to speak with Dan regarding any issue, can contact him by cell phone.

Ms. Gillespie stated on behalf of the members of the open space subcommittee, Gail Phoebus, Carla Kostelnik and herself, would like the Township Committee and for them to know that they enjoy working on this committee and they have a great leader in Dan Freed. She added that he is always organized; he listened to everyone's opinions and worked tirelessly to make this referendum a success. She also thanked all the others who did not officially sit on the committee but gave their time to campaign for this issue.

Resident Sue Howell thanked the open space committee for their hard work. She stated that she was out of town and could not attend the open house. She looked on the calendar and saw that this session was not listed. She asked why things that are very important, such as the Joint Meeting with the School Board was also not on the calendar. She also stated that the calendar is not up to date, noticing when a meeting is cancelled the rescheduled date is not noticed. She then asked if the parking spaces could be delineated at Hillside Park. She also stated that the lot is ill lit. Mayor Walsh reminded everyone that there is no parking permitted in the upper parking lot, all parking should be in the lower lot. Mayor Walsh stated that Administrator Padula is attending another meeting and he will ask him about the website situation when he returns.

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

ORDINANCES: INTRODUCTION

#2006-25 TO AMEND CHAPTER 115 "PERSONNEL POLICIES" **SECTION 115-8. HOLIDAYS AND PERSONAL DAYS**

***"AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 115
"PERSONNEL POLICIES" OF THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF ANDOVER"***

ORDINANCES: INTRODUCTION (CONTINUED)**#2006-25 TO AMEND CHAPTER 115 "PERSONNEL POLICIES"**
SECTION 115-8. HOLIDAYS AND PERSONAL DAYS

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2006-25, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on November 28, 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	Mr. Gilsenan – yes
Mr. Webster – yes	Ms. Phoebus – absent
Mayor Walsh - yes	

OTHER BUSINESS**REVIEW OF REVISED TREE ORDINANCE DRAFT**

Mr. Webster stated that at the Public Hearing for final adoption of the Tree Ordinance was held at the end of July. He stated that prior to that meeting, the Township Committee had recognized some research done by Attorney Semrau where he found unpublished opinion and because of this, the Township Committee felt adjustments needed to be made. The Committee voted down this version of the ordinance and sent it back to the Planning Board for revisions, which were done. Mr. Webster stated that the Ordinance Subcommittee met last week and reviewed the changes and there were some minor adjustments. They always found by providing examples made it easier to understand. He then commented on the rumors circulating regarding this Ordinance. He stated that the intention of the Ordinance is to control "unreasonable clear cutting" and he thinks this does.

Copies were provided to the governing body for their review. Mr. Webster stated in light of the rumors, he suggested that before the public hearing is held, the Ordinance should be distributed to the public for their thoughts and ideas and if there are suggestions made perhaps the changes could be made without having to vote it down again. Mayor Walsh asked for a consensus and everyone agreed. In closing, it was decided that the Clerk would check to see when the Hall at Hillside Park would be available for a meeting regarding this Ordinance.

Mr. Webster moved to amend the agenda to include discussion regarding the Land Use Board, motion was seconded by Mr. Gilsenan. Roll call vote:

Mr. Webster – yes	Mr. Gilsenan – yes
Mr. Grotyohann – no	Ms. Phoebus – absent
Mayor Walsh – no	

The motion did not carry.

COMMITTEE REPORTS

MR. GROTYOHANN. He reported on the Board of Health meeting. There was discussion regarding the County's Golden Sneaker Program. All the municipalities and the County will be reporting their steps/mileage to the Board of Health Secretary on a monthly basis. Pedometers are provided by the Sussex County Board of Health and can be obtained through Jackie Huelbig. The program will begin November 1.

MR. GILSENAN. He stated that he received a proposal from Chief of Police Coleman regarding the walk through metal detectors. He will be visiting locations to view various equipment over the next several weeks. Mr. Gilsenan stated that SWAC cancelled their meeting until after Thanksgiving.

MR. WEBSTER. He reported on the Hillside Drive project and in speaking with Administrator Padula and Engineer Golden, it was decided that starting this late in the year was not recommended and this project should be deferred to Spring. He asked Administrator Padula to notify the residents that the project will begin in Spring 2007. Mayor Walsh stated that the Fenner Drive drainage work will begin in the Spring also.

He reported that there was a meeting with NJ Transit officials and met with Administrator Padula and himself. They have done their environmental study and they felt there were no hurdles that could not be overcome. They want to have another public meeting in this area and the Barn was suggested. The project would be done in stages, where the end of the line would be Andover Township. It would then extend from here. The best scenario would be five years before you could board a train in Andover Township.

Mr. Webster reported on the Land Use Board. On November 8 Administrator Padula notified all Land Use Board professionals and the Chairperson that there was no more money in the budget. He stated that you cannot shut down the Land Use Board for the rest of the year. He asked that in the future, before these notices are sent, the governing body should receive some notification and something can then be done. Mr. Webster stated that there may be residents who need variances and we cannot ask them to wait until next year. He asked that before the next meeting perhaps we could find an area in the budget where there is a surplus and transfer those funds to Land Use. Mayor Walsh replied that each department must be fiscally responsible with what is available to them in the budget. Mr. Grotyohann stated that the Planning Board budget in 2005 was \$3,500.00 and it was increased to \$30,000.00 in 2006. Actual spent was \$41,000.00 with an \$11,000.00 over expenditure. He stated the Planning Board was approached to slow down and reduce expenditures and with that bills continued to come in and that is why Administrator Padula sent out letters.

Mr. Webster stated that the Land Use/COAH situation has been neglected for years. He added that our budget was set by the people from which we inherited it. It has been a year where we have tried to accomplish a lot. We are struggling for a solution to the COAH problem; this has been neglected for 15 years. It's been a year where we have tried to accomplish a lot.

Attorney Semrau stated there is a lot of work going on and a lot of budgetary issues. The Board has to continue to function, but there is a concern. He suggested that Administrator Padula reach out to the Planning Board officials and ascertain what exactly they need and provide this information to the Township Committee. Mayor Walsh agreed with Mr. Webster that what was done in the past was not sufficient and the budget needed to be increased. We were criticized for raising it as high as we did, but it needed to be done. Mayor Walsh continued that to go yet above that amount was irresponsible.

COMMITTEE REPORTS (CONTINUED)

MR. WEBSTER. Planning Board Chair Christodlous stated that \$18,000.00 of the \$41,000.00 was spent on the Master Plan. He stated if you look at the budget as that the Board is \$7,000.00 under budget. He reiterated Mr. Webster's comments on the Ordinance neglect over the past 10 to 15 years. Mr. Grotyohann stated that the budget was sent at \$30,000.00 not plus \$18,000.00 for the Master Plan. Mr. Christodlous then stated will it be that our professionals should do the work and not expect to be compensated. Mayor Walsh reminded Mr. Christodlous that the Resolution authorizing a budget transfer was approved earlier this evening under the Consent Agenda. Mayor Walsh explained that if everyone exceeded their budget we would not know where we would come up with the funds. Mr. Christodlous stated he did not receive an official statement as to the balance until a week ago.

Ms. Kostelnik stated when she served on the Planning Board years ago, no one was permitted to contact any of the professionals without approval from the Chairperson. They asked their questions at the Planning Board meetings.

Mr. Grotyohann stated the Planning Board has a tremendous job to do and he gave credit to Mr. Webster for all his and everyone on the Planning Board's hard work. He added that he was also elected by the residents of this municipality to do a job and watch over their taxes. As a member of the Finance Committee they spent over 40 hours from January to May on the budget. There is a surplus of ten percent and it is where it should be. We can not arbitrarily dip into the surplus whenever we feel. We also had huge capital expenditures which we bonded for. A significant amount was given to the Planning Board and when it came time to cut the budget, Mayor Walsh stressed that the Planning Board budget not be touched because there is a lot of work to do this year and we didn't.

REPORT FROM THE MUNICIPAL ATTORNEY He reported he had a meeting with Planner McGroarty and we are close to finalizing the Growth Share Ordinance. A draft will be available at the next meeting. He also stated that the Ordinance for the Current Drive Road Return vacation will be ready for introduction.

NEXT SCHEDULED MEETINGS:

**November 28, 2006 at 6:30 P.M.
Regular Meeting to Begin at 7:30 P.M.**

**December 11, 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. Grotyohann moved the meeting be adjourned at 9:29 P.M., seconded by Mr. Webster and carried unanimously.

Respectfully submitted,

Tom Walsh, Mayor

Mary Spector, Acting Deputy Clerk

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Andover on the 13th day of November, 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.

- () 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.
