

ANDOVER TOWNSHIP COMMITTEE

DECEMBER 28, 2006

The regular meeting of the Andover Township Committee was called to order at 10:16 A.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.

REGULAR MEETING

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

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

3. **#R2006-194 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AUTHORIZE THE RENEWAL OF THE VOLUNTEER ACCIDENT POLICY NUMBER SPS012241 AT AN ANNUAL PREMIUM OF \$400.00 FOR THE TERM FEBRUARY 1, 2007 THROUGH FEBRUARY 1, 2008**
4. **#R2006-195 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AWARD THE CONTRACT FOR THE SKYTOP ROAD SECTION III DRAINAGE IMPROVEMENTS (REVISED SCOPE) TO SALMON BROS. IN THE AMOUNT OF \$132,641.10**

And to Remove Resolution #R2006-193.

UNDER REGULAR AGENDA

UNDER EXECUTIVE SESSION

Personnel Matters

1. D. Canfield, Temporary Clerk-Typist
2. Position of Chief Financial Officer

Attorney Client Privilege

2. Ridge Road

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

APPROVAL OF CONSENT AGENDA ITEMS Mr. Webster moved the following consent items be approved, as amended, seconded by Mr. Gilsenan and carried unanimously. Mr. Grotyohann voted yes on all items except for Purchase Order #06-0147.

APPROVAL OF CONSENT AGENDA ITEMS (CONTINUED)

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Insert Attached to These Minutes)

***RESOLUTIONS:**

#R2006-192 2006 BUDGET APPROPRIATIONS TRANSFER

**#R2006-194 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO
AUTHORIZE THE RENEWAL OF THE VOLUNTEER ACCIDENT
POLICY NUMBER SPS012241 AT AN ANNUAL PREMIUM OF \$400.00
FOR THE TERM FEBRUARY 1, 2007 THROUGH FEBRUARY 1, 2008**

**#R2006-195 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO
AWARD THE CONTRACT FOR THE SKYTOP ROAD SECTION III
DRAINAGE IMPROVEMENTS (REVISED SCOPE) TO SALMON BROS.
IN THE AMOUNT OF \$132,641.10**

(See Inserts Attached to These Minutes)

***APPROVAL OF MINUTES:**

**NOVEMBER 13, 2006 REGULAR MEETING
NOVEMBER 13, 2006 EXECUTIVE SESSION
NOVEMBER 28, 2006 REGULAR MEETING
NOVEMBER 28, 2006 EXECUTIVE SESSION**

REGULAR AGENDA

OPEN TO THE PUBLIC Fire Department Chief Dan Crater asked if there were any questions regarding the amendments presented to the governing body for consideration. Mayor Walsh replied that these changes will be reviewed by the Township Committee and Attorney Semrau and he will report back to Chief Crater. Attorney Semrau recommended that he draft an Ordinance and forward it to the Fire Department for their review prior to the Township Committee for introduction.

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

RESOLUTIONS:**#R2006-193 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY OF SUPPORT AND CONCURRENCE TO PARTICIPATE IN THE PARIS GRANT PROGRAM WITH THE COUNTY OF SUSSEX AS THE LEAD AGENCY**

Resident Dan Freed asked that this resolution be removed from the consent agenda for further discussion. He informed everyone that he is now the records manager for Sussex County. He asked what precipitated placing this resolution on the agenda. Municipal Clerk Thompson explained she received an e-mail from Angela Thies of the Sussex County Clerk's office, which had been sent to all municipal clerks, requesting local support of the PARIS Grant Program initiated by the County. Mr. Freed stated that he wants the Township to support this resolution, adding that County Clerk Erma Gormley is spearheading this program and he will also be involved to some extent. The work currently being done is focused on the records in the County Clerk's office but it will expand to our departments and eventually throughout the County.

Municipal Clerk Thompson stated that in order to begin the Needs Assessment Phase of the Program, the County needs to have this Resolution adopted in support.

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

ORDINANCES: PUBLIC HEARING**#2006-28 TO VACATE 1818 ROAD RETURN**

“AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO RELEASE, VACATE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO A CERTAIN ROAD RETURN FILED WITH THE SUSSEX COUNTY CLERK'S OFFICE IN 1818”

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

Vic Capo of 23 Victoria Pines Road asked that by vacating the rights is the Township eliminated from liabilities, such as safety concerns. Attorney Semrau stated under these circumstances there was not much liability to begin with because the Township did not have any active interest. The answer being yes.

Mr. Grotyohann moved to close the public hearing, seconded by Mr. Webster and carried unanimously.

ORDINANCES: PUBLIC HEARING (CONTINUED)**#2006-28 TO VACATE 1818 ROAD RETURN**

Attorney Semrau explained that prior to consideration of final adoption, this issue has been discussed at a number of Township Committee meetings and that would be the record that has been established, not only this year but in prior years as well as the litigation that previously existed. Mayor Walsh said this issue was considered in 1997.

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 December 11, 2006, was advertised according to the law and was brought before the public for final consideration. There being no objections, Mr. Webster moved the adoption of the above entitled ordinance, seconded by Mr. Gilseman. Roll call vote:

Mr. Webster – yes

Mr. Gilseman – yes

Mr. Grotyohann – yes

Ms. Phoebus – absent

Mayor Walsh - yes

#2006-29 ESTABLISHMENT OF THE OPEN SPACE COMMITTEE

“AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO SUPPLEMENT CHAPTER 3, “ADMINISTRATION OF GOVERNMENT,” WITH THE ADDITION OF ARTICLE XXVII, “OPEN SPACE, RECREATION AND FARMLAND AND HISTORIC PRESERVATION COMMITTEE”, TO THE REVISED GENERAL ORDINANCES”

Mr. Webster moved to open the public hearing, seconded by Mr. Gilseman and carried unanimously.

Open Space Committee member Dan Freed presented the governing body with names of seven people for consideration for appointment by the Township Committee at the Reorganization Meeting. In addition, he asked the Committee to reconsider the one year terms and change them to three year terms. He added that in the Ordinance there is a section regarding the selling of property and thought that section should be deleted and open space should not be sold unless if its to remain open space.

Diane Gillespie and Andover-Mohawk Road stated she agrees with Dan totally but in addition, under paragraph 2.91 it states that one member shall be the Mayor and one member shall be from the Township Committee. She did not feel there should be two members from the Township Committee due to the time commitment. She asked that the Ordinance be amended to have only one representative from the Township Committee. She added that the Ordinance also reads that the membership **May** include and shall not be limited to representatives from the Planning Board, Environmental Commission and Recreation Commission. She disagreed with the word **May** and felt a member of the Environmental Commission **must** be on the Open Space Committee.

ORDINANCES: PUBLIC HEARING (CONTINUED)**#2006-29 ESTABLISHMENT OF THE OPEN SPACE COMMITTEE**

Ms. Gillespie agreed that the terms should be changed to create a staggering effect so that there is a sense of continuity. She then commented on the section regarding the funding of the Trust Fund remarking that it should read .02 per hundred rather than .01 per hundred. She stated that the ballot question did read not to exceed 0.2. Attorney Semrau stated that the resolution and agreement was not to exceed .01 for the first year and changing this section concerns him.

Attorney Semrau responded saying as far as the terms of office, he explained that this is a Committee form of government and we can not stagger terms beyond what you are authorized to do in the same year. He explained that unlike the Planning Board which has certain statutory appointments and terms. This format is set up by the Land Conservancy and used by other municipalities.

Regarding the two committee members, that can be amended. The theory behind this is to compel committee members to take the information back to the Township Committee.

Anthony Massaro stated he felt that the portion regarding the sale of property should remain in the Ordinance. Attorney Semrau agreed and explained it's not meant to sell off properties acquired through open space. It gives the Open Space Committee and the Township another option if you have a certain inventory of property and a developer comes in then you have choices to either spend Open Space funds or do we have open space that is equal in value, therefore you can have a trade of property rather than purchasing.

Lois de Vries stated that perhaps the Township Committee could rename the Committee the Open Space Commission. She added that checking with three other municipalities, they all have staggered terms for their Open Space. She then questioned the section under Preservation, she presented her argument regarding environmentally sensitive areas. She then voiced her opinion regarding the swapping of property and stated that she feels it is wrong to accept someone's land for preservation and without their permission, sell or exchange it for another use.

She added her list of changes regarding membership terms, though there is mention of alternate members, there is no mention as to how these alternates shall function. She asked that there be clarification as to what develop means in this Ordinance. Under officers, she felt that a vice-chair should be added. In protecting the monies in the Trust Fund she will feel more comfortable if the word "only" was included in the Ordinance so these funds would only be used for this purpose.

She then stated that it will take a minimum of 12 people to select candidates for Open Space and the way the Ordinance is written, a maximum of three people would be required. Mr. Massaro stated that there should be concern for all not just for the environment and the animals. All must be considered when decisions are made.

Attorney Semrau stated that with respect to property being resold, if it's not for fair market value, they may place a permanent deed restriction on the property. If you're paying fair market value for property and you need to make an exchange, that provision does not call for a sale of property. It's not a sale, it's an exchange.

ORDINANCES: PUBLIC HEARING (CONTINUED)

#2006-29 ESTABLISHMENT OF THE OPEN SPACE COMMITTEE

With reference to development, the statute references development. If you want to do something such as a recreational site, that would be considered development and we can not change that. With respect to the officers, the committee was set up with a chairman and we have been told in the past not to over legislate, and with that, if the chairman is not there, someone with chair the meeting. With regard to the interest, it states all of the funds shall remain in the Trust Fund.

Mayor Walsh then gave an example of a possible land swap if we were to purchase property off Rutherford and swap for property on Goodale Road with the park. Attorney Semrau added that can be done provided appraisals were done and the properties were of equal value; otherwise it could not be done.

Mr. Gilsenan moved to close the public hearing, seconded by Mr. Webster and carried unanimously.

Attorney Semrau stated that the amendments for final consideration will be as follows:

- Striking the second sentence of 3-91, one member shall be the Mayor and amend to one member shall be a member of the Township Committee
- The next sentence will read “the membership shall include but not be limited to...”
- Section 3-96, subsection B, the end of the first sentence, the amendment would be “not to exceed \$.01 per hundred of assessed valuation for the year 2007, and not to exceed \$.02 of \$100.00 of assessed value in subsequent years.”

Attorney Semrau added that these amendments are not substantial where we would require advertisement. Mayor Walsh stated that if it becomes necessary, the Ordinance can be revisited for further amendment consideration.

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 December 11, 2007, was advertised according to the law and was brought before the public for final consideration. There being no objections, Mr. Webster moved the adoption of the above entitled ordinance, seconded by Mayor Walsh. Roll call vote:

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

COMMITTEE REPORTS

MAYOR WALSH. He informed everyone on the status of Road Supervisor Insinga. Mayor Walsh stated that about four years ago the past Committee put aside \$80,000.00 to build a new salt shed. Through discussions with Sussex County, we may be able to contract with them to store our salt at their facility for a small fee. There is a county garage located in Andover Township so accessing the salt will not be difficult. Administrator Padula will be in contact with Administrator Eskilson to further discuss this arrangement. We can then put these funds back into the general account.

MR. GILSENAN. Wolman Supplies will be present at the next Township Committee meeting to demonstrate their metal detector which will be required by the Administrative Office of the Courts.

He then reported that the Environmental Commission is looking for members and stated that a notice will be placed on message board after January 5th.

MR. WEBSTER. He had nothing to report at this time.

MR. GROTYOHANN. He was unable to attend the last Board of Health meeting. The Finance Committee is gearing up to begin work on the 2007 municipal budget.

REPORT FROM THE TOWNSHIP ADMINISTRATOR He reported that Phase II Capital Projects funds will be available on January 4th. Eric Smart, a land surveyor, did the survey for the Roberts property on Ballantine Road. Prosecutor Haggerty has requested his appearance for testimony in Wantage municipal court. He asked for approval for to expend these funds. Prosecutor Haggerty has to have Mr. Smart's testimony in order to proceed in the Roberts matter. The Township Committee, except for Mr. Webster, who has recused himself from this discussion, agreed to have Mr. Smart appear in Court in this matter.

REPORT FROM THE CHIEF OF POLICE He stated that a year end report will be provided at the next Regular Township Committee meeting. As of this date, there are 8,204 calls to Andover Township dispatch, which are about 200 calls over last year. Andover Borough, there were 284 calls. Hamburg, 5,437 which is about 700 below last year's numbers. Green Township calls totaled 538. He stated that the number of motor vehicle accidents has increased. All information will be available in his year end report.

There was then discussion regarding the parking situation at a local restaurant and the numerous complaints from neighbors regarding the parking of vehicles on private property. There are patrons of the restaurant complaining that the Police Department is writing tickets. This is a great safety concern and something needs to be done.

REPORT FROM THE MUNICIPAL ATTORNEY

He had nothing to report at this time.

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

Personnel Matters

**D. Canfield, Temporary Clerk-Typist
Position of Chief Financial Officer**

Attorney Client Privilege

Life Care Mews

Ridge Road, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 11:37 A.M. Mr. Grotyohann moved to adjourn executive session at 1:25 P.M., seconded by Mr. Webster and carried unanimously.

REGULAR MEETING RESUMED

No further action taken by the Township Committee.

NEXT SCHEDULED MEETINGS:

**2007 Reorganization Meeting
Friday, January 5, 2007 at 7:30 P.M.**

**Proposed Date - January 22, 2007 Regular Meeting
Executive Session at 6:30 P.M.
Regular Meeting at 7:30 P.M.**

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Grotyohann moved the meeting be adjourned at 1:27 P.M., seconded by Mr. Gilsenan and carried unanimously.

Respectfully submitted,

Tom Walsh, Mayor

**Vita Thompson, R.M.C.
Municipal Clerk**