

ANDOVER TOWNSHIP COMMITTEE MINUTES

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

JANUARY 22, 2007
6:30 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, 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 if the Executive Session agenda be amended to include under Personnel: Township Administrator. Administrator Padula waived his right to a RICE Notice and also waived discussion in the public meeting. Mayor Walsh added under Attorney-Client Privilege Steep Slopes.

On a motion by Mr. Grotyohann, seconded by Ms. Phoebus, the resolution to go into executive session to discuss

Personnel Matters:

1. ***D. Vough, Public Works Repairer***
2. ***D. Canfield, Temporary Clerk-Typist***
3. ***Position of Assistant Land Use Board Secretary***
4. ***Township Administrator***

Contract Negotiations:

1. ***T-Mobile***

Attorney-Client Privilege:

1. ***Killam Associates***
2. ***Shared Services – Borough of Andover***
3. ***Ridge Road***
4. ***Ballantine Woods vs. Thompson***
5. ***Steep Slopes***, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:36 P.M. Mr. Grotyohann moved to adjourn executive session at 7:40 P.M., seconded by Mr. Gilsenan and carried unanimously.

REGULAR MEETING

APPROVAL OF AGENDA

Mayor Walsh asked that the agenda be amended as follows:

UNDER THE CONSENT AGENDA

1. APPROVAL OF VOUCHERS FOR PAYMENT

AMEND THE BILLS LIST TO REMOVE PURCHASE ORDER 07-00025 IN THE AMOUNT OF \$30.00 TO THE SUSSEX-WARREN TAX COLLECTORS ASSOCIATION.

Mayor Walsh asked that Resolution #R2007-35 be amended fromTHROUGH FEBRUARY 2, 2007 toFEBRUARY 28, 2007.

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

APPROVAL OF CONSENT AGENDA ITEMS Ms. Phoebus moved the following consent items be approved, as amended, seconded by Mr. Gilsean and carried unanimously. Mr. Grotyohann abstained on purchase orders #06-152 and 07-026.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Inserts Attached to These Minutes)

APPROVAL OF THE TAX COLLECTOR'S DECEMBER 2006 REPORT - \$127,811.78

OFF-PREMISE 50/50 RAFFLE – R.L. #769 - CATHOLIC FAMILY COMMUNITY SERVICES TO BE HELD ON MAY 16, 2007 AT ROLLING GREENS GOLF CLUB

ON-PREMISE 50/50 RAFFLE – R.L. #770 – SUSSEX COUNTY INTERFAITH HOSPITALITY NETWORK TO BE HELD ON MARCH 24, 2007 AT PERONA FARMS

***APPOINTMENT OF MICHAEL MOREL TO THE OPEN SPACE COMMITTEE
REGULAR MEMBER FROM THE RECREATION COMMITTEE EFFECTIVE IMMEDIATELY***

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS:**

- #R2007-29 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER **TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND OF \$1,672.69 TO WILLIAM KESSELMAN DUE TO AN OVERPAYMENT OF TAXES FOR THE YEAR 2005 AND 2006 AS A RESULT OF A COUNTY BOARD TAX APPEAL**
- #R2007-30 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE **TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND OF \$330.93 TO PAUL & GENOVEVA SIRBU DUE TO AN OVERPAYMENT OF TAXES FOR THE YEAR 2005 AND 2006 AS A RESULT OF A COUNTY BOARD TAX APPEAL**
- #R2007-31 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER **TO AUTHORIZE THE MUNICIPAL CLERK TO ADVERTISE THE BID FOR ONE (1) MID-MOUNT FLAIL MOWER AND TRACTOR**
- #R2007-32 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER **TO ACCEPT THE LETTER OF RESIGNATION FROM ADAM GOURLAY, PART-TIME PUBLIC SAFETY TELECOMMUNICATOR**
- #R2007-33 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER **AUTHORIZING AN ADJUSTMENT IN SALARY FROM \$16.00 PER HOUR TO \$18.75 PER HOUR WHEN WORKING WITH THE DEPARTMENT OF PUBLIC WORKS FOR THE PURPOSE OF SNOW STORM RELATED SERVICES EFFECTIVE IMMEDIATELY**
- #R2007-34 **2006 BUDGET APPROPRIATIONS TRANSFER**
- #R2007-35 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER **TO EXTEND THE TERM OF TEMPORARY CLERK-TYPIST DARLENE CANFIELD THROUGH FEBRUARY 28, 2007**

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

#R2007-36 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER **TO AMEND SCHEDULE FOR FEES CHARGED FOR RENTAL AND SECURITY DEPOSIT OF THE HILLSIDE PARK HALL AS RECOMMENDED BY THE ANDOVER TOWNSHIP RECREATION COMMITTEE**

#R2007-37 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER **TO APPOINT LINDA PAOLUCCI TO THE POSITION OF ASSISTANT LAND USE BOARD SECRETARY EFFECTIVE APRIL 1, 2007**

(See Inserts Attached to These Minutes)

REGULAR AGENDA

REPORT FROM THE FIRE CHIEF Chief Danielson reported that for the month of December, there were 4 activated fire alarms, 1 oil burner fire, 3 fundraising drills, meetings, 1 mutual aid – out of town, 7 motor vehicle accidents, 1 work drill, 1 vehicle fire and 1 down wire. There were 23 calls for the month, 16 man hours, 42 calls to date with year beginning November 1, 2006. He read a good-will letter from Sparta Township regarding the response to the fire at Sparta Trades.

OPEN TO THE PUBLIC Rich Colabelli stated in June 2006 a \$3,000.00 cash bond for soil erosion and sediment control was released to him. At that time the Township Committee voted to table release of the driveway bond in the amount of \$1,000.00. Mr. Colabelli requested that this bond be released as soon as possible. He also mentioned his escrow account that was established and the requests for additional funds by the former Engineer Cilo. He would like the escrow account issue resolved. Administrator Padula stated that he will have Land Use Administrator Spector contact him when she returns.

Mr. Colabelli asked the status of the Roberts' wall. Attorney Semrau stated that the case has just been decided and with that various options are being reviewed.

David Mosner, Lake Iliff Road, he stated he came to Administrator Padula about 8 months ago with a bill and it was faxed to the Township Attorney. He added that he has been before the Township Committee twice since then and he has received no response. Attorney Semrau informed Mr. Mosner that the decision of the Township Committee was they would consider his bills if the decision rendered. He asked if there was a decision. Attorney Semrau stated that Mr. Mosner's situation is an administrative type of hearing and he explained that when an employee is sued there is coverage. Because Mr. Mosner's situation was unique the Township Committee did not say no, they asked that they would review the matter once a decision was rendered.

OPEN TO THE PUBLIC (CONTINUED) Mr. Mosner stated he overheard a conversation where the township might be interested in taking over property through a tax sale that is currently and has been for years on the superfund site list. He warned not to trust the State because they are not always true to their word. Mayor Walsh stated he is very aware of the site and there are currently negotiations, but talks are preliminary.

Mr. Mooney, Ridge Road asked about the status of the drainage situation in front of his house. He was informed that there was discussion in Executive Session this evening. Attorney Semrau stated there is clearly an issue whether the obstruction is in the township right of way. He informed Mr. Mooney that he was directed to send letters to him and some of the other neighbors for them to provide surveys of their property so that this can be reviewed by the Township Engineer. The letters will be sent out shortly. Mr. Mooney stated that the engineer did review his survey. Attorney Semrau replied that the engineer might have had some information that may have contradicted his survey.

Vic Capo, Victoria Pines Lane, he mentioned a list of applications that were heard this past year before the Land Use Board. He stated his concern is we sit at these meetings and hear these applications. He added as we listen to these applications we have no entitlement to talk about the big picture. Each application is entitled to be heard in of its own merits. He stated someone needs to be responsible for the big picture. When adding up all these applications, the proposals are for hundreds and hundreds of housing units. We need to know that we are being looked after in terms of the big picture.

Jeff Wolk of Payne Road spoke about the Life Care Mews project and he informed everyone that New York State is placing their seriously, mentally ill and psychiatrically ill patients on various nursing and retirement homes through the State of New Jersey. There are reported serious injuries due to the placement of these patients. He stated that he understands Life Care Mews is looking to triple or even quadruple the size of its patient population and add on new facilities. He asked if the Planning Board look into this in addition to the Township Committee.

Mr. Gilsenan stated this practice has been going on for quite a long time. Mr. Wolk stated that New Jersey needs to take care of their patients before we take on residents from over states.

Attorney Semrau suggested contacting the Township Planner and ask him what he knows this situation in view of these applications so we can then respond. Attorney Semrau stated where he thinks the concern would be is if you have an approval and they could not fill all the rooms that might be an alternative. He wants to ask the Planner if there is anything in our ordinances or approval process that can address this situation.

Tony Massaro of Current Drive reminded everyone that Senator Littell was very helpful in the past with regard to the nursing home and the placement of criminal patients.

Phil Boyce of Victoria Pines Lane stated a lawsuit was filed in Brooklyn which is currently under mediation, it did involve 9 patients and 5 or 6 are from the Andover Subacute. They are suing they're not given their constitutional rights and being held against their will. One must wear a tracking bracelet. There have been incidents where patients have left the facility and the police department has to track them down. This facility is not set up to be a mental hospital. He is very concern of the Life Care Mews facility and what it may bring to Andover Township. He referenced a monthly report from Chief Coleman regarding the activity at the Subacute. Mayor Walsh asked Chief Coleman to prepare the nursing home statistics for his monthly report as in the past.

Linda Golonski asked what the township's policy is on ATV activity of municipal roadways. Chief Coleman stated they are not permitted if they are not registered or licensed. She stated there is a great deal of activity on her road. Chief Coleman stated he will take care of this matter.

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

COMMITTEE REPORTS

MR. GROTYOHANN. He reported on the Board of Health Reorganization meeting. Rachel Nazarian is again the Chairperson and Maryann Frodella is the Vice-Chair. He stated that Casa Bellissima has a new dumpster. Bella Italia is moving to where the Junction is located. He reported that E-Coli was found at the McDonald's in Hampton.

He then reported on the Finance Committee stating they have begun the budget process.

MS. PHOEBUS. The Recreation Committee had their Reorganization meeting and Michael Morel has agreed to once again chair the department. The rental and security deposit fees for the Hillside Park hall were discussed and increases were recommended to the Township Committee. Action was taken this evening.

She reminded everyone that Andover Township Day is scheduled for May 19th. They are looking for volunteers. She stated new playground equipment was received and will be erected in the Spring. Ms. Phoebus stated that they tried to flood the ice hockey rink this week and we are hoping for cold weather to see if it will hold water and freeze. She reported that they are looking for volunteers for the girls' softball league. The person who ran the program had resigned.

She stated that Chief Danielson gave his monthly reported earlier this evening and they will be hosting their annual installation dinner this Saturday night.

MR. GILSENAN. He reported that he attended a meeting on January 18th with Stan Christodlous, Lois de Vries, Freeholder Director Susan Zellman and Jim Benson of the Housing Partnership. The Housing Partnership is a non-profit organization founded in 1992 and works with municipalities to provide solutions in creating a housing plan. Membership fee is \$500.00. A slide presentation was given showing a number of affordable housing solutions. A copy was provided to the governing body for their review.

He reported on the Courts stating that Chief Coleman provided his security plan to Judge Mulhern for approval. A few items still need to be addressed. He added that a representative from Wohman's will provide a demonstration on metal detectors at the municipal building at 11:00 a.m.

MAYOR WALSH. He reported that last Saturday night he attended the Lakeland Emergency Squad Installation Dinner where Officers Danielson and Murrell were honored by the squad for their efforts in saving the life of Steven Mills. This Friday night they will also be honored by the Knights of Columbus for Officers of The Year. Officer Danielson received his Master's Degree this week and on Saturday will be sworn in as Chief of the Fire Department. He added that we have fine representation on our police force.

He then reported that Scott Price of the Lackawanna Little League contacted him with regard to a Little League Coach, Jerry McCormick, who recently passed away. The organization would like to have a ball field dedicated in his memory on Andover Township Day. All members agreed.

He stated that on February 6th, representatives from the proposed Town Center will be meeting with the NJDEP and hopefully we will hear positive news.

REPORT FROM THE TOWNSHIP ADMINISTRATOR He reported that an inspection was done by the Joint Insurance officials. They made recommendations to the barn facility and the Goodale Road ball field. He stated that JCP & L will be trimming trees in town, keeping them from wires.

Several officials attended a pre-construction meeting regarding the Skytop Road project. The Engineer is in the process of obtaining easements where necessary. The drainage phase, Phase III will begin shortly and Salmon Brothers was awarded the contract.

Administrator Padula stated that the Department of Public Works personnel attended Right to Know Classes in order to satisfy their requirements.

At the Board of Education meeting, it was reported that they are expecting a freeze from the State in Aid for the sixth year in a row. It was also mentioned the State might pass a tax levy at 3.01%.

He also stated he met with County officials regarding the storing of salt at their Lafayette facility. More details will follow. The County will be drafting an agreement for our review and consideration.

Administrator Padula asked the Township Committee to consider going out for re-bid on the sale of a Plenary Retail Distribution License. Following a short discussion, it was decided that the minimum bid be reduced from \$150,000.00 to \$130,000.00. A resolution will be prepared for consideration at the next meeting.

He stated that he distributed information on the Flood Mitigation Plan. He asked the governing body to review the documents and report back to him within the week with their thoughts. The cost would be \$10,000.00 entrance fee plus an annual fee. Engineer Golden is also reviewing the information. Administrator Padula stated he would then contact Sussex County and inform them whether or not we are interested.

REPORT FROM THE MUNICIPAL ATTORNEY He reported that a request came in through the Administrator to revise the Criminal Background Check to exclude full time law enforcement officers who are coaches. These officials are already subjected to this check through their employment. The Township Committee and Chief Coleman agreed to make these amendments and an ordinance will be considered for introduction at the next meeting.

He responded to a request made at the end of December about changes to the Emergency Management Plan in connection with Lakeland Emergency Squad and the Fire Department. He understands there will be a meeting of the two entities and the Township Administrator to review the draft prepared.

He then stated the cistern ordinance has been finalized, it is satisfactory to the Fire Department and it is legally sufficient. It also will be on the next agenda for consideration of introduction.

Attorney Semrau reviewed the proposed legislation mentioned at the last meeting by the Massaros and he reported to them that the plan does call for a seven year roll back. The concern is for residents who own property for a long time it can be costly to them. He added if you are the owner for seven years and you stay on through the change and the use, you would not be subjected to that seven year roll back.

Attorney Semrau then asked the Mayor for a short Executive Session at this time for Attorney-Client Privilege.

REPORT FROM THE CHIEF OF POLICE He reported on the Court Security Plan, adding we are in compliance with all issues except for the metal detector.

He provided copies of the year end statistics to the governing body. For 2006 there were 14, 548 call for service. There were 8,304 for Andover Township, 284 for Andover Borough, 523 for Green Township and 5,437 for Hamburg.

He then provided the Crime Report, Arrest Report and Stolen Property Report. He also provided the Non-Criminal Report for the year.

For 2007 there have been 437 calls for Andover Township, 10 Andover Borough, 230 for Hamburg and 28 for Green Township. The nursing home report for 2006 there were a total of 75 calls, which is down from past reports.

EXECUTIVE SESSION: On a motion by Ms. Phoebus, seconded by Mr. Gilsenan, the resolution to go into executive session to discuss **Pending Litigation** was carried unanimously. (See Insert Attached to These Minutes)

The Committee went into executive session at 8:42 P.M.

Attorney Semrau stated there is no action that the Township Committee will take following this Executive Session.

Mr. Gilsenan moved to adjourn executive session at 9:25 P.M., seconded by Ms. Phoebus and carried unanimously.

NEXT SCHEDULED MEETINGS:

**Monday, February 12, 2007 6:30 p.m.
Regular Meeting 7:30 p.m.**

**Monday, February 26, 2007 6:30 p.m.
Regular Meeting 7:30 p.m.**

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Gilsenan moved the meeting be adjourned at 9:26 P.M., seconded by Ms. Phoebus and carried unanimously.

Respectfully submitted,

Tom Walsh, Mayor

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

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Andover on the 22nd day of January 2007, 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. *Killam Associates***
 - 2. *Shared Services – Borough of Andover***
 - 3. *Ridge Road***
 - 4. *Ballantine Woods vs. Thompson***

Contract Negotiations:

 - 1. *T-Mobile***

- () b. (8) Personnel matters.
 - 1. *D. Vough, Public Works Repairer***
 - 2. *D. Canfield, Temporary Clerk-Typist***
 - 3. *Position of Assistant Land Use Board Secretary***

- () 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.
