

**ANDOVER TOWNSHIP COMMITTEE MINUTES**

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

**FEBRUARY 12, 2007  
6:30 P.M.**

The regular meeting of the Andover Township Committee was called to order at 6:40 P.M. by Mayor Walsh, followed by a salute to the flag.

**ROLL CALL:** Present: Mr. Grotyohann, Mr. Gilsenan, Ms. Phoebus,  
Mr. Smith, 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:** Attorney Semrau asked that the following be added to Executive Session, Attorney-Client Privilege: Ballantine Woods vs. Planning Board, Andover Township vs. Killam and Meda vs. Andover Township.

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

**Personnel Matters:**

1. **James Cutler, Construction Official**
2. **Bill Flammer, Fire Official**
3. **Position of Chief Financial Officer**
4. **Bob Smith, Township Committee Member (removed)**

**Contract Negotiations:**

1. **Shared Services – Andover Borough**
2. **County of Sussex**  
**T-Mobile**

**Attorney-Client Privilege:**

1. **Steep Slopes Litigation**
2. **Ballantine Woods, LLC vs. Vita Thompson**
3. **McGowan vs. Andover Township**
4. **Andover Township vs. Hook**
5. **Ballantine Woods, LLC. Vs. Planning Board**
6. **Andover Township vs. Killam**
7. **Meda vs. Andover Township, 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 7:40 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****\*OTHER BUSINESS**

5. ***Approval of Raffle Licenses – Andover Regional PTA  
To Be Held at Long Pond School on March 23, 2007 from  
6:00 PM – 11:00 PM***
- a) ***R.L. #773 – On-Premise Merchandise***
  - b) ***R.L. #774 – On-Premise 50/50***

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

**APPROVAL OF CONSENT AGENDA ITEMS** Ms. Phoebus asked to pull purchase number 07-00069, in the amount of \$55.00. Mr. Smith asked that Softsource Corporation, \$2,300.00, purchase order number 07-00075.

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

**\*CONSENT AGENDA:****\*OTHER BUSINESS:**

***APPROVAL OF VOUCHERS FOR PAYMENT***, with the exception of #07-00069 and #07-00075  
(See Insert Attached to These Minutes)

***APPROVAL OF THE TAX COLLECTOR'S JANUARY 2007 REPORT - \$1,246,588.21***

***RELEASE OF DRIVEWAY CASH BOND - RICHARD COLABELLI –  
50 BALLANTINE ROAD- BLOCK 6/LOT 3.07 - \$1,000.00 – ESCROW #T-13-56-717-162***

***APPROVAL OF RAFFLE LICENSES – NETCONG-STANHOPE ROTARY CLUB  
TO BE HELD AT THE HILLSIDE PARK RECREATION HALL ON APRIL 21, 2007  
FROM 6:30 PM – 10:30 PM – NO. 336-08-19177***

- A) ***R.L. #771 – CASINO NIGHT***
- B) ***R.L. #772 – ON-PREMISE 50/50***

***APPROVAL OF RAFFLE LICENSES – ANDOVER REGIONAL PTA - TO BE HELD  
AT LONG POND SCHOOL ON MARCH 23, 2007 FROM 6:00 PM – 11:00 PM***

- A) ***R.L. #773 – ON-PREMISE MERCHANDISE***
- B) ***R.L. #774 – ON-PREMISE 50/50***

**APPROVAL OF CONSENT AGENDA ITEMS (CONTINUED)**

**\*RESOLUTIONS:**

#R2007-39 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY **AUTHORIZING THE ISSUANCE OF A NEW PLENARY RETAIL DISTRIBUTION LICENSE BY PUBLIC SALE**

#R2007-40 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY **TO AUTHORIZE DEPUTY COURT ADMINISTRATOR TINA SUGAR TO SERVE IN THE ABSENCE OF THE COURT ADMINISTRATOR AT THE RATE OF \$17.00 PER HOUR, NOT TO EXCEED EIGHT (8) HOURS PER WEEK, NOT TO EXCEED \$2,500.00 EFFECTIVE IMMEDIATELY**

#R2007-41 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY **APPOINTING TOWNSHIP HEALTH INSURANCE BROKERS FOR ANDOVER TOWNSHIP FOR THE YEAR 2007 ROBERT MANIA, RHM BENEFITS, INC.**

(See Inserts Attached to These Minutes)

**APPROVAL OF MINUTES:**

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

Ms. Phoebus moved to approve the foregoing minutes as presented, seconded by Mr. Gilsenan. Roll call vote:

Ms. Phoebus – yes  
Mr. Grotyohann – yes  
Mayor Walsh – yes  
Mr. Gilsenan – yes  
Mr. Smith – abstain

**DECEMBER 28, 2006 REGULAR MEETING  
DECEMBER 28, 2006 EXECUTIVE SESSION**

Mr. Grotyohann moved to approve the foregoing minutes as presented, seconded by Mr. Gilsenan. Roll call vote:

Mr. Grotyohann – yes  
Ms. Phoebus – abstain  
Mayor Walsh – yes  
Mr. Gilsenan – yes  
Mr. Smith – abstain

**JANUARY 05, 2007 REORGANIZATION MEETING  
JANUARY 22, 2007 REGULAR MEETING  
JANUARY 22, 2007 EXECUTIVE SESSIONS A & B**

Ms. Phoebus moved to approve the foregoing minutes as presented, seconded by Mr. Grotyohann and carried unanimously. Mr. Smith abstained on the January 22, 2007 Executive Sessions A & B only.

**APPROVAL OF MINUTES:**

**FEBRUARY 02, 2007 SPECIAL MEETING**

Ms. Phoebus moved to approve the foregoing minutes as presented, seconded by Mr. Grotyohann.  
Roll call vote:

Ms. Phoebus – yes	Mr. Grotyohann – yes
Mr. Gilseman – yes	Mr. Smith – yes
Mayor Walsh – abstain	

**REGULAR AGENDA**

Mayor Walsh welcomed Bob Smith to the Township Committee, followed by a round of applause.

**REPORT FROM THE FIRE CHIEF** Ms. Phoebus presented the Fire Department's report in the absence of Chief Danielson.

The Fire Department and their Chief would like to congratulate Bob Smith to his appointment to the Township Committee. The Fire Department would like the Township Committee to their Ice Rescue Drill on Saturday, February 24<sup>th</sup> at Lake Iliff, at 10:00 a.m. They ask all members come ready to participate.

They applied for a grant through the New Jersey Forest Fire Service and should be hearing soon.

They had one activated fire alarm, one chimney fire, one liquid propane gas incident, one monthly regular drill, one regular monthly meeting, three mutual aid, out-of-town, three motor vehicle accidents, one pump detail, two special work drills and two smoke conditions. There were 18 reported calls for a total 255 man hours and 60 year to date calls for a total of 839 man hours.

***PRESENTATION – MARY EMILIAS, ECONOMIC DEVELOPMENT PARTNERSHIP***

Ms. Emilias is the Director of the Sussex County Economic Development Partnership. With all the new membership in the County many do not know what the EDP actual is and does.

She explained the partnership is a non-profit organization, a public, private partnership. Revenues are generated by private investments. The County provides an operating amount in their budget. She stated she is the only employee. In order for them to exist, the Chamber of Commerce developed a partnership; they [provide services to the EDP. Economic Development is something most areas have publicly funded.

She distributed pamphlets to the Township Committee which outline what the EDP provides to each municipality. Demographics are very much requested by individuals and municipalities.

They keep the only open space commercial inventory in the County. If someone is looking for an area to locate their business, they can visit and explore the inventory. They also do referrals to people who are looking for information.

***PRESENTATION – MARY EMILIAS, ECONOMIC DEVELOPMENT PARTNERSHIP (CONTINUED)***

She furthered explained that financing assistance for businesses in trouble. We have a palladium of referrals that can fit problematic situations. They also provide start up assistance for entrepreneurs. They come to the office for counseling session and they refer them to many free services in the County. She reminded that all these services are free.

They work as a liaison to many governmental agencies. They act as a liaison with municipal governments when the businesses have trouble getting approvals. They try to help cut a bit of the red tape for them. They are trying to bring more white collar jobs into the County. The jobs available now in the County can not feed a family. These services are free to all Sussex County residents and businesses, but primarily, they work directly with the municipalities to get the businesses you want in your municipality.

In closing, she said she will be very happy to work with Andover Township.

Following a short discussion, this presentation ended and Ms. Emilias left the meeting.

**OPEN TO THE PUBLIC** Phil Boyce, 19 Victoria Pines Lane asked Mayor Walsh to reread the additional items to the Executive Session. Attorney Semrau stated he wanted to give the Township Committee an update on litigation matters, especially for the new committee member.

Mr. Boyce asked if the seven litigation items are something that the governing body anticipated. Mayor Walsh explained that the Killam and Hook issues are inherited items from the past committee. Meda and Steep Slopes litigation matters are just about ready to settle. McGowan, Ballantine Woods vs. Thompson and Meda Corporation are new litigation matters which were anticipated.

Diane Gillespie, 115 Andover-Mohawk Road questioned the matter of Shared Services with Andover Borough and why it is under Executive Session. Attorney Semrau stated the reason way it is under Contract Negotiations, the Township needs to discuss matters that should be or perhaps not be considered in the negotiations. Once all the negotiations are complete, the matter and agreement would be brought before the public and considered by the Committee. This evening's discussion is purely regarding what is affordable or not. He added that a draft for the Committee's review was prepared. There is a subcommittee at this point, Mr. Gilsean and Mr. Grottyhann and Borough officials will meet in subsequent meetings. Mayor Walsh stated that the Borough is in favor of this agreement, but the Township officials are not quite comfortable with specific concerns.

Ms. Gillespie then referred to an article in the Star Ledger where two municipalities are sharing services and there is now a conflict with one municipality raising fees and the other not agreeing with the new rates. They bowed out and now the home municipality has additional personnel without the compensation from the other municipality. She added that consideration should be first given to the Andover Township residents as the primary taxpayers. Mayor Walsh remarked that our police force is in the Borough 30 percent of the time without compensation. With this contract there will finally be compensation. Attorney Semrau has been directed to investigate the issue regarding mutual aid and can municipalities charge for this service.

Attorney Semrau stated the contract will include provisions to ensure there is a commitment with stiff penalties if someone resists leaving and not paying their respective increase.

**OPEN TO THE PUBLIC (CONTINUED)** Open Space Chairperson Dan Freed provided the Township Committee with a status report from the Organization meeting. He stated the key priority is the open space plan which is an essential part of the open space initiative. He stated this is where they become eligible for Green Acres and other grant funding.

He further stated that the Environmental Commission is receiving another grant and the Open Space is looking to do that with the Morris Land Conservancy. The Environmental Commission will be making the application on behalf of the Open Space Committee.

Mr. Grotyohann asked if the \$13,000.00 will be coming from the Open Space Fund. Mr. Freed stated that this is a matching grant, half from the municipality and the other from the State. Mr. Grotyohann remarked that the application read "up to 50%", not necessarily 50%. Mr. Freed stated that the Environmental Commission through ANJEC will be applying for this grant. Ms. Phoebus explained that the municipal 50% would come from the Open Space Tax Fund and not interfere with the budget. Ms. Phoebus then added that Diane Gillespie had noticed that the NRI maps could potentially be used in the report, which will reduce costs.

Mr. Smith asked Mr. Freed if membership positions have been established for the Open Space Committee and if so, if he would forward the information for website updates.

Fred Gillespie remarked that a while ago members of Save Rural Andover requested a resolution from surrounding municipalities in support of closing the Beazer Homes project. He asked whether or not Andover Township did so. Attorney Semrau stated this committee did adopt this resolution but he spoke with Andover Borough's legal counsel to make sure the resolution was written in such a way it would not create a problem for them.

Resident Laura Gilsenan asked Chief Coleman if there are other towns other than Andover Borough that we provide services to. Chief Coleman stated Andover Township has mutual aid agreements with other towns, including Newton and Byram. They in turn provide support to Andover Township.

Lois de Vries, Environmental Commission Chairperson came before the Township Committee with regard to her application for matching grants. She mentioned two memos she sent to the Administrator and the Township Committee the end of last year and beginning of this. Mr. Grotyohann reminded Ms. de Vries that budgets in all departments are being cut. She mentioned the cutting of services and was corrected that services are not being cut. Mayor Walsh stated all departments submitted their budget requests and all are either the same as last year or less. In the same respect, Mayor Walsh remarked that the Environmental Commission budget years ago had zero funding and now this Committee has changed that practice.

She explained the matching grant that she wants to apply to. In speaking with officials from the State she was told and encouraged to apply and their vendor of choice is the Morris Land Conservancy. She said she intended to apply but will require a resolution to proceed. Ms. Phoebus suggested to Dan Freed to demonstrate to the Township Committee what type of report they are producing. Administrator Padua advised Ms de Vries that before making application for the grant she should have a resolution adopted in support of this application from the Township Committee.

Attorney Semrau stated that the Environmental Commission does need to know if they have the authority to apply for this grant. Carla Kostelnik as a member of the Open Space Committee stated that the committee discussed the grant applications. No authority was given by the Open Space for the Environmental Commission to apply. There was no vote taken. She also stated that there was discussion that there would be work that can be done themselves. Diane Gillespie stated she was at the same meeting and she did not remember that no authority was given. Ms. Gillespie did agree that there was no vote on this matter.

**OPEN TO THE PUBLIC (CONTINUED)** Ms. Phoebus stated her responsibility was to find out the financing for this application and she called Attorney Semrau. We can use the funds from the Open Space Committee when we have these funds and that will be in the third quarter of 2007. The consensus of the governing body was for Ms. de Vries to move forward on the application.

Michael Crane of Payne Road asked Mr. Grotyohann what road he lives on and he responded Brescia Court. Mr. Crane remarked that street has no road sign at this time. Mayor Walsh stated that this road is a pending litigation and because of a public safety issue, the township will erect a new sign.

Mr. Grotyohann recused himself from further discussion. Mayor Walsh asked the remaining committee members for a consensus to proceed to place a street sign on Brescia Court. All four were in agreement.

Carla Kostelnik informed the Township Committee that she lives on Greendale Road and the street sign was changed to Greendell Road.

Lois de Vries reminded the Township Committee that with approval of the Mayor, Susan Zellman will be available at the next meeting to do a presentation on shared County services. She also stated that there are gaps on the website with regard to meeting minutes. Mr. Smith stated that these gaps are being addressed; minutes have been approved this evening and will be provided on the website.

Michael Crane asked if there is an update with regard to the resident at the EconoLodge who is a sex offender. Mayor Walsh explained that he and Chief Coleman contacted the Prosecutor's Office and according to them there was a two week delay in notifying the local authorities that there was a sex offender housed at this hotel. Mayor Walsh stated he called Attorney Semrau and they called the Prosecutor's Office and demanded they remove this person from this location. Mayor Walsh contacted the media and they were not interested in this matter. Administrator Padula reviewed the Code and notified the Construction Official that no unit shall have individual cooking facilities or be allowed to stay at the hotel for longer than 14 days if there is a certain type of liquor license attached. With that Construction Official Cuter visited the hotel and advised them that all tenants housed for longer than 14 days must leave the premises. Mayor Walsh added that as of Monday sex offender at level 3 was gone and the other two will be gone this week. He also stated that the hotel is housing welfare clients and these families are staying longer, some children are attending our school system. Mayor Walsh stated that we are still reviewing this matter to make sure we are well within our rights to have these clients stay no more than 14 days.

Attorney Semrau stated some towns have adopted ordinances to regulate the placement of sex offenders within various school zones, etc. Some towns have been subject to some challenge. He added that there is a decision that came out of Cape May County that struck down such an ordinance.

Phil Boyce asked if there is a requirement that the hotel must notify out guests that there is a sex offender staying at the facility. Attorney Semrau stated there is a notification process and that process takes a while to determine who should be notified. Chief Coleman stated that Meghan's Law is very specific at the notification at different levels and NJ State Police website has those regulations. He asked that everyone be very cautious and there are stiff penalties for improper addressing of this issue.

Attorney Semrau clarified that no one here is saying someone has to leave, but this process is about seeking compliance. If the Code Book states no one can stay at the hotel for more than 14 days, it does not matter who they are.

Rick Colabelli of Ballantine Road questioned the status of the wall on Ballantine Road. Attorney Semrau stated he spoke with Administrator Padula and was going to confer with the Township Committee regarding the scheduling of a meeting to discuss some of the issues raised.

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

**ORDINANCES: INTRODUCTION**

**#2007-01 TO AMEND CHAPTER 115 "PERSONNEL POLICIES"  
CRIMINAL HISTORY BACKGROUND CHECKS**

***"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 115, "PERSONNEL POLICIES," SECTION 21, "CRIMINAL HISTORY BACKGROUND CHECKS OF EMPLOYEES AND VOLUNTEERS OF NONPROFIT YOUTH SERVING ORGANIZATIONS"***

Attorney Semrau explained that this is an amendment to the Criminal Background Check ordinance exempting active police officers who are coaches, employed by the State of New Jersey and all its municipalities. They go through a vigorous background check regularly due to their employment.

Mr. Smith questioned the type of background check that a law enforcement officer undergoes. Chief Coleman explained that an officer goes through the most in depth background checks of anybody. Any law enforcement officer who commits a crime is immediately taken off of active duty and then they would no longer be exempt.

**BE IT RESOLVED** by the Mayor and Committee of the Township of Andover, that Ordinance #2006-01, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on February 26, 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:

- |                   |                      |
|-------------------|----------------------|
| Ms. Phoebus – yes | Mr. Gilsean – yes    |
| Mr. Smith – yes   | Mr. Grotyohann – yes |
| Mayor Walsh - yes |                      |

**#2007-02 TO SUPPLEMENT CHAPTER 51  
"FIRE PREVENTION" "CISTERNS"**

Attorney Semrau explained that this was a request by the Fire Department, drafting a number of ordinances and the department is very much on board with this final ordinance draft. There may be three or four cisterns in the township which would need to be lined once the ordinance is adopted.

***"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO SUPPLEMENT CHAPTER 51, FIRE PREVENTION, WITH THE ADDITION OF SECTIONS 51-16.1, "ESTABLISHMENT IN FRONT OF HYDRANTS, CISTERNS AND OTHER FIRE DEPARTMENT CONNECTIONS", AND 51-16.2, "PARKING IN OR OBSTRUCTING FIRE ZONES"***

**BE IT RESOLVED** by the Mayor and Committee of the Township of Andover, that Ordinance #2006-02, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on February 26, 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:

- |                   |                      |
|-------------------|----------------------|
| Ms. Phoebus – yes | Mr. Gilsean – yes    |
| Mr. Smith – yes   | Mr. Grotyohann – yes |
| Mayor Walsh - yes |                      |



**ORDINANCES: INTRODUCTION (CONTINUED)****#2007-03 TO EXCEED THE CAP BANK FOR 2007**

***“AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR THE CALENDAR YEAR 2007 PURSUANT TO N.J.S.A. 40A:4-45.14”***

Administrator Padula explained that this Ordinance gives the municipalities opportunity to increase the Cap Bank from 2.5% to 3.5% and anything not used would be used as part of the Cap Bank for the following year. We are currently carrying over \$37,000.00 in a Cap Bank from last year.

Mr. Smith asked if we are increasing the budget by 1%. Administrator Padula explained that this gives more flexibility with items that now have to be placed within the cap, such as medical which in the past was outside the cap and now the State now says we have to place this and other items inside the cap. This increase will allow more flexibility. Mr. Grottyohann stated that the Finance Committee is trying to cut the budget; this ordinance will only allow more room for items that must be inside the cap.

***BE IT RESOLVED*** by the Mayor and Committee of the Township of Andover, that Ordinance #2006-03, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on February 26, 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. Grottyohann – yes

Ms. Phoebus – yes

Mr. Smith – abstain

Mr. Gilsenan – yes

Mayor Walsh - yes

**APPROVAL OF VOUCHERS #07-00069 AND #07-00075** There was discussion regarding these bills. The Township Committee decided that payments be held at this time until further investigation be done. Administrator Padula will review these items and report his findings at the next meeting.

**OTHER BUSINESS**

**DISCUSSION REGARDING THE HILLSIDE PARK HALL** Attorney Semrau stated he spoke with Ms. Phoebus and she had concerns regarding the rentals of the hall and whether or not the Committee would want to consider the alcohol use at this facility. He added that it's not only the function where an organization applies for a one-day liquor license but those functions such as graduation parties, weddings, etc. where there is concern regarding alcohol use. There was a recommendation that the facility be rented to residents only. He stated with respect with alcohol use, with respect to non-profit organizations, that is very much a part of the fund raising activity. For private type parties he suggested the hiring of an off-duty police officer, which would be no cost to the municipality.

He mentioned the fact that due to Green Acres regulations we may not be able to limit rentals to residents only and what's to say that a non-resident would not approach a resident to rent the facility on their behalf.

**OTHER BUSINESS(CONTINUED)**

**DISCUSSION REGARDING THE HILLSIDE PARK HALL** Attorney Semrau suggested that the Township Committee discuss this issue and send it back to the Recreation Committee for their comments. Ms. Phoebus stated her concerns regarding the serving of alcohol at the hall. She remarked that there is no one there to assure that all alcohol regulations are being followed to the letter of the law. She stated her concerns regarding the township's liability in this matter. Chief Coleman stated that off-duty officers have been used in the past from time to time.

There was discussion regarding the Green Acres regulations and how that would limit us to restrict rentals to out of town residents. Mr. Massaro suggested limiting the alcohol to beer and wine. The consensus was that this would not limit the liability or possible alcohol related problems.

Following discussion, it was decided to send these thoughts and ideas to the Recreation Committee for their opinion.

**MUNICIPAL COURT SECURITY PLAN** Mr. Gilsenan announced that all proposals were received and reviewed for the metal detector. He added that the cost for the walk through detector is \$3,460.00 and the hand held wands are \$140.00 each. He stated that it does not look like we will be eligible for the State grant funds. Mr. Gilsenan suggested purchasing the hand held wands and do a court session to see how this works. Mayor Walsh asked how many municipalities have the walk through detector. Administrator Padula stated Sparta, Vernon and the County. Franklin will start with the wands and may go to the walk through. Newton has the hand held wands. Following a brief discussion it was decided that we would purchase the wands.

**LAND USE MEETING – FRED SEMRAU** He reported that he received a call from Land Use Attorney Germinario and they discussed various land use issues. Attorney Semrau remarked that Attorney Germinario thought it would be a good idea if he, and two members of the Township Committee be in a forum where they could discuss various legal issues and discuss where the Planning Board and Township Committee is with regard to future land use ordinances. He asked for the authority to meet and he asked for two other members. Mayor Walsh and Ms. Phoebus agreed to meet.

**COMMITTEE REPORTS**

**MR. GROTYOHANN.** He reported that the Board of Health meeting will be held on Thursday, February 15<sup>th</sup>. He stated that he and Administrator Padula have been researching health benefits by attempting to find a plan that is as good or better at a lower cost. In order to move forward, a three year claims history needs to be obtained and there is a fee of \$2,000.00. Administrator Padula stated the report should be received the early part of March. By reviewing the claims history, if we are being subsidized by other agencies in the State Health Benefits Plan then we should stay where we are at this time.

He added that the Finance Committee continues to work on the 2007 Municipal Budget.

**COMMITTEE REPORTS (CONTINUED)**

**MS. PHOEBUS.** She reported that she and Mr. Gilsenan as liaisons to the Fire Department and Rescue Squad respectfully, will meet with representatives from these agencies to iron out any differences they may have.

The Fire Department asked that the Township Committee participate in the Ice Rescue Drill on February 24<sup>th</sup>.

She reported that the Recreation Committee will be scheduling their adult dance on March 24<sup>th</sup>. There was discussion regarding a possible conflict. Ms. Phoebus will inform the Recreation Committee. She informed that there are two openings for Alternates for anyone interested. She reported that Andover Township Day is scheduled for May 19<sup>th</sup>.

**MR. GILSENAN.** He reported that the Environmental Commission presented their National Resource Inventory at the last Planning Board meeting. He congratulated them on a fine presentation. DVDs will be available shortly. Mr. Smith asked if we can purchase one and reproduce our own. Ms. de Vries stated make our own copies. Mr. Gilsenan reported that the Solid Waste Advisory Council will be held on February 13<sup>th</sup> and he will report on this at the next meeting.

**MR. SMITH.** He stated that technology is near and dear to his heart and he has spent time around the municipal building evaluating the current system. He stated there are some wonderful opportunities and some terrible risks. There are 15 workstations in the building and looking to hook up to the Department of Public Works. We are currently working on providing the Construction Official with a computer. He mentioned a problem whereby all computers were purchased at one time and they will begin to go at the same time. The server has no security or backup and by an open door. There is no environmental control in that room. Mr. Smith looks to streamline many of our efficiencies. He spoke about a plan to address the email issue, remove them from the desktops and place them in a consolidation position on a separate server which will be monitored. Each township official and employee will have their own e-mail account so if there is an OPRA account it would not affect your personal accounts.

He reported on the website visits and that number has increased consistently since June. In January it doubled at 1,241 hits.

**MAYOR WALSH.** He reported that he introduced Mr. Smith to a young man with a great deal of computer expertise. Mr. Smith added that this person is a genius and will be an asset to the municipality.

Mayor Walsh stated that on the Environmental Commission there is a position available and he filled this position with Greg George as Alternate Number 1. Mayor Walsh conducted telephone interviews all applications submitted for this position. Ms. de Vries informed Mayor Walsh of the process used by the Environmental Commission in filling vacancies.

**REPORT FROM THE TOWNSHIP ADMINISTRATOR** He reported that he is looking into the possibility of credit card payments for the Tax Office and Municipal Court. Hepatitis B vaccine for township residents is being offered through the public health nursing office.

**REPORT FROM THE TOWNSHIP ADMINISTRATOR (CONTINUED)** He publicly thanked the staff upstairs for filling in the absence of the Court Administrator. No court sessions have been cancelled. He will be interviewing someone to fill in three days a week. He will contact Judge Mulhern. He will meet with Lakeland Bank for a better rate for our investments.

He reported that he and Mr. Grotyohann will be working on putting together a business expo. They will reach out to all local businesses. A drop box has been installed in order to accept checks and other correspondence after hours. Administrator Padula stated he met with Dan Freed with regard to the PARIS grant for records storage. The Lake Lenape Dam project will be receiving for final approval by month's end.

**REPORT FROM THE MUNICIPAL ATTORNEY** He reminded everyone that the township committee adopted an ordinance about roadways that haven't been accepted by the township, where we will fine and take to court developers who do not plow their roads. On Ballantine Woods vs. Thompson, a motion was prepared for Summary Judgment and that will be filed tomorrow to dismiss that case. He stated that the case should not have been filed and we are seeking a dismissal with prejudice.

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

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

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

**Contract Negotiations:**

1. ***Shared Services - County of Sussex***

**Attorney-Client Privilege:**

1. ***Steep Slopes Litigation***
2. ***Ballantine Woods, LLC vs. Vita Thompson***
3. ***McGowan vs. Andover Township***
5. ***Ballantine Woods, LLC. Vs. Planning Board***
6. ***Andover Township vs. Killam***
7. ***Meda vs. Andover Township***, was carried unanimously.

(See Insert Attached to These Minutes)

**RECESS CALLED AT 10:02 P.M.**  
**MEETING RESUMED AT 10:15 P.M.**

The Committee went into executive session at 10:02 P.M. Ms. Phoebus moved to adjourn executive session at 10:56 P.M., seconded by Mr. Grotyohann and carried unanimously.

**ADJOURNMENT** No further business appearing before the Committee at this time, Ms. Phoebus moved the meeting be adjourned at 10:56 P.M., seconded by Mr. Grotyohann and carried unanimously.

Respectfully submitted,

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Tom Walsh, Mayor

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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 12<sup>th</sup> day of February 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.

**Contract Negotiations:**

1. ***Shared Services – Andover Borough  
County of Sussex***

***T-Mobile***

( ) 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. ***Steep Slopes Litigation***

2. ***Ballantine Woods, LLC vs. Vita Thompson***

3. ***McGowan vs. Andover Township***

4. ***Andover Township vs. Hook***

( ) b. (8) Personnel matters.

1. ***James Cutler, Construction Official***

2. ***Bill Flammer, Fire Official***

3. ***Position of Chief Financial Officer***

( ) 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:

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Moved:

Seconded:

Voted Aye:

Voted Nay: None

Abstained:

Resolution adopted.

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