

ANDOVER TOWNSHIP COMMITTEE MINUTES

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

**MAY 14, 2007
6:30 P.M.**

REGULAR MEETING BEGINS AT 6:45 P.M.

The regular meeting of the Andover Township Committee was called to order at 6:46 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.

NO FORMAL ACTION WILL TAKE PLACE UNTIL AFTER 7:30 P.M.

Mayor Walsh stated that the Executive Session listed below will be moved to the end of the agenda.

EXECUTIVE SESSION:

Personnel Matters:

1. ***S. Padula, Township Administrator***
2. ***2007 Salary Ordinance***

Contract Negotiations:

Attorney-Client Privilege: Pending Litigation

1. ***Possible Violation of the Law***

REGULAR MEETING

PRESENTATION FROM RHM BENEFITS, INC. – ROBERT MANIA

Mr. Mania was present and provided background information regarding his health insurance services to various school boards and municipalities. He discussed the process in obtaining loss history information to ascertain premium costs. He added that unfortunately Andover Township's loss ratio at this time in the Traditional Plan, 114% representing every dollar paid in premium, \$114.00 is spent in claims. In the NJ Plus Plan, the loss ratio is 156%, for every dollar spent, \$156.00 spent in claims. He explained how the pool works and Andover Township, with a bad loss ratio, is being subsidized by other municipalities with a 50% loss ratio. He added, that there this review Andover Township should remain with the State Health Benefits Plan at this time.

PRESENTATION FROM RHM BENEFITS, INC. – ROBERT MANIA (CONTINUED)

He recommended that the Township revisit this again in one year. If the claims at this time are not reoccurring, then in one year the loss ratio should decrease. There was a quote provided by Horizon which is much higher than our current premium. This quote is higher because of the claims experience.

He then mentioned the cash incentive waiver program where employees waive coverage for cash if they have insurance elsewhere. He added that at any time where an employee loses coverage, the employer must allow them to obtain coverage.

There was then discussion regarding the fact that the coverage provided through Horizon is much better than plans provided through the State Health Benefits Plan. Referrals are not a function when dealing with Horizon. He added that the Direct Access Plan provides 680 doctors and employees are not limited to doctors within certain states.

Mr. Smith stated his concerns if next year our claims history is low and the premium is low and the following year the claims history increases along with premiums. Mr. Mania stated there is no guarantee however since the loss history is so high, he does not believe it can possibility go any higher.

Mr. Padula asked if there was a \$5.00 increase in co-pay what percentage of savings would that generate. Mr. Mania stated that increase could ultimately save anywhere from 2% to 4%.

The Township Committee then discussed how municipalities with good loss ratios are succeeding from the State Health Benefits Plan and then the only ones left are those with high loss ratios and therefore, higher premiums for the future.

There was then discussion regarding some disadvantages such as from year to year doctors do come and go from the Plan and there is no guarantee your doctor will always be available. There is an option to remain with your doctor but to have coverage through the out-of-network option. A listing of all hospitals and doctors are available on the website, which is updated every 24 hours.

Attorney Semrau asked when it would be best to reevaluate the claims history. Mr. Mania suggested that we wait a full year, March 2008, at the earliest, adding anytime before that, there will be a portion of bad loss ratio.

In closing, it was determined that this matter will be revisited next year.

ATTORNEY HOWARD APGAR – Proposed Application of Custom Craft Homes
Block 158/Lots 4 & 10

Present were Howard Apgar, Bill Sergoso, President of Custom Craft Homes, Representatives from Maser Consulting who will be showing the proposal which was shown to the Planning Board in November 2006. This conceptual plan was refined a bit more, relatively mixed use, low intensity, commercial along Route 206, very low density along the back and many of affordable units.

**ATTORNEY HOWARD APGAR – Proposed Application of Custom Craft Homes
Block 158/Lots 4 & 10 (CONTINUED)**

Mr. Apgar asked Mike Selina of Maser Consulting to provide the Township Committee with their plan and when completed, he asked the Committee to consider giving authorization for the Township Attorney and him to work together in drafting a zoning ordinance overlay appropriate for this development.

Mr. Selina stated the whole site is about 30 acres divided into two zones, R-2 and Highway Commercial. The proposal is to keep the same type of development. The commercial development would be comprised of a retail center of approximately 50,000 feet. The second would be self-storage, a low traffic generator. In the residential zone, there would be two components; single family with seven homes on a cul-de-sac. These lots would be minimum of half acre in size and 24 multi family affordable residential units, four buildings of six units each, low to moderate income housing.

Mayor Walsh asked if these affordable housing units are to cover the developer's COAH obligation. He stated that his obligation would be less than four of the 24 units. The township will receive 20. Mr. Apgar stated when the initial design was done there were two 60,000 square feet buildings and we decided there was not adequate parking and a self storage unit would work better.

Attorney Semrau asked from an environmental standpoint, what type of work and analysis has been done to the site, making reference to the identified wetlands area. Mr. Apgar stated that there are approximately eight acres of wetlands. He also referenced the steep slope areas. Attorney Semrau asked if there is any open space or recreation area that would be utilized. He stated that the single family lots are pretty big and the environmental restrictions limit what else can be placed on there. Attorney Semrau stated that half acre lots in Andover Township are not necessarily large lots. Attorney Semrau then asked if the single family dwellings are something essential to this project. Mr. Apgar stated that Custom Craft is a residential developer.

There was discussion on the calculation of the COAH units for this development based on units and employees. The Growth Share Ordinance was then discussed. Mr. Grotyohann asked if a homeowners' association is being considered for these units. Mr. Apgar replied perhaps or it could be a non-profit that owned and operated the buildings.

Following this discussion the Township Committee decided to forward this proposal to Township Planner Russell Stern for his review and comments. Attorney Semrau stated if the Township is going to spend any resources on this project, standard practice is to establish an Escrow Account so they can converse with the Planner.

Mr. Apgar stated that changes to the concept plan were made based on comments from the Planning Board. He stated he would like to submit a draft ordinance to Attorney Semrau for his review. The Township Committee asked Attorney Semrau to send a letter to establish an Escrow with Custom Craft.

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

To Add UNDER EXECUTIVE SESSION

Personnel Matters:

2. 2007 Salary Ordinance

UNDER CONSENT AGENDA

APPROVAL OF VOUCHERS

TO INCLUDE PAYMENT IN THE AMOUNT OF \$19,219.51 TO FORD MOTOR CREDIT AND \$48,534.00 TO WASTE MANAGEMENT

TO REMOVE:

5. #R2007-74 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY ***TO ISSUE A TAX REFUND TO PARK FINANCE, LLC IN REGARDS TO THE REDEMPTION OF TAX CERTIFICATE #05-007 SOLD FOR DELINQUENT TAXES FOR BLOCK 134/ LOT 4 IN THE AMOUNT OF \$4,397.55***

Tabled for the May 29th agenda

UNDER REGULAR AGENDA

ORDINANCES: INTRODUCTION

3. #2007-10 TO AMEND CHAPTER 30 "FEES"

"AN ORDINANCE AMENDING CHAPTER 30, SECTION 30-10, "FEES" UNIFORM CONSTRUCTION CODE OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY"

MAYORAL APPOINTMENTS

For the record, there was not an Executive Session held this evening at 6:30 p.m. The Executive Session has been moved to the end of the agenda.

Resident Diane Gillespie asked that Resolution #R2007-75 be removed from the Consent Agenda for further discussion. Resident Vic Capo asked that Resolution #R2007-77 also be removed.

APPROVAL OF THE AGENDA Ms. Phoebus moved to approve the agenda as amended, seconded by Mr. Gilseman 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, except for Mayor Walsh on Resolution #R2007-78 in which he abstained.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Insert Attached to These Minutes)

ACCEPTANCE OF THE TAX COLLECTOR’S APRIL 2007 REPORT - \$2,183,006.35

APPROVAL OF OFF-PREMISE 50/50 RAFFLE LICENSE #R.L. 782 – ARC OF SUSSEX COUNTY, INC. – TO BE HELD ON JUNE 26, 2007 (RAIN DATE JUNE 27, 2007) AT 8:30 P.M. AT THE NEWTON COUNTRY CLUB

APPROVAL OF RAFFLE LICENSES – PASS IT ALONG – TO BE HELD ON JUNE 2, 2007 FROM 6:30 P.M. TO 11:00 P.M. AT PERONA FARMS

- A) ***ON-PREMISE 50/50 #R.L. 785***
- B) ***ON-PREMISE MERCHANDISE #R.L. 786***

APPROVAL OF RAFFLE LICENSE – ANDOVER REGIONAL PTA – TO BE HELD ON JUNE 8, 2007 - FROM 7:00 P.M. TO 9:00 P.M. AT LONG POND SCHOOL

- A) ***ON-PREMISE 50/50 #R.L. 787***

***RESOLUTIONS:**

#R2007-70 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY *ENDORING THE SUBMISSION OF THE 2006 RECYCLING TONNAGE GRANT APPLICATION TO THE NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION*

#R2007-71 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY *APPROVING OF LAKELAND EMERGENCY SQUAD TO RECEIVE FINANCIAL ASSISTANCE FROM THE COUNTY OF SUSSEX AS PER THE CERTIFICATION FOR RESCUE SQUAD CONTRIBUTION ATTACHED HERETO*

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

#R2007-72 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY **TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND TO CRISTIAN RADU & IOANA MARA IN THE AMOUNT OF \$765.72 FOR AN OVERPAYMENT IN THE SECOND QUARTER 2007 TAXES FOR BLOCK 109/LOT 4.01 QUALIFIER C0142**

#R2007-73 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY **TO ADJUST THE MILEAGE REIMBURSEMENT FOR THE USE OF PRIVATELY OWNED VEHICLES IN ACCORDANCE WITH THE INTERNAL REVENUE SERVICE STANDARD MILEAGE RATES**

#R2007-76 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY **AWARDING THE BID FOR THE PURCHASE OF EQUIPMENT FOR REGULAR MAINTENANCE OF PARK AND BALL FIELDS TO STORR TRACTOR COMPANY**

#R2007-78 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY **AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO MICHAEL CRANE TO PROVIDE FIELD REPRESENTATIVE SERVICES FOR THE MUNICIPAL TAX ASSESSOR'S OFFICE**

(See Inserts Attached to These Minutes)

***APPROVAL OF MINUTES:**

APRIL 23, 2007 REGULAR MEETING
APRIL 23, 2007 EXECUTIVE SESSION

MAYORAL APPOINTMENTS – ENVIRONMENTAL COMMISSION

Mayor Walsh asked that candidate Bob Green be appointed to the Environmental Commission, Alternate No. 2, Term to expire December 31, 2008. Motion to confirm appointment was made by Ms. Phoebus, seconded by Mr. Smith. Roll call vote:

- | | |
|-------------------|-----------------------|
| Mr. Gilseman – no | Mr. Grotyohann – pass |
| Ms. Phoebus – yes | Mr. Smith – yes |
| Mayor Walsh – yes | Mr. Grotyohann - yes |

REGULAR AGENDA

REPORT FROM THE FIRE CHIEF Chief Danielson reported for the month of April there were 5 activated fire alarms, 2 med-Evac landing zones, 1 meeting, 1 miscellaneous call, 1 motor vehicle accident, 12 pump details, 3 work drills and 3 downed power lines. There were 29 calls for the month, 134 calls for the year, 640 man hours, 2,790 for the year.

Chief Danielson stated that the department has filed for grant assistance for air pack bottle which are \$6,340.00 a piece. They are ready for Andover Township Day. Mayor Walsh stated we are still receiving letters from residents thanking for the department's assistance during the storm.

Chief Danielson stated that the brush truck is being prepared for sale. He added that the new truck should be online by the end of May.

**ATTORNEY BILL HAGGERTY, DOLAN AND DOLAN - Easement issue with property
Located off Lake Iliff Road**

He stated that they represent the property owner. He stated that this is an easement that has existed for about 100 years. It turns out it was never property memorialized. This easement was mentioned in a resolution in 1978, during a subdivision. A surveyor reviewed the property and a deed was prepared and reviewed by the Township Engineer. There was discussion regarding language in the deed restricting further development.

Attorney Semrau stated that Township Engineer Golden recommends that permanent restriction on the easement be set so that the lot is not subdivided down the road. It was stated that the easement does exist but it was never properly recorded.

Attorney Semrau asked for the approval to proceed in accordance with the engineer's report and at the next meeting, May 29th, there will be formal action taken at that time. A consensus was obtained to proceed.

RESOLUTIONS:

#R2007-75 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE
OF NEW JERSEY **REQUESTING PERMISSION FOR THE
DEDICATION BY RIDER FOR THE OPEN SPACE,
RECREATION, FARMLAND AND HISTORIC
PRESERVATION TRUST FUND**

RESOLUTIONS: (CONTINUED)

#R2007-75 (CONTINUED) Attorney Semrau explained that this resolution is required by NJ DCA in order for the Finance Department to set up an account for the incoming funds created by the passing of the Open Space Referendum.

#R2007-77 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF JERSEY TO AUTHORIZE THE TOWNSHIP ADMINISTRATOR TO EXECUTE THE AGREEMENT WITH THE HOUSING PARTNERSHIP

Mayor Walsh explained that the Housing Partnership is the organization in which Susan Zellman is a part of.

Hearing no further comments regarding these resolutions, Mr. Gilseman moved to adopt Resolution #R2007-75 and #R2007-77 as presented. Motion was seconded by Ms. Phoebus and carried unanimously.
(See Inserts Attached to These Minutes)

OPEN TO THE PUBLIC Lois de Vries announced that she heard today from ANJEC and the Township is the recipient of \$7,000.00 matching funds grant for the Open Space Committee.

Ms. Phoebus moved to formally accept the matching grant from ANJEC in the amount of \$7,000.00. Motion was seconded by Mr. Grotyohann and carried unanimously.

Ms. Phoebus mentioned that Lois de Vries has worked very hard on this grant application and she thanked her for that because of her hard work and dedication we received this grant.

Resident Diane Gillespie gave Administrator Padula as liaison to the Board of Education, documents pertaining to Terra-Cycle recycling program where the schools can receive funds through recycling. She then gave Mr. Smith a copy of the newsletter she received from Byram Township and suggested that perhaps we adopt a similar concept when designing ours.

She then introduced Bob Green, newly appointed Alternate No. 2 to the Environmental Commission to Township Committee, adding that he will be a great asset to the Commission.

Dan Freed, Open Space Chairperson stated that Sussex County Farmland Preservation official, Donna Traylor will be speaking at the May 22, 2007 meeting. Attorney Semrau stated that he attended the April meeting and he stated that it is important to know what the deadline is for the Open Space Committee to make a recommendation to the Township Committee. The Township Committee then needs to act on that recommendation in a timely manner. Attorney Semrau suggested that Mr. Freed advise Administrator Padula to what those deadlines are.

OPEN TO THE PUBLIC (CONTINUED) Attorney Semrau asked Mr. Freed if Ms. Traylor mentioned a pre-application process. He replied that having her at this next meeting, all these questions will be asked and answered.

Attorney Semrau stated that once the recommendation does come it is very important that there is a consensus of support because that is part of the lobbying process in order to get the grant. He again stated that whatever is ultimately decided by everyone, it is important that there is support.

Resident Richard Colabelli reported on the conditions of Ballantine Road stating that he had the air quality near his home tested and because of the dust, it was found to be unsafe. Mayor Walsh stated that Ballantine Road is a dirt road. Attorney Semrau reminded Mr. Colabelli that this is a public meeting, and a public record is being made. He added that he understands there are some legal issues going on either with his property or adjoining property. He cautioned Mr. Colabelli that anything said during this public session, can be brought back. Mr. Colabelli stated he is speaking only on the quality of air. He stated that he believes everyone who lives or works on Ballantine Road, their health maybe in jeopardy.

Michael Crane of 41 Payne Road stated in reference to that comment, he suggested to Mayor Walsh that all residents vacate their homes until this issue is investigated before any more harm come to the residents. Mayor Walsh asked Mr. Colabelli for a copy of the report, but he stated the written report was not ready at this time.

Resident Carla Kostelnik stated that during the Planning Board meeting, there was mention of hiring a hydrologist to conduct a township wide study of water availability. She stated that the Township needs to take control of our water resources and she stated her disagreement with the recommendation of a hydrologist study. Ms. Phoebus and Mayor Walsh had asked if the Township should consider investing in this study.

Attorney Semrau stated at this time, based on all the other environmental information that has been identified by the Township, he stated he does not recommend doing so because sometimes there are going to be planning decisions made and they can be made with the data that is already at hand. If anyone has an issue, the developer can go out and do that type of study. He explained if we had such a report and there was litigation, the Township would have to then invest more to bring that professional in court to explain the report.

Attorney Semrau recommended that if it would be better if there was to be an issue, to hire a hydrologist for a certain project as opposed to the entire Township. Ms. Kostelnik stated her agreement to Attorney Semrau recommendation.

Lois de Vries stated she understands the Attorney's recommendation and reasoning but added that in order for the Planning Board to conduct proper planning and in consideration of rezoning, this can not be done piece meal, adding the Township needs to be reviewed as a whole. Attorney Semrau replied that it is not that he thinks it is not important, but he is thinking about potential challenges and if they don't agree, they will interpret the report to their benefit and used against the Township.

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

ORDINANCES: PUBLIC HEARING

#2007-06 CAPITAL BUDGET – RECREATION

“AN ORDINANCE TO AMEND ORDINANCE #2007-04 PROVIDING FOR VARIOUS RECREATION IMPROVEMENTS AND PURCHASES FOR THE TOWNSHIP OF ANDOVER AND TO PROVIDE FOR THE FUNDING THEREOF”

Ms. Phoebus moved to open the public hearing, seconded by Mr. Gilsenan and carried unanimously.

Hearing no comments from the public at this time, Ms. Phoebus moved to close the public hearing, seconded by Mr. Grotyohann and carried unanimously.

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 April 23, 2007, was advertised according to the law and was brought before the public for final consideration. There being no objections, Ms. Phoebus moved the adoption of the above entitled ordinance, seconded by Mr. Smith. Roll call vote:

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

ORDINANCES: INTRODUCTION

#2007-08 AMEND CHAPTER § 3-81 “FEES FOR COPIES”

“AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 3, “ADMINISTRATION OF GOVERNMENT” CHAPTER 3, “ARTICLE XXV, PUBLIC RECORDS” § 3-81 “FEES FOR COPIES” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ANDOVER”

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2007-08, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on June 11, 2007 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. Gilsenan – yes	Mr. Grotyohann – yes
Ms. Phoebus – yes	Mr. Smith – yes
Mayor Walsh – yes	

ORDINANCES: INTRODUCTION (CONTINUED)

#2007-09 2007 SALARY ORDINANCE

“AN ORDINANCE TO PROVIDE AND DETERMINE RATES OF COMPENSATION FOR OFFICIALS, OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY”

Ms. Phoebus moved to table this Ordinance until after the Executive Session later this evening. Motion was seconded by Mr. Smith and carried unanimously.

#2007-10 TO AMEND CHAPTER 30 “FEES”

“AN ORDINANCE AMENDING CHAPTER 30, SECTION 30-10, “FEES” UNIFORM CONSTRUCTION CODE OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY”

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2007-10, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on June 11, 2007 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. Gilsenan – yes	Mr. Grotyohann – yes
Ms. Phoebus – yes	Mr. Smith – yes
Mayor Walsh – yes	

OTHER BUSINESS

APPROVAL OF RAFFLE LICENSES - ST. CATHERINE’S OF SIENNA - TO BE HELD ON MAY 22, 2007 AT 11:30 A.M. – 6:30 P.M. AT THE FARMSTEAD GOLF AND COUNTRY CLUB

- A) #R.L. 783 ON-PREMISE MERCHANDISE**
- B) #R.L. 784 ON-PREMISE 50/50**

Mr. Grotyohann moved to approve these licenses as presented, seconded by Mr. Gilsenan. Roll call vote:

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

COMMITTEE REPORTS:

MR. GILSENAN. He reported that he attended the Solid Waste Advisory Committee meeting on May 8th in Newton. He stated what caught his attention is the savings the township could potentially realize by reducing our solid waste tonnage by aggressively recycling. He added that he is in the process of working with the Township Administrator to determine whether our current contract with Waste Management is the most economical manner in which to have our trash removed. He stated that in speaking with Hopatcong and Lafayette have chosen not to out source this service and they have the trash removed themselves. The next SWAC meeting is June 12th at 7:30.

He spoke regarding the Environmental Commission and apologized to Bob Green, having confused him with another person. He asked that the record reflect this error. He attended the May 3rd meeting and congratulated them on receiving the ANJEC Grant. They have been actively monitoring the streams adding at this time they appear healthy. Ms. Gillespie and Ms. de Vries attended a seminar at Kittatinny Valley State Park regarding vernal pools.

Mayor Walsh asked Mr. Gilsenan as liaison to the Construction Office to meet with Administrator Padula, Engineer Golden and Construction Official Cutler to discuss the status of the road takeover at Lakeview Ridge.

MR. SMITH. He reported on technology, there were 1,180 hits for the month of April. Two new pages were added to the site, Senior Citizens, which was designed to let people know that there is such an organization in town and to recruit new members. The other is the Storm Water Management Program which took a great deal of time to establish and he added that it is quite extensive, but it does contain a great deal of information.

He mentioned that he was approached to place a public opinion poll on the website. Following review of this he stated we do have the capability to produce a site. He asked if it was wise only for the fact, any opinion received would be slanted towards those who use the website. He added he did not want to make decisions based on inaccurate input. Though this project is capable, he stills would like to think about it more.

He stated that five new mailboxes were added for the Environmental Commission, but formal notification has not yet taken place. Mr. Smith announced that Mayor Walsh will soon be added to the list of email address holders. He added that the DPW added for the ability to burn CD for the purpose of documentation, such as the flooding situation.

The contract has been signed with the new network support company. On a monthly basis, they will be reviewing all computers providing complete preventive maintenance. All software is upgraded and temporary files are cleaned. This new contract will save the township about \$20,000.00 per year, hoping the available funds can be used towards upgrading the server. The Help Desk issues run about 10 to 15 and he added that we have been able to solve the problems without outside assistance.

COMMITTEE REPORTS: (CONTINUED)

MR. SMITH. He then reported on the Senior Citizens stating that he attended the luncheon and Russell English was named Senior Citizen of the Year. Mayor Walsh and Administrator Padula also attended. The seniors will have two tables on Andover Township Day, one for a bake sale and the other for a White Elephant Sale.

Mr. Smith reported on Sanitation, though he stated his confusion as to who is the liaison. Regarding Waste Management, there were 16 calls this week, most were resolved and if they can't be, the contractor is called. There was a question regarding the overflowing dumpsters at Rolling Hills. Mr. Smith stated he heard the area had been cleaned and is no longer a problem. Mr. Smith stated he had received a complaint about a resident throwing litter from a vehicle. He visited the area and it is true. He mentioned the \$1,000.00 fine for this offense. He added that he is working on a campaign entitled "A Cleaner, Greener Andover" and try to enforce these laws and enlist the help of those seeking community services.

Animal Control report called for one dog bite. A suggestion was made to keep the license tag on the dog to better identify the animal if lost. If not, the dog will be impounded.

Mr. Smith remarked that a suggestion was made to improve technology in the meeting room by providing an overhead projector and wide screen for demonstrations. He will continue to investigate this further and will report back when he has more information.

MR. GROTYOHANN. He reported that he is just back from vacation and could not attend the recent Board of Health meeting. He reported on the presentation earlier this evening from Robert Mania on Health Care Services review. He added that this will be revisited next year. Administrator Padula stated that a great deal of hard work went into this review.

MS. PHOEBUS. She reported on Andover Township Day scheduled for this Saturday, May 19th beginning at 11:00 a.m. with a parade. Youth organizations will be marching and prizes will be given. The ceremonies are to begin at 12:00 noon with a flag raising by the Boy Scouts. The Little Miss and Mr. Andover and Talent Contests are scheduled for that day also. Food and games will be provided by our volunteers.

She mentioned the rescheduling of the Adult Dance, October 19th, the proceeds to benefit the Kinney Children's Trust Fund.

COMMITTEE REPORTS: (CONTINUED)

MAYOR WALSH. He reported that he, Ms. de Vries and Mr. Christodlous have met with representatives from the potential Town Center applicants. Concessions have been made on both concepts.

He then reported that he and Ms. Phoebus have been working on the ball fields issues with the various clubs. He explained that due to the recent storm, there is a shortage of fields.

Mayor Walsh then reported on PSE&G on their tree trimming project. He stated that they desecrated trees along the right-of-way on Goodale Road and they now looking at fruit trees that they say our going to cause a problem with the power lines. Mayor Walsh stated they promised to leave the area in good condition, reseeding where necessary, but what they left was a complete disgrace. Administrator Padula stated he contacted PSE&G and they informed him that they would contact the property owner and make amends.

Mayor Walsh reported on the old police station renovation, adding that he and Interim Road Supervisor Dickinson reviewed the parking situation and there is not ample parking in the upper lot if where to be used as a senior center. Potential parking areas where reviewed for a possible expansion.

He has a promise of a meeting with Assemblywoman McHose and Senator Littell regarding a possible land swap of property with the State.

He then asked Administrator Padula to make sure that the message board advertises "TAXES DUE" during the tax quarters. He added that residents complained that the reminder was not posted. The remaining committee members heard identical comments from the public.

Mayor Walsh provided a brief report in Chief Coleman's absence. He read letters from the public commending members of the police department.

REPORT FROM THE TOWNSHIP ADMINISTRATOR He reported that the Homestead Rebates will be 10 to 20 percent of your taxes based on your income. He informed the governing body that he is in the process of obtaining information to provide credit card use at no cost to the township. There would be a 2.9 percent cost to the user for the payment of property taxes.

The FEMA documents were completed and mailed today. He stated that there was a County OEM meeting and EMC Reidmiller attended. He was present and informed the Township Committee that the County is collecting data from the storm and will advise accordingly.

Administrator Padula asked the Township Committee what the status of the Killam litigation as it pertains to painting it at this time. Attorney Semrau stated that with regard to painting the rink, following a review of the documents, he does not see anything that would be detrimental to the litigation if the rink was painted.

REPORT FROM THE TOWNSHIP ADMINISTRATOR (CONTINUED) He added that the Andover Board of Education will conduct a public hearing on June 5th to discuss the terms and conditions of the 2007-2008 employment contracts for the Superintendent, Board Secretary, Principal, Director of Students and counseling services. Comments can be made in writing and received by May 31st.

The bid for the various park maintenance equipment was awarded earlier this evening to Storr Tractor.

Administrator Padula reported on the Ordinance Review Committee stating that this evening an Ordinance to amend the general fees and an Ordinance amending the Uniform Construction Code fees was introduced. The Steep Slopes Ordinance amendment is scheduled for public hearing on May 29th.

At this time, Mayor Walsh asked the Township Committee how they wished to proceed on the Tree Ordinance. Comments were made that they thought a meeting would be held to discuss the proposal and receive public input. Mayor Walsh stated a meeting was scheduled and the professionals had to cancel. Land Use Chair Christodlous understood that the Land Use Attorney Germinario was to draft a Tree Ordinance and bring it to a certain point and then that draft was to be discussed at a special meeting. Mayor Walsh argued that we did not want money spent on a draft if it is not what we are looking for. Mr. Christodlous stated that he is working on those items in the Ordinance that were turned down by Judge Bozonelis.

Attorney Semrau recollected that Attorney Germinario was working on a draft to a certain point for discussion. He will contact Attorney Germinario for information.

Mr. Smith commented that he has been hearing about a Tree Ordinance for quite some time and he knows no more today than he did then. He added that his problem with this Ordinance and other matters is that there does not seem to be a timetable for completion of items.

Following a short discussion, Mayor Walsh polled each member on their opinion on this Ordinance. Mr. Gilsenan stated that a meeting was scheduled and that we should proceed with a meeting. Mr. Grottyhann also suggested that there should be a meeting with public input and opinion. Ms. Phoebus wished to abstain from comment on this matter. Mr. Smith stated that it appears this Ordinance is not a good thing and should be stopped now, before more money is spent.

Mayor Walsh stated that a special meeting will be scheduled by May 29th.

REPORT FROM THE MUNICIPAL ATTORNEY He reported as indicated by Administrator Padula, the bid for the park maintenance equipment was accepted this evening. He stated that Supervisor Dickinson was a tremendous help with the bid specifications.

He mentioned that the Ballantine Woods vs. Thompson matter was dismissed two weeks ago. At the next meeting he will provide a litigation status report.

REPORT FROM THE MUNICIPAL ATTORNEY (CONTINUED) He mentioned the Life Care Mews matter and he spoke with Engineer Golden and he will have a report for the next meeting to the Township Committee as to how to address this issue. He stated that at the May 29th meeting, the Township Committee will be qualifying the bidder(s) for the Plenary Retail Distribution License.

Administrator Padula stated that Engineer Golden wants to know how the Township Committee would like to proceed on the issue of the condition of Ballantine Road. Attorney Semrau stated that at the conclusion of the meeting with the residents of Ballantine Road, it was decided that Engineer Golden was going to look further into the matter. The Township Committee stated that the engineer should do nothing further at.

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

Personnel Matters:

1. **S. Padula, Township Administrator**
2. **2007 Salary Ordinance**

Attorney-Client Privilege:

1. **Possible Violation of the Law** was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 9:16 P.M. Ms. Phoebus moved to adjourn executive session at 11:01 P.M., seconded by Mr. Smith and carried unanimously.

REGULAR AGENDA

ORDINANCES: INTRODUCTION

#2007-09 2007 SALARY ORDINANCE

“AN ORDINANCE TO PROVIDE AND DETERMINE RATES OF COMPENSATION FOR OFFICIALS, OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY”

Ms. Phoebus moved to table this Ordinance until the May 29th meeting, seconded by Mr. Grottyhann and carried unanimously.

NEXT SCHEDULED MEETINGS:

Tuesday, May 29, 2007 6:30 p.m.
Regular Meeting 7:30 p.m.

Monday, June 11, 2007 6:30 p.m.
Regular Meeting 7:30 p.m.

ADJOURNMENT No further business appearing before the Committee at this time, Ms. Phoebus moved the meeting be adjourned at 11:01 P.M., seconded by Mr. Grottyhann 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 14th day of May 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.
 - 1.
 - 2.
 - 3.
 - () 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. **Possible Violation of the Law**
 - 2.
 - 3.
 - 4.
 - () b. (8) Personnel matters.
 1. **S. Padula, Township Administrator**
 - () 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.