

ANDOVER TOWNSHIP COMMITTEE MINUTES

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

**JUNE 11, 2007
6:30 P.M.**

REGULAR MEETING BEGINS AT 7:30 P.M.

The regular meeting of the Andover Township Committee was called to order at 6:41 P.M. by Mayor Walsh, followed by a salute to the flag.

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

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

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

Personnel Matters:

1. **Police Personnel**

Contract Negotiations:

1. **Skytop Road**
2. **Hillside Drive**

Attorney-Client Privilege:

1. **Town Center Legal Issues**

Possible Litigation

1. **Limecrest Road**

Pending Litigation was carried unanimously.
(See Insert Attached to These Minutes)

The Committee went into executive session at 6:42 P.M. Ms. Phoebus moved to adjourn executive session at 7:15 P.M., seconded by Mr. Smith and carried unanimously.

At this time, Mayor Walsh asked that the Executive Session agenda be amended to include Under Contract Negotiations: 1. Skytop Road and 2. Hillside Drive. Ms. Phoebus moved to go into Executive Session for these items, seconded by Mr. Smith and carried unanimously. The Committee went back into executive session at 7:18 P.M.

Ms. Phoebus moved to adjourn executive session at 7:25 P.M., seconded by Mr. Smith and carried unanimously.

REGULAR MEETING

APPROVAL OF AGENDA Mr. Smith asked that the Acceptance of The Tax Collector's Report be removed from the Consent Agenda for further discussion. Ms. Phoebus moved to approve the agenda as amended, seconded by Mr. Smith and carried unanimously.

APPROVAL OF CONSENT AGENDA ITEMS Attorney Semrau recommended that Ms. Phoebus recuse herself from voting on Liquor License Renewal for the Newton Country Club, Resolution #R2007-94 and table same for the June 25th agenda. Ms. Phoebus moved the following consent items be approved, as amended, seconded by Mr. Smith and carried unanimously.

CONSENT AGENDA:**OTHER BUSINESS:****APPROVAL OF VOUCHERS FOR PAYMENT**

(See Insert Attached to These Minutes)

***RESOLUTIONS:**

#R2007-87 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY **AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE (WITH BROAD PACKAGE PRIVILEGE) #1902-32-011-002 FOR THE CORNER RESTAURANT, INC. T/A THE CORNER RESTAURANT FOR THE TERM JULY 1, 2007 THROUGH JUNE 30, 2008**

#R2007-88 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY **AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-003-002 FOR ALSATIAN CORPORATION T/A LAKE LENAPE LODGE FOR THE TERM JULY 1, 2007 THROUGH JUNE 30, 2008 WITH CERTAIN CONDITIONS**

#R2007-89 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY **AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-006-002 FOR PERONA ENTERPRISES, INC. T/A PERONA FARMS FOR THE TERM JULY 1, 2007 THROUGH JUNE 30, 2008**

APPROVAL OF CONSENT AGENDA (CONTINUED)

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

#R2007-90 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-004-006 FOR LARRY L. SNOVER, INC. T/A THE CELLAR FOR THE TERM JULY 1, 2007 THROUGH JUNE 30, 2008

#R2007-91 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL PLENARY RETAIL CONSUMPTION LICENSE #1902-22-009-002 FOR SHERIDAN'S LODGE, INC. T/A SHERIDAN'S LODGE FOR THE TERM JULY 1, 2007 THROUGH JUNE 30, 2008 WITH CERTAIN CONDITIONS

#R2007-92 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-005-004 FOR J & M WALDRON, INC. T/A MAX'S STATION HOUSE FOR THE TERM JULY 1, 2007 THROUGH JUNE 30, 2008

#R2007-93 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE (WITH HOTEL/MOTEL EXCEPTION) #1902-36-002-004 FOR SOMERSET INVESTORS, INC. T/A BELLA ITALIA FOR THE TERM JULY 1, 2007 THROUGH JUNE 30, 2008

#R2007-95 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT BEVIN DEL GUIDICE TO THE POSITION OF PART-TIME PUBLIC SAFETY TELECOMMUNICATOR TRAINEE FOR THE ANDOVER TOWNSHIP POLICE DEPARTMENT EFFECTIVE IMMEDIATELY

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

#R2007-96 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY
TO APPOINT ANDREW B. MOORE TO THE POSITION OF PART-TIME PUBLIC SAFETY TELECOMMUNICATOR TRAINEE FOR THE ANDOVER TOWNSHIP POLICE DEPARTMENT EFFECTIVE IMMEDIATELY

#R2007-97 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY
TO APPOINT BRIAN E. KITHCART TO THE POSITION OF POLICE OFFICER FOR THE ANDOVER TOWNSHIP POLICE DEPARTMENT

#R2007-98 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY
TO AUTHORIZE JUSTIN MCCANN, PUBLIC WORKS REPAIRER ADVANCEMENT TO TOP GRADE POSITION AND SALARY ADJUSTED ACCORDINGLY EFFECTIVE IMMEDIATELY

(See Inserts Attached to These Minutes)

REPORT FROM THE FIRE CHIEF Mayor Walsh announced that members of the Fire Department were conducting a drill at the Carafello property located on Newton-Sparta Road.

REGULAR AGENDA

OPEN TO THE PUBLIC Fred Gillespie, 115 Andover-Mohawk Road stated at the last meeting Mr. Colabelli of Ballantine Road informed everyone that he had an air quality test done and it revealed unhealthy air in the Ballantine Road area. He stated he would present a copy of the report to the governing body. Mr. Gillespie asked if the Township Committee ever received this report. Mayor Walsh replied that no report was received.

Annette Fritz, 120 Warbasse-Junction Road stated she is having a problem with deer hunters on her property, this past year being the worst. She stated that she has been in contact with the Police Department regarding this issue but she remarked that she is unsatisfied with the investigation. She mentioned that this has been going on since October. She stated that Chief Coleman turned the matter over to Detective Danielson. Attorney Semrau stated that her concerns have been relayed to the Township Committee and the Administrator who will let the police chief know and she expressed these concerns. He added that because it is an ongoing investigation, no one can comment on this. She stated she is here this evening to make the Committee aware of what is going on.

OPEN TO THE PUBLIC (CONTINUED) Resident Phil Boyce asked if anyone could comment on the Limecrest Road item on the Executive Session agenda. Mayor Walsh explained that during the April rainstorm, there was a problem with one of the homes along this road. The property owners requested that the pipes along the road be improved and this is a county road and out of our jurisdiction. He added that the house was built after the piping was installed. The property owners want the township to pay and fix for something we are not liable for.

Resident Dian Gillespie stated it has been a year since the Environmental Commission submitted a Tree Ordinance to the Land Use Board for their review. It has since been dissected, reworded and rewritten and has gone back and forth between the Land Use Board and Township Committee. Mayor Walsh remarked it has not gone back and forth because it has not been before the Township Committee as yet. He added that a meeting was scheduled and Attorney Germinario was not able to attend. She stated she hopes she is wrong, but she hopes it is not becoming a political issue rather than what it was originally intended to be, to protect one of our town's natural resources. She added that over the last several weeks there were articles on the fact that more towns in the surrounding area are either considering or have recently adopted a tree ordinance. She then distributed copies of an article to the governing body which lists all towns in Bergen, Passaic and Morris Counties that have adopted such an ordinance and particular details. She stated that other towns have taken the initiative adding that she would like our town to be in the forefront and not always coming from behind and do what everyone else has done.

Residents of Hillside Drive came before the Township Committee asking what is being done with the drainage and resurfacing of their road. She added that it appears work is being done at one end and the other is ignored. Mayor Walsh stated that the back end of the road will be paved. Mayor Walsh reminded everyone that at one time there was State funding available for Hillside Drive improvements but the former Committee decided that the grant should be transferred from Hillside Drive to much more needed Skytop Road. When word got out and every resident of Hillside Drive came to the next meeting to argue this action, there was found \$90,000 and that went to improve Hillside Drive. He added that it is his understanding that the back end would take more funding and easements are needed but it is not possible.

Administrator Padula stated that according to Road Supervisor Dickinson and Township Engineer, this project will begin next week on Hillside Drive, the drainage portion is complete, ready for the overlay. The milling and paving will be done at that time.

Mayor Walsh stated that he will have Engineer Golden provide a report on this issue for the next meeting. Attorney Semrau stated that this was discussed in Executive Session this evening because of certain issues that have come up. Because the engineer is not available this evening, he will be asked for a report to be disseminated immediately so everyone knows where we are with this project.

Linda Golonski remarked that Hillside Park looks great. She added that since its update there are now more people using the park than ever before. She attended the 5th and 6th grade assembly on recycling funded through the Township's Clean Communities Grant Program and she stated it was a very appropriate program and she thanked the Committee for sponsoring such a program.

She then asked for some input on the Town Center issue. Mayor Walsh stated there is nothing set in stone, only concept.

Hearing nothing more at this time, Mayor Walsh closed the public portion of the meeting.

ORDINANCES: PUBLIC HEARING

#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"

Mr. Smith moved to open the public hearing on this Ordinance, seconded by Ms. Phoebus and carried unanimously.

Having had no comment from the public, Ms. Phoebus moved to close the public hearing, seconded by Mr. Smith 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 May 14, 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. Gilseman – absent	Mr. Grotyohann – absent
Ms. Phoebus – yes	Mr. Smith – yes
Mayor Walsh – yes	

#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 open the public hearing on this Ordinance, seconded by Mr. Smith and carried unanimously.

Ms. Gillespie asked what process is followed to determine the maximum salary in a range. Mayor Walsh explained that the maximum is determined by raising the prior year's maximum by a certain percentage. Hearing nothing further from the public, Ms. Phoebus moved to close the public hearing, seconded by Mr. Smith 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 May 29, 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. Gilseman – absent	Mr. Grotyohann – absent
Ms. Phoebus – yes	Mr. Smith – yes
Mayor Walsh – yes	

ORDINANCES: PUBLIC HEARING (CONTINUED)

#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"

Ms. Phoebus moved to open the public hearing on this Ordinance, seconded by Mr. Smith and carried unanimously.

Fred Gillespie remarked on the Affordable Housing Fee enacted by Green Township and Attorney Semrau replied that is a different matter. Hearing nothing further from the public, Ms. Phoebus moved to close the public hearing, seconded by Mr. Smith 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 May 14, 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. Gilseman – absent | Mr. Grotyohann – absent |
| Ms. Phoebus – yes | Mr. Smith – yes |
| Mayor Walsh – yes | |

ORDINANCES: INTRODUCTION

#2007-11 AMENDING CHAPTER 74 "LAND USE PROCEDURES"

"AN ORDINANCE AMENDING CHAPTER 74 "LAND USE PROCEDURES," ARTICLE III, "PROVISIONS APPLICABLE TO PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT," SECTION 74-37 "COMPLETE APPLICATION; DECISIONS," OF THE REVISED ORDINANCES OF THE TOWNSHIP OF ANDOVER"

Mayor Walsh asked that this Ordinance be tabled at this time. He stated that he asked the Land Use Board to provide an explanation as to what was amended in this Ordinance as compared to the current one on file. We have not received any explanation.

Ms. Phoebus moved to table this Ordinance Introduction until the June 25th meeting, seconded by Mr. Smith and carried unanimously.

Attorney Semrau explained that the Township Committee needs to have this information in order to address any comments from the public during the public hearing process.

ORDINANCES: INTRODUCTION (CONTINUED)

#2007-12 DEED OF EASEMENT FOR BLOCK 130/LOT 11

“AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION AND ACCEPTANCE OF AN EASEMENT FOR INGRESS/EGRESS OVER ITS PROPERTY DESIGNATED AS BLOCK 130 LOT 4”

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2007-12, 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 25, 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 – absent	Mr. Grotyohann – absent
Ms. Phoebus – yes	Mr. Smith – yes
Mayor Walsh – yes	

#R2007-99 2007 SALARY RESOLUTION

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

#R2007-100 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY ADVISING THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL OF NO OBJECTION TO THE ISSUING OF THE CONFLICT OF INTEREST LICENSE FOR THE FARMSTEAD GOLF AND COUNTRY CLUB FOR THE TERM JULY 1, 2007 THROUGH JUNE 30, 2008

Due to the lack of a voting quorum it is necessary to move this Resolution to the June 25th agenda. There was no objection to this action.

OTHER BUSINESS

ACCEPTANCE OF THE TAX COLLECTOR’S MAY REPORT - \$1,917,146.24

Mr. Smith stated he removed this report from the Consent Agenda for further discussion. He remarked that he would like to have a better understanding of what the total collected taxes for each month means in comparison to prior years, is it where we should be. Mayor Walsh added that in the report, the Tax Collector noted that there are some property owners that are delinquent and there are quite a few up for tax sale. Administrator Padula agreed to speak to the Tax Collector to expand the monthly report to include additional information regarding tax payment history for comparison.

Mr. Smith moved to accept this report as presented, seconded by Ms. Phoebus and carried unanimously.

NEW BUSINESS**OFFICE OF SMART GROWTH – PRE-PETITION MEETING**

Ms. Phoebus stated she asked that this be placed on the agenda. She, Planner McGroarty, Mr. Christodlous, Attorney Germinario, Mayor Walsh and Ms. D'Vries met and discussed that in order for Andover Township to meet our COAH demands we need to begin following the checklist for plan endorsement. She asked the Township Committee to consider a motion to start this procedure by directing Mayor Walsh to send a letter to Trenton to start the plan endorsement process. We will need this in order to meet the COAH demands and the Town Center that Trenton is mandating. Attorney Semrau stated that there is a cycle here that has been identified to the Township that we need to undertake, which is obtaining the Plan Endorsement from the Office of Smart Growth, unless we find a shortcut. He explained that the significance of a Plan Endorsement is that if you that and you make amendments to your wastewater management plan, which leads ultimately to Affordable Housing sites, this Plan Endorsement is needed. The Office of Smart Growth will take all of the planning documents, review them and all changes that are suggested and then make a determination for Plan Endorsement. Attorney Semrau recommended that the Township Committee consider this process.

Ms. Phoebus added that much of what is needed has already been obtained so the cost will be less than initially anticipated.

Ms. Phoebus moved to direct Mayor Walsh to send a letter to the Office of Smart Growth to begin the Plan Endorsement process, seconded by Mr. Smith and carried unanimously.

COMMITTEE REPORTS

MR. SMITH. He reported that the interesting thing about the moving process is watching our professionals in action, very fair, tough, but a pleasure to see them in operation. He commended Construction Official Cutler, Tax Collector Cashin and Engineer Golden.

He reported a record for website visits at 1,308, with more people finding our site throughout the country. A new section on the fire truck construction was added, you can see the actual process, as it comes together. He mentioned that there are times that people are using private email accounts for public business and he asked and encouraged those to please use the municipal account which was assigned which protects us all.

He then reported on the PARIS Grant process and we are currently behind schedule with the initial survey which should have been completed by June 8th. He stated that each department will review every record, its location, condition and how it is stored. It is a wonderful project but it will take a great deal of time.

He stated that he interviewed for police officer with Ms. Phoebus, all three candidates were excellent and all qualified. It was a unanimous decision and no one conferred with the other, all choosing the same candidate.

Mr. Smith then reported on Sanitation, adding that at his request, Robyn Hattersley is in charge with keeping a log of complaints as they come in. It was found that most of it is misunderstanding and now Waste Management is trying to be proactive and they report anything unusual to Ms. Hattersley.

COMMITTEE REPORTS (CONTINUED)

MR. SMITH. Reporting on the seniors, he and Administrator Padula are attempting to use the school computer labs to educate and assist our seniors with technical issues. He then mentioned the Reach Out Program which teams up senior citizens with younger people, assisting each other.

The Fire Department is attending the July 2nd senior citizens meeting and demonstrating safety issues, use of fire extinguishers, smoke alarms and carbon monoxide detectors.

He then discussed his Cleaner, Greener Andover Campaign and referred to our \$100. fine for littering where surrounding municipalities have a \$200. fine. He stated that he will recommend to the Ordinance Review Committee that an increase be considered for littering. He will be speaking with Chief Coleman about enforcing this Ordinance and raise awareness.

In closing, he suggested that at this point in the budget year, he would like to have a review of the municipal budget, addressing where we are, what has been spent and what is encumbered. Administrator Padula recommended that this review be done as a work session for early July.

MS. PHOEBUS. She reported that she met with Engineer Golden and Park Superintendent Rocky Gott at Kittatinny State Park to discuss the trail system that we have been discussing. Mr. Gott was very interested in the project and he will be sending a letter to the State in support of this idea. She explained that there would be four miles of railroad trails, the Lackawanna Branch which would connect Hillside Park. All easements were received but one. She added that once the trail is complete, the township has to maintain it. Mr. Gott did offer his help and gates. Mr. Smith asked what the cost would be to begin this project. Ms. Phoebus replied that he will work the numbers and advise. Mr. Gott also added that if we were able to continue with the piece that runs through the Sussex/Warren property and through Limestone, which would connect to the Paulenskill Trail which will make Trailways. The only issue with that is that it is an active train system. There is also about ¼ of a mile that is in Andover Borough that needs to be addressed.

Mayor Walsh agreed that this concept is a wonderful idea, but we have to keep in mind that we will need to be able to get emergency vehicles in along the length of the trail.

Ms. Phoebus announced that the Sussex County Planning Awards Committee is accepting applications and she asked if Hillside Park can be entered. She will proceed with the application.

She then reported on the Fire Department is having a drill at John Carafello's property on Newton-Sparta Road and they are practicing on the house that will be torn down. She also reported that tickets are being sold for the Annual Chicken BBQ, July 28th at the No. 1 Firehouse.

MAYOR WALSH. He reported that Administrator Padula advised him that they will be meeting with the NJ DEP regarding the land swap for the property off Limecrest Road and Rutherford Avenue in a couple of weeks. If the State agrees we will be trading the lands on Route 206 by the strawberry farm.

He then referred to a recent Star Ledger article about the protection of certain streams which will be protected to C-1. He added that many mayors are against this.

COMMITTEE REPORTS (CONTINUED)

MAYOR WALSH. He stated that he was invited to attend a function where he met a host of celebrities and he was introduced to Curtis Sliwa and they spoke about the gangs in this area. Mayor Walsh stated that in speaking with him he may be able to visit our high schools about this growing concern. He also spoke with Mark Levine and he was very interested to here about what is going on in Andover Township. He added that it was an unbelievable night.

REPORT FROM THE TOWNSHIP ADMINISTRATOR He read Mr. Grotyohann's and Mr. Gilsenan's reports into the record.

Mr. Grotyohann's Committee Report is as follows:

Economic Development – A business expo will be held September 22nd at the Hillside Park Barn. It will coincide with Andover Township Day.

Board of Health – Second annual meeting for the Sussex County local Board of Health members was recently held at the County. The topic was septic systems.

The next monthly meeting of the Andover Board of Health will be September 12th.

Tax Collection: \$1,917,146.24

27 Accounts are delinquent for 2006. All are eligible for tax sale.

Currently there are 143 delinquent accounts for 2007.

Mr. Gilsenan's Committee Report is as follows:

Construction Department – issued 45 building permits

Municipal Court – May - \$9,834 – Year to Date - \$56,913

Rescue Squad – May – 33; June – 11; Year to Date - 210

SWAC Meeting – Solid Waste Advisory Council

Tomorrow, June 12 at 7:30 at the County Administration Building. A workshop is planned for 6/26 at 7:30.

Administrator Padula reported that the drainage projects on Hillside and Fenner Drives are completed. Hillside is ready for the overlay, millings and pavings will be done next week. He added that the infield equipment and scoreboards should be delivered this week.

He then reported that all municipal buildings will be inspected for ways to conserve energy. There is a contractor that will do this study at no cost to the township.

At the June 5th Board of Education meeting, they approved a Pandemic and Influenza Plan, they approved next year's contract with First Student Bus Services, and last day of school is June 18th. There will be electrical work this summer at Florence M. Burd School. Their technology plan has been approved for the next three years.

He stated that FEMA is visiting Andover Township on or about July 6th. They will be reviewing the sites which were flooded during the April rainstorm.

REPORT FROM THE TOWNSHIP ADMINISTRATOR (CONTINUED) He stated that he has been in contact with the Pioneer Pole Barn contractors and they will be sending information in order to review specifications.

He reported that the municipal septic systems have been pumped.

He then reported that proposed Ordinances that are being considered is a Municipal Hotel Occupancy Tax Ordinance and Constraints Ordinance.

REPORT FROM THE MUNICIPAL ATTORNEY – DEVELOPER’S AGREEMENT Attorney Semrau mentioned the Fire Department Drill at 227 Newton-Sparta Road. This was brought to Administrator Padula’s attention late on Friday, so a phone poll of Committee members was conducted and no one had a problem with the Township authorizing the Fire Department to go on the property and take responsibility if anything should happen. He asked for a motion to memorialize the authorization given via the phone poll.

Ms. Phoebus moved to memorialize the action taken by authorizing the Fire Department to conduct a drill at 227 Newton-Sparta Road and direct the Attorney to sign the Hold Harmless Form on behalf of the Township of Andover. Motion was seconded by Mr. Smith and carried unanimously.

Attorney Semrau reported that earlier this evening the Township Committee discussed the Plan Endorsement and questions regarding the Town Center were discussed in Executive Session. The context of that discussion is more from a legal prospective and how to make sure we go forward consistent with the planning objectives and with some of the items discussed this evening such as plan endorsement. At some point the Township Committee will be presented formally with certain proposals and there will be public meetings and discussions regarding the Town Center.

With regard to Limecrest Road discussion, there is little the Township can do because this is a County road. He suggested that a letter be sent to the County putting them on notice that this is something that is going on with a County road. Mayor Walsh stated that if the County were to enlarge their pipes at that location, all the pipes along the way to Howell’s Pond would have to done. Attorney Semrau stated that besides the homeowner, if it is anyone’s responsibility, it’s the County. This letter will act as an extension to discussion this evening and what Engineer Golden has reported. There was agreement.

Attorney Semrau then reported on the Tree Ordinance and purely from a legal prospective, in the article provided by Ms. Gillespie, it states, “the debate is a constant struggle between the rights of the property owner versus the common good”. He then mentioned that there are only two cases out there and both struck down tree ordinances and that’s were when the first Tree Ordinance came before the Township Committee last summer, they did not adopt it because there were concerns expressed about the fact that this Ordinance had been stricken in Superior Court in Morris County. He added that a lot of work has gone into drafting an Ordinance but it is not as though we can just turn around and adopt one. The two Ordinances out there did not pass the test and we don’t want ours to do the same. He added that an explanation is necessary as to why the Tree Ordinance is where it is at this time.

Whenever the Tree Ordinance comes back for discussion, he and Attorney Germinario have exchanged information about cases as they have been handed down to make sure we are ready. He then mentioned that the Township Committee has directed him to begin work on the Constraints Ordinance and make that a priority.

REPORT FROM THE MUNICIPAL ATTORNEY – DEVELOPER’S AGREEMENT He then mentioned that at the last meeting, there was a point raised about a Developer’s Agreement and he explained that it comes from the Township Committee and in this case there was one last year with respect to Mulford Road. He stated that when he received it, unlike other municipalities, the format circulated was one that needed many revisions due to the fact that there was a different administration. There was a lot of input from the Planning Board Attorney and with many revisions made, a template was created which what they thought would protect the Township’s interest. It was tabled several times once it was listed for approval. Again with more assistance from the Planning Board and their attorney, he stated he then made a recommendation to the Township Committee to adopt this Developer’s Agreement.

He stated that he brings this up because both the Planning Board and Township Committee are very active and both pushing for their own concerns because that is their responsibility. Somehow, lost in the translation, there were some criticisms of the Mulford Road Agreement and it was raised by members of the Planning Board and as said, seems to be a communication issue. He then stated that the responsibility of the Developer’s Agreement is the township attorney and no one else. He remarked that he appreciates the help received. He then stated that he really does not know what the criticisms or concerns are because he stated he felt pretty good about some of the decisions made. He takes responsibility for the agreement and he thinks it is a good agreement.

He then stated that if there are any concerns to be raised and if they are raised at the Township Committee meeting, they need to be raised as a resident and if raised at the Planning Board level, it needs to be raised there and channeled over to the Township Committee.

The only thing he had to work with was the Resolution of approval and various conditions we think we can impose consistent with the law. If something is not part of the approval, he can not enforce that, and those comments can not be relevant to anything in the agreement.

Mayor Walsh thanked him for his report and stated he did not think he had to apologize for anything.

NEXT SCHEDULED MEETINGS:

**Monday, June 25, 2007 6:30 p.m.
Regular Meeting 7:30 p.m.**

**Monday, July 09, 2007 Cancelled
Due to Summer Schedule –Decision was made to keep this
meeting scheduled at this time if a work session is
necessary.**

**Monday, July 23, 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 8:58 P.M., seconded by Mr. Smith 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 11th day of June 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. Limecrest Road**
 - 2. Town Centers Legal Issues**
 - 3.**
 - 4.**
- () b. (8) Personnel matters.
 - 1. Police Personnel**
- () 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.
