

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

**AUGUST 13, 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 6:38 P.M. by Mayor Walsh, followed by a salute to the flag.

ROLL CALL: Present: Mr. Gilsenan, Ms. Phoebus,
Mr. Smith, Mayor Walsh
Also present: Administrator Padula, Attorney Semrau
Those absent: Mr. Grotyohann (arrived at 7:18)

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. ***S. Padula, Township Administrator***

Attorney-Client Privilege:

1. ***Affordable Housing Issues***
2. ***Potential Town Center Projects***
3. ***Lakeview Ridge at Andover***
4. ***Brecia Court***
5. ***Possible Violation of the Law***

Possible Litigation

1. ***30 Lenape Avenue***, was carried unanimously.

(See Insert Attached to These Minutes)

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

Mayor Walsh announced there will be a second Executive Session following the Regular meeting for items that were not reached.

REGULAR MEETING

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

UNDER RESOLUTIONS: #10. #R2007-126 – To File Application with the NJDOT for Municipal Aid for Perona Road in the Amount of \$150,000. Attorney Semrau asked if Resolution #R2007-119 could be removed from the Consent Agenda to be voted on separately. Ms. Phoebus moved to approve the agenda as amended, seconded by Mr. Smith and carried unanimously.

APPROVAL OF CONSENT AGENDA ITEMS 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)

ACCEPTANCE OF THE TAX COLLECTOR'S JULY REPORT - \$1,275,199.85

APPROVAL OF RAFFLE LICENSES – ARC OF SUSSEX COUNTY – TO BE HELD SEPTEMBER 19, 2007 AT PERONA FARMS 8:00 P.M.

- A) ***R.L. 790 ON-PREMISE MERCHANDISE RAFFLE***
- B) ***R.L. 791 ON-PREMISE MERCHANDISE RAFFLE***
- C) ***R.L. 792 ON-PREMISE 50/50 RAFFLE***

APPROVAL OF ON-PREMISE 50/50 RAFFLE LICENSES R.L. 794 – SAMARITAN INN TO BE HELD ON SEPTEMBER 16, 2007 FROM 3:00 P.M. TO 6:00 P.M.

***RESOLUTIONS:**

#R2007-115 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO REQUEST THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF A \$3,938.48 CLICK IT OR TICKET TRAFFIC SAFETY GRANT IN THE 2007 MUNICIPAL BUDGET

#R2007-116 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO REQUEST THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF A \$732.82 CHILD PASSENGER SAFETY EDUCATION GRANT IN THE 2007 MUNICIPAL BUDGET

#R2007-117 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO REQUEST THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF A \$300.00 SAFE KIDS NORTHERN NJ GRANT IN THE 2007 MUNICIPAL BUDGET

APPROVAL OF CONSENT AGENDA (CONTINUED)

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

#R2007-118 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO REQUEST THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF A \$1,000.00 SUMMER BICYCLE HELMET & CHILD PASSENGER SEAT INSPECTIONS GRANT FROM WALMART IN THE 2007 MUNICIPAL BUDGET

#R2007-120 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 ONE STORAGE SHED/POLE BUILDING TO PIONEER POLE BUILDINGS, INC.

(Attorney Semrau stated this Resolution shall be subject to receipt of corrected Consent of Surety)

#R2007-121 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO SUPPORT THE "OVER THE LIMIT UNDER ARREST 2007 CRACKDOWN" CAMPAIGN FROM AUGUST 17TH THROUGH SEPTEMBER 03RD 2007

#R2007-122 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY APPROVING THE TERMS OF A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT WITH THE LOCAL 427, IUE-CWA, AFL-CIO (DPW)

#R2007-123 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE PRIVATE SALE OF PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE

#R2007-126 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE FILING OF THE NJDOT MUNICIPAL AID APPLICATION FOR PERONA ROAD – PHASE I IN THE AMOUNT OF \$150,000.

(See Inserts Attached to These Minutes)

***CONSENT AGENDA: (CONTINUED)**

***APPROVAL OF MINUTES**

**JULY 16, 2007 SPECIAL MEETING
JULY 16, 2007 EXECUTIVE SESSION**

REGULAR AGENDA

RESOLUTIONS:

#R2007-119 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE, NUNC PRO TUNC, THE ISSUANCE OF A FIREWORKS DISPLAY PERMIT TO APPLICANT “CELEBRATION FIREWORKS” OF EMMAUS PENNSYLVANIA, ON THE PERONA FARMS PROPERTY

Mr. Smith moved to adopt this Resolution as presented, seconded by Mr. Gilsenan. Roll call vote:

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

(See Insert Attached to These Minutes)

REPORT FROM THE FIRE CHIEF Fire Chief Danielson reported for the month of July, there were 8 activated fire alarms, 1 fundraising drill, 1 hazardous materials call, 1 liquid propane gas incident, 1 drill, 2 landing zones, 4 motor vehicle accidents, 1 smoke condition, 1 standby out of town, 1 structure fire, and 1 downed power line. There were 28 calls for the month, year to date there were 223 calls and 3,792 man-hours. For the month of July there were 500.9 hours.

He reported that the new fire truck was delivered and he thanked the Township Committee adding that they have been fantastic through the process and the department appreciates their support.

He added that the department attended the Byram Fire Department’s Wetdown and he distributed photos taken of Mayor Walsh who participated in this event. He stated that the pictures will be available on the website.

The annual golf outing is scheduled for August 29th.

The Wetdown for the Andover Township vehicles is scheduled for August 18th beginning at 5:00 at firehouse no. 1.

Mayor Walsh stated that immediately following the Wetdown, there was a alarm and he watched first hand, Debbie Danielson respond into action as an EMT due to an accident. He expressed what an impressive job these volunteers do, adding it was incredible to see.

PRESENTATIONS**FRANK COVELLI, PROFESSIONAL INSURANCE ASSOCIATES****Delta Dental Insurance Coverage**

Mr. Covelli stated that he provides service as Risk Manager for a number of municipalities and his purpose this evening is to address moving the administration of the Delta Dental coverage to the North Jersey HIF. He explained there are 13 municipalities in Morris, Sussex and Warren Counties that belong to this Fund. He provided a letter from Delta Dental stating that they will provide the same benefit, guaranteeing equal or better plan design. He further explained that coverage through the HIF will provide a reduction in premium of about \$6,200.00. He stressed that the coverage is identical and the only thing the employee will have to do is complete a new enrollment form. The premium will be paid to PERMA. Mr. Smith asked about future premium rates. Mr. Covelli stated that future premiums are based on the municipality's experience.

Mr. Covelli added while examining the dental, there was a review of the medical as well but he stated that the State Health Benefits Plan is being restructured and we will be best served by waiting to see how it will play out. The State is holding their rates and the determination will be complete by April 2008. He also stressed that the Township is not obligated to do anything more than dental and also not obligated to even remain with the HIF. The details are outlined in the agreement.

Following this discussion it was decided for Mr. Covelli to meet with representatives from the bargaining units to explain this potential change and if they are in agreement, the Township Committee would consider a Resolution and execution of the agreement at the September 10th meeting.

CHUCK MCGROARTY – NEW C-1 REGULATIONS

Township Planner McGroarty stated that the impact on these new proposed regulations were mapped out on the aerial and he identified areas by color. The area in green is the area already in the C-1 Classification. There were two areas identified in red because they are not sure if this area will be impacted. There are two sets of rules; there is the surface water quality rules proposed and rules for stormwater management. Under those rules, a body of water which is upstream from a C-1 body will likewise receive that classification.

He stated he looked at the three areas and two by the golf course and Lake Iliff and these areas will have the enhanced buffer which will reduce developable areas. He stated that he is not sure about Stickles Pond and if that qualifies, it will affect development in that area also.

Planner McGroarty stated he recently met with representatives from Toll Brothers who are interested in the old cement factory site. That plan would be contingent upon agreement with Andover Borough. It is not as severe in this area.

Attorney Semrau reminded everyone that the comment period expires August 20th. In order to provide an avenue for residents to make their comments known, a link will be placed on the municipal website.

He stated he has spoken with the NJDEP and these proposals do not preclude the Township moving ahead if it chooses to.

PRESENTATIONS (CONTINUED)**CHUCK MCGROARTY – NEW C-1 REGULATIONS**

Ms. Phoebus remarked that the 300 foot marker is measured from the banks of the stream in either direction adding that nothing will be allowed except stream maintenance. If improvements are made prior to the adoption of the new regulations, she asked if we would be entitled to continue. The answer was “yes”. He added that you can seek to reduce the buffer to 150 feet, but stringent criteria that would have to be met.

Mr. Smith asked if you can replace an existing boat dock. Planner McGroarty replied that he thought we could, but he would have to look into this further. Mr. Smith then asked if there is a timeline or project plan on this. He replied that we can not do an update to the Master Plan until we know what the COAH situation is because the 2005 plan anticipated a Transit Village and Borough Expansion. All those plans will generate affordable housing and the housing element that was adopted was met with a response from COAH stating that we have to show that this is realistic and he stated that they're not. COAH's position is they are not going to give the township Substantive Certification. He then suggested that the township begin projects that are good projects.

Resident Carla Kostelnik stated how the C-1 designation will affect her property. Resident Anthony Massaro voiced his concerns if this stream designation is adopted.

Mayor Walsh asked Planner McGroarty to find out how many developable acres this designation will take out of the equation for Andover Township. He replied that all unlisted lakes are rated a “5” most of the lakes he identified this evening are affected.

OPEN TO THE PUBLIC Lois de Vries stated that several weeks ago Mr. Grottyhann had asked her to give examples as to how the Township Committee had not behaved appropriately to her. She said she addressed some at the last meeting. She added that several incidents have happened since lead her to believe that telling the Committee of she has to say is an exercise in futility but she felt the question deserved an answer. She apologized to those members she may paint with the same brush.

She stated that since the beginning of 2007 she has been subjected to lack of respect, attempts of intimidation, political reprisals and interference with the performance of her official duties. She then gave examples of situations regarding her dealings with the Township Administrator and other municipal staff. She stated there was an instance where her request to have an item placed on the meeting agenda was blocked and she added that anyone can request to have an item placed on the agenda.

Ms. de Vries stated there was an issue with the Environmental Commission's recommendation to appoint a new member. She remarked that all other committees may recommend anyone for any appointment but not her commission.

She stated that it has been brought to her attention that remarks had been made by members of this committee that she spends too much time in the conference room, and she assured them that if she is in the conference room she is either in a sub-committee meeting or doing research.

She then commented on the actions that took place at the June 27th Land Use Board meeting where she felt Mayor Walsh attempted to interfere in the execution of her official duties. She then remarked on the resolution adopted by the Land Use Board abolishing the sub-committees which she stated this action was not based on typical land use law or township ordinances. In closing, she stated that she takes these attacks very personally.

OPEN TO THE PUBLIC (CONTINUED) Mayor Walsh in response to these comments, he addressed the issue of appointments to the Environmental Commission stating that those appointments are mayoral and there is a process in which they did not follow. He added, in end, the Commission received the member that they recommended. She replied that the member was appointed as an Alternate and the Commission wanted him appointed as a Regular Member.

Ms. Phoebus remarked about the Tree Ordinance and she stated she thought that the effort was being placed on drafting a Constraints Ordinance and Mayor Walsh agreed, adding that a Constraints Ordinance will address all environmental issues. She added that she visited Ballantine Road and there is nothing that can be done. She urged everyone to see how many trees have been planted in Andover Township over the years. She asked people to take a look at the old aerial photographs and compare them to the current maps. Mr. Crane added that Ballantine Road was moved three feet in order to save more trees.

Vic Capo, Victoria Pines Road asked if the packaged sewerage treatment plant needs to be in municipal service area. The answer was yes. He then asked about the Beazer Homes project in Andover Borough, asked how that planning effects ours. Planner McGroarty replied that we are not obligated to plan our future based on what another municipality does, but the Transit Village and expansion of Limecrest Road would depend on the Beazer Home project. He added that it is always good for two or more municipalities to work together. Attorney Semrau stated that the Township Committee has already adopted a Resolution in support of the Borough's position in respect to the Beazer Homes Project.

Diane Gillespie of the Environmental Commission invited all to a Joint meeting with the Open Space Committee on September 6th at 7:30 in the municipal building, to be presented by ANJEC. The topic discussed will be Open Space Stewardship, How to Better Manage Your Towns Open Space, establishing environmentally sound trails network and deal with invasive species and restore habitat. She urged all to attend.

Resident Diane Gillespie, 115 Andover-Mohawk Road, spoke in regards to the Tree Ordinance and about two weeks ago there was a meeting with Mr. Gilsenan, Fred Gillespie, Lois de Vries and herself met with Deputy Mayor Conklin from Green Township. Feeling that trees should be protected, the proposed Ordinance has been in limbo for two years. She asked every committee member if they read the Tree Ordinance. With Ms. Phoebus abstaining, everyone else had read the Ordinance. She asked if there is anything wrong with it besides the fact that it is too long.

Attorney Semrau stated that he and Land Use Attorney Germinario have discussed this issue and the priority list is the affordable housing and members of the Planning Board, the Planner with members of the Township Committee and Attorney Germinario, there was a long range goal to put together a Constraints Ordinance which would have the most significant impact. He recalled that earlier this year, Mayor Walsh, Ms. Phoebus, Mr. Christodlous and himself this proposed Ordinance. He added that the Township Committee has hired an engineer who has testified in Court with Planners to look at this before hand. The Planners, members of the Planning Board, Engineer Golden brought in another version. It has yet to reach the Township Committee. For discussion purposes, he stated he was asked to try to incorporate a limestone type ordinance in order to address other concerns. He stated that these were his instructions.

Ms. Gillespie stated that the old growth trees that were taken down on Ballantine Road will never be replaced. She added that she is not done with the Tree Ordinance. Resident Carla Kostelnik stated that an Ordinance can only be successful when it is attached to the Master Plan and it is done right and logical and the final analysis it has to fit the town's plan.

Resident Irene Christodlous remarked that the Town Council is there to serve the public's needs and hostility is counter-productive.

OPEN TO THE PUBLIC (CONTINUED) Various remarks and comments were made by members of the governing body and certain individuals in the audience.

Land Use Board member Gerald Huelbig stated he sat on the both the old and new Land Use Boards and as such he took the required course and during that course members are told that they should not has pre-set notions and must remain unbiased. The biased members have attached our professionals when they give their report because they did not agree with them. There is one thing when it is research and bring a certain expertise to the board and another to come with their own agenda and have an ultimate goal.

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

ORDINANCES: PUBLIC HEARING

#2007-13 BOND ORDINANCE

“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$525,250 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$498,820 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”

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

Michael Crane questioned the funds designated for RCA's in the amount of \$350,000. He asked about the period of usefulness. Attorney Semrau explained that we have to attach an estimated useful life to a project and in this case, it is estimated by Bond Counsel that within a six year period this would be appropriated and utilized. Planner McGroarty explained that the Township can not enter into a RCA with another municipality at the moment because the rules are suspended. Mayor Walsh stated that this will be discussed in Executive Session, but we will look to purchase property with some of these funds and build units for COAH contribution. If we build the units and turn it over to a non-profit, we can double our credits.

Mr. Crane asked about the diesel truck for the DPW and Mayor Walsh remarked that we need to replace one vehicle a year for the next couple of years. He added that we are bidding for a stainless body which cost a bit more in the beginning but last much longer.

He then asked Chief Coleman about the repeater radio system and he explained how the radio works.

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 July 23, 2007, was advertised according to the law and was brought before the public for final consideration. There being no objections, Mr. Gilsenan 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: PUBLIC HEARING (CONTINUED)**#2007-14 TO AMEND CHAPTER 10 "VEHICLES AND TRAFFIC"
"SPEED LIMITS" – DRAKE MANOR*****"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING CHAPTER 10, "VEHICLES AND TRAFFIC," SECTION 19, "SPEED LIMITS" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ANDOVER TO REDUCE THE SPEED LIMIT ON CERTAIN ROADWAYS"***

Because Mayor Walsh resides on one of the roads mentioned in the foregoing Ordinance, he stepped down from the dais and Deputy Mayor Grotyohann presided over this portion of the meeting.

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

Diana Boyce asked if other roads are going to be considered for speed limit reduction in the future. Chief Coleman explained that Traffic Safety Officer Steve Murrell will be reviewing the entire municipality. Officer Murrell was present and he explained the process used in determining the proper speed limit for a roadway. Chief Coleman explained that speed limit on County roads is determined by the County.

Attorney Semrau advised the Township Committee that the Engineer's Certification along with Officer Murrell's report will be sent to the Department of Transportation along with the Ordinance. Once they approve the Ordinance, the speed limit on these roads can be reduced.

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 July 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. Gilseman – yes	Mr. Grotyohann – yes
Ms. Phoebus – yes	Mr. Smith – yes

At this time, Mayor Walsh joined the Township Committee on the dais.

ORDINANCES: INTRODUCTION**#2007-15 TO AMEND CHAPTER 82 "LITTERING"*****"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 82, "LITTERING" OF THE REVISED GENERAL ORDINANCES"***

ORDINANCES: INTRODUCTION (CONTINUED)**#2007-15 TO AMEND CHAPTER 82 "LITTERING"**

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2007-15, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on September 10, 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	

#2007-16 INCREASE MAXIMUM FINE FOR VIOLATIONS

"AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO INCREASE THE MAXIMUM FINE FOR VIOLATIONS OF THE MUNICIPAL CODE"

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2007-16, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on September 10, 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	

RESOLUTIONS**#R2007-124 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AWARDED BID OF ONE (1) PLENARY RETAIL DISTRIBUTION LICENSE TO JAMES TOBIN**

Attorney Semrau explained that the NJABC requires that the process be done with two separate Resolutions. This one awards the bid and the following will award the license. Mr. Grotyohann moved to open discussion of this Resolution to the public, seconded by Mr. Smith: Roll call vote:

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

Hearing no comments from the public, Mr. Grotyohann moved to close the public hearing, seconded by Mr. Smith. Roll call vote:

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

RESOLUTIONS (CONTINUED)

#R2007-124 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AWARDING BID OF ONE (1) PLENARY RETAIL DISTRIBUTION LICENSE TO JAMES TOBIN

Mr. Gilsenan moved to adopt the foregoing Resolution as presented, seconded by Mr. Smith. Roll call vote:

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

(See Insert Attached to These Minutes)

#R2007-125 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY APPROVING THE ISSUANCE OF ONE (1) PLENARY RETAIL DISTRIBUTION LICENSE

Mr. Smith moved to open discussion of this Resolution to the public, seconded by Mr. Gilsenan. Roll call vote:

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

Hearing no comments from the public, Mr. Grotyohann moved to close the public hearing, seconded by Mr. Smith. Roll call vote:

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

(See Insert Attached to These Minutes)

OTHER BUSINESS

**APPROVAL OF RAFFLE LICENSE R.L. 793 – ON PREMISE MERCHANDISE
OUR HOUSE FOUNDATION, INC. – TO BE HELD ON SEPTEMBER 5, 2007
AT THE FARMSTEAD GOLF & COUNTRY CLUB FROM 10:00 A.M. TO 8:00 P.M.**

Mr. Grotyohann moved to approve the foregoing Raffle License, seconded by Mr. Smith. 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 the recent Environmental Commission meeting had been canceled, the next meeting scheduled for September 6th, which is the Joint Meeting with the Open Space Committee.

Municipal Court finance report for the month of July shows the receipt of \$19,786.00 and \$8,726.87 was paid to the Township. Year to date we received \$45,988.00. The Building Department's finance report shows \$6,661.00, electrical fees \$1,510.00, plumbing \$1,796.00, fire \$775.00 for a total of \$11,861.00.

He mentioned the Tree Ordinance and he reached out to Fredon, Lafayette and Green Townships and he met with Deputy Mayor Conklin from Green. They are using conservation easements and driveway and soil erosion ordinances which they use to control clear cutting of trees. He stated that in his opinion it is working for these towns and it might be a good place to start. He added we should have other municipalities test the legal system otherwise a lot of money will be wasted if we are the first ones to attempt to enforce a Tree Ordinance. He thought we should have another municipality test a Tree Ordinance to see if it works. He reiterated that the conservation easements and driveway and soil erosion ordinances is a good place to start.

He reported that he took photos of the Grist Mill and the Iron Master's House and sent them to a friend who is an architect for feedback on the period style of the 1700 and 1800's for use in the Town Center.

MR. SMITH. He reported that the website visits totaled 1,246. The website showed pictures of the new Fire Department brush truck bought by them. He stated that all building permits and instructions are now available on the website. The next addition will be the employment application.

He stated that four new email addresses were added to the directory. There are now 48 mailboxes. Regular monthly maintenance was performed earlier today and there were no major problems. The only issue standing is that it is an extremely old server and it needs upgrading. The capacity is getting weaker and response time is slow. Officials from MSI will be looking into options in order to upgrade the server and the cost involved.

The Seniors requested a banner for their various functions and meetings and the township provided that for them, special thanks to Chief Coleman for helping out with that. There was a presentation at the last Seniors' meeting and Chief Coleman, Sgt. Tagliatela and Officer Mosner gave a talk on security and safety. Lunch was also provided by them.

He reported on the Paris Grant status and he stated that four towns have received their first assessment and we should be receiving our very shortly.

Mr. Smith reported that there was a resignation in the Building Department and there was not much time for training, so he has learned the system in order to assist at anytime necessary. Karen Reed was transferred to that department, only working a short time in the tax office, creating a savings in salary by handling the replacement employee in this manner.

He stated he is making progress on the time reporting system, moving slowly due to distractions. It may be available within a month's time. This is a better way of tracking employees time and leave requests.

The overhead projector he was looking at was priced at \$2,000 and he found another at \$700 and we are in the process of placing the order.

COMMITTEE REPORTS: (CONTINUED)

MR. GROTYOHANN. Due to vacation, the report is short but he stated that the Board of Health does not meeting in the summer months and will resume in September. He added that he and Administrator Padula have begun working on the 2008 budget.

MS. PHOEBUS. She stated that she received news that the Trail System was denied by the State because the grants are being offered to more "towny" towns. She added that if the trails were placed in a town center, it would be granted. They felt it was more recreational. Recreation meeting is tomorrow evening and they are planning Andover Township Day, September 22nd. Mr. Grotyohann has the Business Expo planned for the event.

She reported that the Fire Department took possession of their new fire truck along with the brush truck purchased with their own funds. The Wetdown is this Saturday. She also reported on the golf outing.

Dan Freed reported on the Open Space Committee and he stated they are in the process of finalizing an application to the County for Lake Iliff Access. It seems that this project was very well received by the County.

MAYOR WALSH. He reported on COAH which will be discussed later this evening in Executive Session. He and Attorney Semrau will explain further on some property that we might try to acquire in order to build COAH units. He stated he contacted Carla Turco on some of the Mews property if we can attempt to rehabilitate those buildings.

He mentioned that we are in the middle of labor negotiations with the Police Department.

He then asked if Planner McGroarty can make it, there will be a meeting on Thursday with the County Administrator.

REPORT FROM THE CHIEF OF POLICE He reported that as of today, 10,132 calls year to date, 6,369 for Andover Township, 216 for Andover Borough, 3,187 for Hamburg and 360 for Green.

He then reported on the grants the department has been working on as evidence by this evening's agenda. They completed the aggressive driving program and they will begin the DWI program. He spoke about the program provided to the Seniors, adding they were well received. There was discussion regarding on the ongoing scams including identity thefts and mail fraud. He urged all not to offer any information to anyone.

REPORT FROM THE MUNICIPAL ATTORNEY - *Plan Endorsement Update* He remarked about statements made earlier this evening and he voiced his experience in the time he has worked here no know has ever asked him to do anything for a political reason. He mentioned how hard working everyone is. He stated he has had all positive experiences with input from everyone.

REPORT FROM THE MUNICIPAL ATTORNEY - *Plan Endorsement Update* (CONTINUED)

He reported that in the McGowan vs. Andover case, this involved a request for a treatment works approval and the Township Committee took the recommendation of the Environmental Commission and the engineer to deny their application. This case has been dismissed in the Township's favor.

In the Andover vs. Hook litigation, he reported that although there are some issues remaining, the contractor was forced to make the necessary improvements and repave the road. There is an Executive Session discussion remaining for those outstanding items.

He reported that the final resolutions have been adopted for the new retail distribution liquor license, which will solidify the \$226,000 received for this bid.

The Littering and Maximum Fines Ordinances are introduced and scheduled for public hearing on September 10th.

He is working on the cell tower bid specifications which will be out for bid in the coming weeks.

Attorney Semrau spoke about the Town Center Projects which is on for Executive Session and he stated it is important to distinguish that when this item is discussed in closed session it is to address items that are essentially from a negotiations standpoint. No decisions will ever be made without the public's, planning board's and planner's input, and ultimately, the Township Committee makes a decision.

He then asked the Township Committee that what he heard earlier this evening from Mr. Gilsean to set aside the Tree Ordinance and go forward with a driveway and soil erosion Ordinance and those items he identified. The Township Committee agreed to have Attorney Semrau review those two Ordinances as well as the Constraints Ordinance.

He then remarked on discussion this evening on planning board issues stating that they are spilling over to the Township Committee meeting. He commented that if there are any concerns regarding a planning board meeting, a concern about a bias, from a legal prospective, the planning board is quasi-judicial and autonomous when considering applications. The public has a right to bring up anything issue they wish, but the activities and actions that occur during a planning board meeting should be brought up before the planning board. The other members of the planning board are not hearing these discussions.

Regarding the Plan Endorsement, he then stated that there is a proposal by Engineer Golden and the Township needs to make a financial commitment to this process. There is concern by Planner McGroarty because he has started the process. Planner McGroarty stated he is still trying to figure out what a sensible budget would be. He stated that it is a multi-phased budget and we cant get past the second phase. The remainder will be guesswork. He will be putting a proposal together along with the guidelines for the Committee's review.

Attorney Semrau stated that he wants to make the Township Committee aware that there will be some type of budgetary requirement and perhaps after the first meeting there will be a better understanding what is involved from a budgetary standpoint and why.

REPORT FROM THE TOWNSHIP ADMINISTRATOR He reported there was a meeting with FEMA representatives on August 2nd. On August 7th, Mr. Smith, Ms. Phoebus and he met with a representative from JCP&L. They are going to begin construction on the new substation on Limecrest Road in late October or early November. A new contract agreement has been reached with the DPW for 2008.

The bid opening for the pole barn was held on August 8th. The tax sale will be held on October 2nd. Currently there are 17 properties that are listed for sale.

The county auction is scheduled for September in Sparta with vehicles and equipment available for sale.

Reporting on the Board of Education, they are in the middle of their audit. The State may eliminate the school construction corporation.

On August 1st he met with Risk Manager Sgalia and he is asking for JIF renewal for the 2008 year. He explained that there is currently a three year contract in place; this is for a one year approval. There seemed to be a bit of confusion and Attorney Semrau stated that because he is involved with JIF, he suggested Administrator Padula contact the JIF office for clarification.

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

Personnel Matters:

1. ***S. Padula, Township Administrator***

Attorney-Client Privilege:

1. ***Affordable Housing Issues***
2. ***Potential Town Center Projects***
5. ***Possible Violation of the Law***, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 10:32 P.M. Mayor Walsh announced there will be no formal action taken following this Executive Session.

RECESS CALLED AT 10:33 P.M.

EXECUTIVE SESSION RESUMED AT 10:45 P.M.

Ms. Phoebus moved to adjourn executive session at 12:48 A.M., August 14, 2007 seconded by Mr. Gilsenan and carried unanimously.

NEXT SCHEDULED MEETINGS:

**August 27, 2007 Cancelled
Due to Summer Schedule**

**September 10, 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 12:49 A.M., August 14, 2007 seconded by Mr. Smith and carried unanimously.

Respectfully submitted,

Tom Walsh, Mayor

Vita Thompson, R.M.C.
Municipal Clerk

