

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

SPECIAL MEETING

OCTOBER 02, 2007

6:30 P.M.

CALL TO ORDER The special meeting of the Andover Township Committee was called to order at 6:51 P.M. by Mayor Walsh, followed by a salute to the flag.

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

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

SUNSHINE NOTICE: This Special Meeting was called pursuant to the provisions of the Open Public Meetings Law. Notices of this meeting were electronically sent to the New Jersey Herald, The Star Ledger and the Daily Record and by filing same with the Township Clerk. In addition, copies of notices were posted in the Municipal Building.

Attorney Semrau explained that personnel interviews for employment positions but often governing bodies will break out into personnel/hiring committees and therefore eliminate a public type interview. Under these circumstances, unless a candidate has something personal to convey or if they are in a position that they are concerned if they interview for this position, it may jeopardize a current position, he stated he sees nothing wrong with keeping the interviews in the public portion of the meeting. Unless we were at the point of an actual contract negotiation such as salary demands, that if discussed publicly, another candidate would be aware of this information and hurt future employment because it is a matter of public record. At that point, he suggested the Township Committee can then move to go into Executive Session.

Attorney Semrau stated that he spoke to the candidates and asked if any of them had any present employment that would be jeopardized by a public interview and they all replied that had no problem.

PUBLIC COMMENTS Resident Diane Gillespie had several items for discussion. She mentioned that Land Use and Township Committee minutes on the website have not been updated since May. Mr. Smith stated that he posts everything he receives. Mayor Walsh asked Municipal Clerk Thompson to look into this matter and make sure the minutes are current.

Next she informed the Township Committee that a sign was erected on Ballantine Road advising that the road will be closed from October 1st through December 1st from 8:30 to 4:30. No one on the Township Committee was aware of this matter and following a short discussion Mayor Walsh stated that he will check with Engineer Golden.

PUBLIC COMMENTS (CONTINUED) She then stated that in a recent newspaper article reporting on a trial held in Newton and two of our police officers, one retired, testified that the police turned a blind eye when people use ATVs and snowmobiles in the park and recreation fields. She remarked that she hopes this practice no longer exists and our police are enforcing the Ordinances on the books. Mayor Walsh stated he also read this article and when Chief Coleman returns from vacation he will meet with him to discuss this issue.

Ms. Gillespie remarked about the last meeting when Ms. Phoebus suggested that discussion regarding the Plan Endorsement should be an issue for the Work Shop agenda. She stated that she did not feel that this discussion should be held during a Work Shop. She then stated in reading an article about Kinnelon Borough, adding that what she is about to mention is not a personal attack on anyone sitting on the dais. She stated she just learned that elected members of the Township Committee are entitled to health benefits and this seems to be a huge debate across the State. She further stated through her research she found that municipalities that do not have administrators, each member of the governing body serves in that capacity with a specific job responsibility receive health benefits. Ms. Gillespie added that though this is a nice perk, she stated she does not know if this town can continue this practice in the future. She suggested that this issue would be a good topic for a Work Shop Agenda.

Lois de Vries commented that she attempted to have something sent to Mr. Smith from the building last week and was told that no staff is permitted to contact him. Mayor Walsh stated that is totally untrue. Mayor Walsh stated he spoke with the employee who made that statement and she told him she was kidding. Attorney Semrau stated that with respect to this incident he received a call from Mr. Smith and he called the municipal building to make sure that wasn't the case. It appears that it was a misunderstanding and that was relayed. Mr. Gilseman remarked that he felt that Mr. Smith was tired and suggested that he take a week off. He added that was for the week previous. Attorney Semrau stated that the issue is just a misunderstanding and it was suggested that Mr. Smith take break for all the time he had put in. He added that a memorandum was sent and it was with consensus of the Committee it is perfectly legal to do so. Mayor Walsh explained that without an administrator everyone was contacting Mr. Smith and the memorandum stated for employees to contact their liaison.

Ms. de Vries asked if the Township Committee would consider taking input from the public regarding the administrator's position. Mayor Walsh asked the Township Committee for their opinion to this request. Mr. Grotzmann replied request denied, Mr. Gilseman remarked he had no problem as did Mr. Smith. Ms. Phoebus stated that Mr. Padula was interviewed by her and Mr. Webster, as the interview committee. The biggest issue at that time was the salary of \$26,000.00 which was all that was available in the budget. That limited the applicants for the position. Mayor Walsh stated he is against the public having input in the interview process.

Resident Fred Gillespie questioned some of the issues that had taken place over the years in Andover Township such as opting out of the Highlands, lot averaging, arrears and COAH obligations, COAH application for Round Three which was determined to be unacceptable based on assumptions and not on facts. He stated that when he thinks of those items he stated he gets the feeling that the thought of builders' remedies would have solved all these problems. Mr. Gillespie asked a presenter at one time if there are municipalities who did not follow through with COAH obligations so that there would be builders' remedies and he responded "yes". He added that the current governing body had nothing to do with these issues.

PUBLIC COMMENTS (CONTINUED) Ms. Phoebus explained that is why she wanted the Plan Endorsement discussion to be held during a Work Shop meeting because it is a huge undertaking for this municipality and basically for all municipalities in the State. She added that a lot of what a municipality does is driven by Trenton and she had no idea how much until she began involved.

Ms. Gillespie asked Attorney Semrau if the previous administration be held accountable for not fulfilling the obligations that they were mandated to do. Attorney Semrau explained that the municipal work he does is with municipalities that strive to protect the environment and he has defended a number of large lot zoning decisions by municipalities as well as similar type ordinances to protect the environment. He said what really concerns him there were many things that just weren't done and he can't say why but no matter what this is an overriding concern. The past practices would need to be reviewed in order to ascertain why decisions were made and why certain responsibilities and requirements were not meant. He stated that if they were the ones who gave advice and made recommendations or knew there were certain requirements and these issues were not addressed, the responsibility falls with the prior committee. If the advice was never given, it then falls on the professionals.

Mayor Walsh stated that over 1 ½ years ago he stood here every other month and asked the previous governing body to adopt COAH ordinances and he was ignored each time.

Hearing nothing further, Mayor Walsh closed the public portion.

APPROVAL OF AGENDA Ms. Phoebus moved to approve the agenda as presented, seconded by Mr. Gilsenan and carried unanimously.

INTERVIEWS FOR INTERIM TOWNSHIP ADMINISTRATOR

KEVIN WALSH. At this time, Mr. Walsh entered the meeting room and was told that at any time he felt that an answer is more personal in nature or may prejudice him in any way, and then the Township Committee would motion for Executive Session for that type of discussion.

The interview began with a series of five questions from each Committee member and in closing ending with a sequence of questioning from Mr. Smith.

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

Contract Negotiations – Interviews for Interim Township Administrator, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 7:57 P.M. Ms. Phoebus moved to adjourn executive session at 8:00 P.M., seconded by Mr. Gilsenan and carried unanimously.

REGULAR AGENDA

INTERVIEWS FOR INTERIM TOWNSHIP ADMINISTRATOR (CONTINUED)

JAYME ALFANO. Attorney Semrau advised Ms. Alfano that that at any time she felt that an answer is more personal in nature or may prejudice her in any way, then the Township Committee would motion for Executive Session for that type of discussion.

Once again, this interview began with a series of five questions from each Committee member and closing with questioning from Mr. Smith.

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

Contract Negotiations – Interviews for Interim Township Administrator, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 8:00 P.M. Ms. Phoebus moved to adjourn executive session at 8:36 P.M., seconded by Mr. Smith and carried unanimously.

REGULAR AGENDA

INTERVIEWS FOR INTERIM TOWNSHIP ADMINISTRATOR (CONTINUED)

MICHAEL CRANE. Attorney Semrau advised Ms. Alfano that that at any time he felt that an answer is more personal in nature or may prejudice him in any way, then the Township Committee would motion for Executive Session for that type of discussion.

As before, each Committee member asked a series of five questions during this interview process.

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

Contract Negotiations – Interviews for Interim Township Administrator.

Attorney Semrau asked before the roll call, Mr. Crane is the last candidate to be interviewed this evening. He asked if the Township Committee will take action when returning to the open session. Mayor Walsh stated that they may take action. Following this comment, the motion was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 9:31 P.M. Ms. Phoebus moved to adjourn executive session at 10:35 P.M., seconded by Mr. Smith and carried unanimously.

REGULAR AGENDA

Mayor Walsh explained that the interview process will continue at this time. Two committee members have been appointed to a sub-committee in order to contact the applicants. There may be formal action taken at the next meeting but not at this time.

ADJOURNMENT No further business appearing before the Committee at this time, Ms. Phoebus moved the meeting be adjourned at 10:38 P.M., seconded by Mr. Smith and carried unanimously.

Respectfully submitted,

Tom Walsh, Mayor

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