

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

**OCTOBER 09, 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 6:46 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: Attorney Semrau

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

EXECUTIVE SESSION: Mayor Walsh asked that the Executive Session agenda be amended to include under Contract Negotiations – 2. Interim Township Administrator and 3. Police Dispatcher Contract.

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

Personnel Matters

None

Contract Negotiations

- 1. DPW Contract***
- 2. Interim Township Administrator***
- 3. Police Dispatcher Contract***

Attorney-Client Privilege

Possible Litigation

- 1. Possible Violation of the Law***

Pending Litigation

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

The Committee went into executive session at 6:47 P.M. Ms. Phoebus moved to adjourn executive session at 8:03 P.M., seconded by Mr. Grotyohann and carried unanimously.

REGULAR MEETING

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

*UNDER CONSENT AGENDA

*UNDER RESOLUTIONS

- 5. #R2007-146 RESOLUTION TO ENTER INTO A CONTRACT WITH LARRY METZGAR HOME IMPROVEMENT FOR THE SKYTOP ROAD DRAINAGE IMPROVEMENTS AT MAPLE AVENUE
- 6. #R2007-147 RESOLUTION IN SUPPORT OF STATE LEGISLATION TO AMEND ABBOTT-BURKE FUNDING TO STREAMLINE ADMINISTRATION OF A MORE THOROUGH AND EFFICIENT EDUCATION THROUGHOUT THE STATE OF NEW JERSEY

*UNDER APPROVAL OF MINUTES:

- 1. **RELEASE OF THE FOLLOWING 2007 EXECUTIVE SESSION MINUTES:**

JANUARY 22 A & B	FEBRUARY 26 A & B
MARCH 12	MAY 29
JUNE 11	JUNE 25
JULY 23	AUGUST 13 A & B*subject to redaction
SEPTEMBER 10 A & B	

AS REDACTED

UNDER REGULAR AGENDA

UNDER NEW BUSINESS

- 2. **PROPOSED DRIVEWAY ORDINANCE FOR DISCUSSION AND POSSIBLE INTRODUCTION**
- 3. **INTERIM TOWNSHIP ADMINISTRATOR**

Mr. Smith asked that Resolution #R2007-147 be removed from the Consent Agenda for further discussion.

Mr. Gilsenan moved to approve the agenda as amended, seconded by Mayor Walsh and carried unanimously.

APPROVAL OF CONSENT AGENDA ITEMS Ms. Phoebus moved the following consent items be approved, seconded by Mr. Grotyohann. Roll call vote:

- | | |
|---|----------------------|
| Mr. Gilsenan – yes | Mr. Grotyohann – yes |
| Ms. Phoebus – yes, except for Resolution #R2007-143, in which she abstained | |
| Mr. Smith – yes | Mayor Walsh - yes |

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Inserts Attached to These Minutes)

**APPROVAL OF RAFFLE LICENSES – ANDOVER REGIONAL PTA– TO BE HELD AT
ON NOVEMBER 17, 2007 FROM 9:00 A.M. TO 4:00 P.M.**

- A) **R.L. #802 ON PREMISE 50/50**
- B) **R.L. #803 ON PREMISE MERCHANDISE**

ACCEPTANCE OF TAX COLLECTOR’S SEPTEMBER 2007 REPORT - \$89,096.80

***RESOLUTIONS:**

**#R2007-142 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
\$4,000.00 SPEED/AGGRESSIVE DRIVING TRAFFIC SAFETY GRANT
IN THE 2007 MUNICIPAL BUDGET**

**#R2007-143 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY
TO AUTHORIZE THE ISSUANCE OF A FIREWORKS DISPLAY
PERMIT TO APPLICANT “CELEBRATION FIREWORKS” OF
EMMAUS PENNSYLVANIA, ON THE PERONA FARMS PROPERTY
FOR TUESDAY, OCTOBER 09, 2007**

**#R2007-144 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY
TO AUTHORIZE THE USE OF THE MORRIS COUNTY AND SUSSEX
COUNTY COOPERATIVES FOR THE SKYTOP ROAD PHASE III
RECONSTRUCTION PROJECT**

**#R2007-145 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY
TO ADJUST THE ANNUAL SALARY FOR JUDY MCSHERRY,
POLICE SECRETARY FROM A 35 HOUR TO 40 HOUR WORK
WEEK EFFECTIVE IMMEDIATELY**

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

#R2007-146 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO ENTER INTO A CONTRACT WITH LARRY METZGAR HOME IMPROVEMENT FOR THE SKYTOP ROAD DRAINAGE IMPROVEMENTS AT MAPLE AVENUE

(See Inserts Attached to These Minutes)

***UNDER APPROVAL OF MINUTES:**

RELEASE OF THE FOLLOWING 2007 EXECUTIVE SESSION MINUTES:

- | | |
|-------------------------------|------------------------------|
| JANUARY 22 A & B | FEBRUARY 26 A & B |
| MARCH 12 | MAY 29 |
| JUNE 11 | JUNE 25 |
| JULY 23 | AUGUST 13 A & B* |
| SEPTEMBER 10 A & B | |

**AS REDACTED
*SUBJECT TO REDACTION**

APPROVAL OF MINUTES

SEPTEMBER 17, 2007 SPECIAL MEETING

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

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

SEPTEMBER 17, 2007 SPECIAL EXECUTIVE SESSION

Attorney Semrau asked that these minutes be tabled in order for him to finalize the portion in which he was responsible.

REPORT FROM THE FIRE CHIEF Chief Danielson reported that the Rib Dinner is scheduled for October 20th from 5:30 to 7:00 and tickets are available. The cost is \$15.00 a person. Mayor Walsh read a letter from the Fire Department thanking the Department of Public Works for their ongoing assistance.

PRESENTATION***CHIEF PHILLIP COLEMAN/POLICE OFFICER STEPHEN MURRELL***

Chief Coleman began by stating that Officer Murrell will be explaining the reporting system used by the department. The reporting mandates require a great deal of time by the police officers, most of what is done behind the scenes, sometimes during an arrest process. The State mandates UCR, Uniform Crime Reporting system which is broken down into several areas, a copy to the State Police and another to the FBI. This reporting is done in every State and is used in compiling the annual data. These figures are reviewed annually by different categories. He added that there can be anywhere from 58 to 65 reports, depending on the incident. He reviewed some of the information that is required on these reports such as the "who, what and why", victim's information, suspect's information, etc.

Chief Coleman stated that Officer Murrell will go over some of the daily reports and how involved that can be. Several new reports coming from the Attorney General's office is the new Division of Alcoholic Beverage Control Investigation Bureau report, which is the Driving While Impaired Last Drink Location Report. Another new report from the Attorney General's office is Bail Source Inquiry Questionnaire which is completed when someone posts bail, it has to be shown where the funds came from. He mentioned other reports that are mandated during a DWI arrest.

Police Officer/Traffic Bureau Officer Murrell was introduced by Chief Coleman and began his presentation by distributing packets to the Township Committee which contained copies of the most used reports by the department. He started that a new officer may require more time to complete these reports than a seasoned officer. When processing reports it is required that the officer review the video, explaining that a three hour incident requires review of a three hour video.

He explained the DWI process starting with the Drinking and Driving Report, then Domestic Violence, Sex Offender Registration Reports, Juvenile Delinquency, Missing Persons for NCIC Record Entry and Police Crash Investigation Report. He gave a short narrative on each of these documents. Officer Murrell also explained the proper procedures, beginning with the Miranda Rights, Alcohol Influence Report, impounding of vehicle, arrest report, investigation report, potential liability report and evidence and property control receipt. Copies are also available in Spanish. He then provided copies of some of the miscellaneous reports such as dog bites and lost cell phone reports, unless someone feels their phone was stolen.

Officer Murrell spoke on the use of subpoenas for court proceedings. Some of the officers have additional reporting duties such as scheduling, firearms, video discovery, training, copies of videos for the prosecutors and defendants upon request. He then explained that the Detective does a follow up investigation on all the incidents started by the police officers.

He mentioned the monthly vehicle maintenance reports, abandoned vehicle reports, grant applications which are very time consuming. There is also a monthly active want list report. Requisitions and police equipment inventory reports were also discussed briefly.

Mayor Walsh asked how many hours during a shift can be used on paperwork. Officer Murrell replied that would depend on how many arrests, sometimes as much as half the shift. Some reports are done at the scene and completed at the station while others are done at police headquarters.

Thanks and appreciation was given to Officer Murrell for a fine presentation followed by a round of applause.

REGULAR AGENDA

OPEN TO THE PUBLIC Resident Bernard Norgard complained that Ravine Drive needs to be widened. He also requested that the police provide some presence due to the speeding on this road. Ms. Phoebus stated she will speak to Interim Road Supervisor Dickinson and visit the site and report back to the Township Committee.

Lois de Vries stated that on September 10th she asked for an update on a study that CFO Day was to do on the \$850,000. bond and comparing it to a new school with approximately 50 additional students and 500 students. Ms. Phoebus stated she spoke with CFO Day and he informed her that there was no possible way he could begin this analysis. It would be an immense project that he felt at this time he could not spend the necessary time and handle his day to day responsibilities, including budget preparation. Mayor Walsh stated that the cost of this analysis would be overwhelming.

Hearing nothing further at this time, Mayor Walsh closed the public hearing.

ORDINANCES: INTRODUCTION

None

RESOLUTIONS

None

NEW BUSINESS

CALMING MEASURES FOR SKYTOP ROAD Mayor Walsh explained that he has been receiving complaints of speeding on this road and he asked Engineer Golden to review possible solutions. Mr. Smith stated he had a brief conversation with Engineer Golden this afternoon and one of the recommendations is that anytime a situation like this is requested, an official study should be conducted and it should include traffic patterns and speeds at various times of day.

He further stated that because the information from Engineer Golden was received earlier this evening, he asked that this matter be tabled in order for the Township Committee to review his recommendations.

PROPOSED DRIVEWAY ORDINANCE FOR DISCUSSION AND POSSIBLE INTRODUCTION

Attorney Semrau stated that he prepared an ordinance to address expansions of driveways, new construction and commercial driveways, which he sent a copy to Engineer Golden and Attorney Germinario and they have reviewed it and are in favor of it. There were some minor comments. Following a short discussion it was determined that the Planning Board has not reviewed this draft and copies will be sent to Ms. Spector for distribution. Ms. de Vries stated that Mr. Gilsenan had a Driveway Ordinance to be used by a tool to facilitate the preservation of trees and there is nothing in this form to address trees. Mr. Gilsenan stated that his draft ordinance is being used to put the brakes on developers' clear cutting. Attorney Semrau stated that a driveway ordinance is needed and at the same token it can not really be considered to replace the tree ordinance. He added that the purpose was to control excessive type of driveways and expansions of same.

NEW BUSINESS (CONTINUED)

PROPOSED DRIVEWAY ORDINANCE FOR DISCUSSION AND POSSIBLE INTRODUCTION

He recommended that the Township Committee move forward on this draft and distribute to the Planning Board members for their input. Ms de Vries stated that there is a situation at this time that if a potential developer so chooses, he can cut a driveway, not make an application at this time to the Planning Board, clear cut the entire tract and make application later. Attorney Semrau stated that he would defer to the Planning Board and Environmental Commission because Planning Board Attorney Germinario reviewed the draft and his comments were fee.

Mr. Smith stated that with all due respect to Attorney Semrau, he suggested that if we can make this ordinance better by taking more time, he asked that the Land Use Board take a serious look and if they can make recommendations to make this ordinance better, we should do so. Attorney Semrau remarked that the intent was to distribute this ordinance to all members of the Land Use Board and Environmental Commission for their review and recommendations. Attorney Semrau stated he will do the same with the draft Well Testing Ordinance.

INTERIM TOWNSHIP ADMINISTRATOR

Mayor Walsh asked for a motion for a resolution appointing Michael Crane as Acting Administrator through December 31, 2007. Mr. Grottyhann moved with a second from Ms. Phoebus.

Attorney Semrau stated because this resolution was not on the agenda, he read the entire resolution into the record.

RESOLUTIONS:

**#R2007-148 A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP,
COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT MICHAEL
CRANE AS ACTING ADMINISTRATOR FOR THE TOWNSHIP THROUGH
DECEMBER 31, 2007**

Roll call vote:

Mr. Gilseman – no
Ms. Phoebus – yes
Mayor Walsh - yes

Mr. Grottyhann – yes
Mr. Smith – no

(See Insert Attached to These Minutes)

COMMITTEE REPORTS:

MR. GILSENAN. He reported that he attended the Recycling Make Sense Workshop on October 4th at the Hardyston Municipal Building. The purpose was to focus on recycling for businesses. Speakers were from the Northeast Recycling Council, NJ DEP, Sussex County Department of Health, Sussex County Clean Communities and SCMUA. The Work Shop was to teach children to recycle at an early age, grades 1st through 6th. There is an example of Long Pond School students recycling properly but the custodians are mixing the product with trash causing Waste Management to have no choice but to refuse collection. This situation will be further investigated.

He then reported that he and Mr. Smith toured the Casperson estate on October 5th with John Ursin, attorney for Hudson Farms. They discussed possible ideas for use of this property, with none at this time. He asked the public if they had any suggestions to contact either him or Mr. Smith.

On October 3rd a tractor trailer from Grinnell overturned on Limecrest Road, less than two miles from Long Pond School. During a delivery of product to his home, Mr. Gilseman questioned the driver about the accident and he was told the safety chain snapped. He stated he put this incident on record with the police department and stated if there was another incident with Grinnell, we should look closer at their operation. He then suggested that the State Police inspect their trucks and drivers because he is guessing 20 of these rigs pass Long Pond School everyday.

MR. SMITH. He stated that website visits totaled 1355 for the month of September, averaging about 1200. He added a link under for the Lakeland Emergency Squad, which will link to their website. He mentioned the Open Space Survey located on the Home Page, a first time for the website. Mr. Smith then directed everyone to new pictures on the website. He then advised that the minutes, agendas and ordinances are current as of September 10th.

He reminded everyone that if you have a municipal email address/mailbox to please check it. Mr. Smith reported at the last meeting that a neighboring municipality asked about our email system and he spend some time with them and they were grateful to us for sharing our experiences.

On the network, they are currently seeking proposals for the upgrade and CFO Day has indicated that funds are available but we are required to obtain a second bid which we are waiting for. They are hoping to complete this project by year's end. When approved, a project plan including time scale will be provided. The monthly maintenance was performed today on all computers as it is once a month. The new Land Use Board computer was installed. Due to new personnel in the building department, the computer was reconfigured to combine that employee's functions under one system.

Reporting on technology, Mr. Smith was sorry to report that the overhead projector has been discontinued and we are working with the vendor again to find a comparable system for the same price.

The requisition system has been installed and employees are being trained adding that it should be up and running by the end of the year.

Mr. Smith then reported that the Senior Citizens are planning their annual Thanksgiving Dinner, no date scheduled as yet. They thanked the town and Department of Public Works for installing the street signs on Lawrence Road and Macintosh.

COMMITTEE REPORTS: (CONTINUED)

MR. SMITH. He then reported on the PARIS Grant program and the next meeting is scheduled for October 23rd. This will be a significant meeting because they will be discussing procedures in order to apply for the grant, adding he will be away and not able to attend. He will ask someone to stand in his place because it is critical that someone be present.

Mr. Smith then reported on miscellaneous issues, beginning with the payroll pay period changes which are slotted for January 1, 2008, adding that Attorney Semrau has contacted all three bargaining units of this change and if there are no responses in 30 days, we can proceed as scheduled.

He reported on Back through the Future where they are waiting for a press release proposal from them and as soon as it is received, reviewed and approved so we can get some positive press for this venture.

He stated that everything is going well in the Building Department. Last month 58 building permits were issued, receiving \$18,469.00, a portion going to the State.

MS. PHOEBUS. She reported that Open Space will have their first public meeting on October 23rd at 7:30 and she encouraged all to complete and submit their surveys and to attend the meeting. The Fire Department Rib Dinner is scheduled for October 20th from 5:30 to 7:00 and the cost is \$15.00 per ticket.

For Recreation, the Teen Dance is scheduled for November 16th at the Barn. In December the Children's Holiday Party on the 2nd and on the first, the New York City Bus Trip. She stated that Recreation Director Jackie Huelbig is trying to rent another bus to serve the 22 people on the waiting list. The cost is \$10.00 per ticket. On December 7th the Township Thank You Party is being held for all employees and volunteers at Hillside Barn at 6:00 p.m. This event includes dinner and it is BYOB.

MR. GROTYOHANN. He stated that he received a report from CFO Day outlining the 2007 budget summary and the overall budget is \$7,283,629.00 and expenditures are \$4,146,120.00. Approximately 56.9% of these expenditures have been made through September 30th. The budget appears favorable since we are 9 months through the budget year. He then reported there are some budget line items that will be over expended at year's end and will require transfers in November and December. The spreadsheet shows the budget line items near or over 75% of the budget expended. These items need to be closely monitored before the end of the year.

He reported from the Tax Collector's Department that for the month ending September 2007, \$89,096.80 was collected. The annual tax sale was held on October 2nd and there were eight bidders in attendance and all six items were sold to outside lien holders. Premiums were collected for all six liens meaning no lien reverted back to the township as a municipal held tax certificate. All taxes delinquent from 2006 plus interest were collected. The premiums totaled \$54,100.00. This money will be held in our account accruing interest until the lien is redeemed. He then reported that Tax Assessor Michael Perugini will be retiring December 31st and we are in the middle of seeking a suitable replacement for this position.

Mr. Grotyohann reported on the Board of Health remarking on a recently received septic application in which the property owner will be coming before the Board at their next meeting. Board of Health Secretary explained that the property owner has an undersized lot and is requesting a waiver in order to install a system. He then reported on the Health Fair last Thursday at Farmstead. Ms. Huelbig reported that the event was on obesity and smoking and she found it very informative. He then reported that on October 21st there is a five mile walk/run to benefit the Sussex County Women's Forum in Kittatinny Park.

COMMITTEE REPORTS: (CONTINUED)

MAYOR WALSH. He read into the record a letter from the Fire Department to the Department of Public Works thanking them for their assistance in the past and increasingly more this year with their many projects. Without many of their goals would not have been met.

He then stated that he spoke with School Business Administrator Terry Van Auken on the topic of student enrollment. She sent a letter advising that the number of children enrolled in the kindergarten has decreased significantly and because of such the School Board approved the reduction of one teacher for the 2007-2008 school year. The displaced teacher will cover first grade classroom left vacant by an educator on the family leave act. This situation will be monitored monthly and will determine prior to the end of the budget schedule the number of kindergarten teachers needed for 2008-2009 school year. The average class in the school is anywhere from 70 to 100. This year's kindergarten class is 37. In the research of low kindergarten enrollment figures, it was uncovered that kindergarten enrollment is down across the nation and apparently down as a direct result of September 11th. Mayor Walsh stated that the special education enrollment is up drastically, locally and the entire State of New Jersey exceed the national average of 15%. Andover Regional special education population exceeds 25%. The district has four special education students with individual costs of exceeding \$80,000.00, excluding transportation services. She writes, though it seems that the cost of education should be dropping, there are other such costs that are driving up the district's budget. He urged anyone with questions to contact Terry Van Auken.

RESOLUTIONS:

**#R2007-147 RESOLUTION IN SUPPORT OF STATE LEGISLATION TO AMEND
ABBOTT-BURKE FUNDING TO STREAMLINE ADMINISTRATION
OF A MORE THOROUGH AND EFFICIENT EDUCATION
THROUGHOUT THE STATE OF NEW JERSEY**

Mr. Smith stated he wanted more time to study this resolution. Mayor Walsh explained the funding of the Abbott districts when there should be more equitable funding of our education programs.

Mr. Smith moved to table this resolution for the next meeting, seconded by Ms. Phoebus and carried unanimously.

REPORT FROM THE MUNICIPAL ATTORNEY

None

NEXT SCHEDULED MEETINGS: Monday, October 22, 2007 6:30 p.m. Workshop
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 9:45 P.M., seconded by Mr. Gilsenan and carried unanimously.

Respectfully submitted,

Tom Walsh, Mayor

Vita Thompson, R.M.C.
Municipal Clerk