

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

OCTOBER 29, 2007

WORK SESSION - 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 6:30 P.M. by Mayor Walsh, followed by a salute to the flag.

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

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

WORK SESSION AGENDA

DISCUSSION ITEMS

1. **HOTEL/MOTEL TAX ORDINANCE** Attorney Semrau stated in 2003 the State of New Jersey allowed for municipalities to adopt an Ordinance to impose a percentage not to exceed 3% on the charges of rent for any occupancy for every hotel. He explained that if the Township were to adopt such an Ordinance the tax would be for the users of the facility which would then be collected by the township. The Township Committee reviewed the draft prepared by Attorney Semrau. He then stated that the former governing body addressed such an Ordinance in 2004 but because of opposition by the hotel and bed/breakfast owners, the Ordinance was not adopted. Mayor Walsh asked what such an Ordinance would net the municipality at year's end. Attorney Semrau stated that he did a rough computation based on \$75.00 per night and 10 to 20 room establishment and multiply the 3% and for the year, it comes to about \$10,000.00.

Attorney Semrau stated that there are over 100 municipalities that have adopted this Ordinance since it became law in 2003. Following this conversation, the Township Committee agreed to have this Ordinance placed on the next agenda.

2. **PLAN ENDORSEMENT COST ESTIMATES** Ms. Phoebus distributed documents regarding this matter stating that according to County Administrator Eskilson can cost the township about \$150,000.00 and more to do the Plan Endorsement. If we do not do the Plan Endorsement, the COAH will not be certified by the State. She stated that three of the main reports, the NRI and Build Out Analysis are done and we are currently working on the Open Space Plan. With regard to the Wastewater Plan, she met with Sue Zellman and she mentioned to Acting Administrator Crane and herself that if we use the engineer that the County uses, there will be a cost reduction because part of the mapping and actual work has been done and incorporated in the County's Master Plan. She suggested that the Township Committee consider this both for cost reduction and compliance with the County plan. Ms. Phoebus then mentioned that we are currently at Step Two in the process. She distributed the Advisory Committee List.

WORK SESSION AGENDA (CONTINUED)**DISCUSSION ITEMS**

2. **PLAN ENDORSEMENT COST ESTIMATES (CONTINUED)** Ms. Phoebus then passed out information regarding the financial qualifications for COAH housing explaining that Sussex County is grouped with Bergen, Hudson and Passaic Counties. She stated that this group of counties are the northernmost in the State and therefore are grouped together. She then mentioned the income eligibility for COAH housing.

Ms. Phoebus stated that the Plan Endorsement will also give the township a better idea of where the Town Centers should go. By the time all the reports, such as the Transportation Report, the DEP Report are done and presented, we will know where to put this village/hamlet. The first meeting of the Advisory Committee is scheduled for December 12th at 7:00 p.m. Mary Spector has agreed to be the secretary/administrator and work with the Municipal Clerk to keep the reporting on track with the Office of Smart Growth.

3. **TOWN CENTER UPDATE** Attorney Semrau stated that we received correspondence from Mr. Richards, a copy provided in the committee packets within the last week regarding Rolling Greens. Mr. Richards met with the County in an attempt to address potential restrictions relating to the property. His correspondence indicates that he is still very confident, notwithstanding some of the restrictions that may come forward, that they may be able to proceed. Attorney Semrau further stated that they are still asking for consideration of some type of zoning change, but that seems to be a bit premature. He added that they are trying to address some of the restrictions on the property. Regarding the site located on Stickles Pond Road, there hasn't been much heard recently because they too were working hard to address concerns. Mayor Walsh stated that Mr. Richards was urged to contact the NJDEP as soon as possible. He added that with regard to Town Center matters, we should refer all inquiries to the Township Attorney. All agreed. At this time, there are no formal proposals on the table.

Ms. Phoebus stated she spoke to Township Planner McGroarty and he informed her that the Office of Smart Growth has their final draft and in talking to County Planner Snyder and County Administrator Eskilson, they want the towns to be in charge of the designs, not the developer. She also stated that they are shying away from the 55 and over condo/town houses complexes and they are looking towards developers provide housing between \$200,000. and \$300,000. market because there is very little in this price range. She went on to explain what the State would like to see in a Town Center plan.

4. **CANCELLATION OF THE NOVEMBER 12TH REGULAR MEETING** Mayor Walsh stated that because of the League Conference, it would be wise to cancel this meeting. Action will be taken during the Regular meeting.

5. **SHELVING/OFFICE SPACE IN MUNICIPAL BUILDING/SECURITY CAMERAS** Acting Administrator Crane stated that he has done an assessment of the municipal building with an attempt to ascertain employees' concerns. He stated that he would like to begin by rearranging some of the offices. He began by stating new shelves are necessary in the first floor storage rooms. The current shelves are not strong enough to withstand the weight of the files. He advised that the DPW assembled proper shelving that would work out very well, eliminating the clutter off the floor. He also stated that research will be conducted to determine if some of these documents can be destroyed.

WORK SESSION AGENDA (CONTINUED)**DISCUSSION ITEMS**

5. SHELVING/OFFICE SPACE IN MUNICIPAL BUILDING/SECURITY CAMERAS (CONTINUED) He then referenced the Construction Office and its need for proper storage, stating that once the room on the first floor is organized, much of what is located in the Construction Office can be moved to the first floor. By doing this, the desks can be rearranged for proper seating. He then reviewed the Tax and Finance Offices stating that they should be relocated next to each other. The Administration/Clerk Offices would be moved to the Finance location and moved Finance into the Clerk's office, next to the Tax Offices. Acting Administrator Crane also suggested that painting be done at this time. He added that due to the nature of the Clerk's duties, she should be in a more private location. He suggested cubicles for the Construction Office in order to reduce the noise level. He stated he spoke with DPW personnel and they can build some interior walls where needed.

He stated he will speak about the Security Cameras later during the Regular meeting.

6. UPGRADE OF MUNICIPAL SERVER He stated that the server is about 10 years old supporting 15 computers. He explained that Mr. Smith was obtaining proposals for a new server and had received one quote. He stated that two are required and he obtained a second proposal. Attorney Semrau explained that formal bids are not required if the project amount is under \$21,000.00. Funding is available in the 2007 budget for this purpose. Acting Administrator Crane then addressed the aging computers in the building and need to replace some of these units. The Township Committee reviewed the proposals before them. He recommended that the governing body award this project to the lower proposal. Mr. Grotyohann agreed. Mayor Walsh stated this item is on the regular agenda for consideration. Mr. Gilseman asked if Mr. Smith was involved in this process. Acting Administrator Crane stated that Mr. Smith designed the specifications and received one quotation. There was discussion regarding why the low proposal did not include a cost for the uninterrupted power supply. The municipal building already has a battery back up system that can handle this service.

7. LIFE CARE MEWS Attorney Semrau stated for the record Ms. Phoebus has recused herself from this discussion. He remarked that the site was cleared and construction did not commence for a number of reasons and there is currently no direction as to what will happen next. A suggestion was made a while back that there should be some type of restoration plan. Though the Restoration Bond was going to be cancelled, it has been renewed. Attorney Semrau suggested under these circumstances and based on some past experiences, if they are approaching the township to discuss the status of this site, no discussions should take place until the site is restored. They need to take appropriate action and make such a commitment because at any point in time, based on the current condition; it can become more of a problem to the township and the properties within the vicinity. Attorney Semrau added that the site has been in this state for about two years next February. He stated that Engineer Golden did discuss putting together a Restoration Plan and he agreed that Engineer Golden send the property owners that Plan and advise them that there will be no formal discussions of any type until there is a commitment and that Plan is put into place. He added that if the work is not completed, perhaps we can look into ways to make sure that it does get done.

8. BACKGROUND CHECKS Mayor Walsh stated that Mr. Smith brought up this issue at the last meeting adding that all board/committee members and employees should undergo a background check. Ms. Phoebus remarked that the entire Recreation Committee has submitted to a background check, adding that the only problem is the cost involved in asking everyone to undergo such a check. Mr. Gilseman stated that the township should definitely review this option as part of their hiring procedures.

WORK SESSION AGENDA (CONTINUED)**DISCUSSION ITEMS**

8. **BACKGROUND CHECKS (CONTINUED)** Following this discussion, Attorney Semrau remarked that the consensus is to prepare an Ordinance with respect to background checks for new hires and he will proceed with a draft. There is an Ordinance in place that addresses volunteers who work with youth programs, adding that another Ordinance can be prepared which requires all volunteers to undergo a background check.

PUBLIC COMMENTS Resident Diane Gillespie agreed that there is a need for total upgrading of computers and network server, however, she stated her concerns with taking any action this evening regarding a replace server while Mr. Smith, the township's technical expert is not present. She remarked that once the system has been installed she wants to make sure that the township monies are well spent and this equipment is operating at all times.

She then commented on the Life Care Mews project, agreeing that it should be restored before anything is done there. In discussing background checks, she stated she was appalled when she discovered that people that are working in our municipal building never had to undergo a background check. She agreed that every person that works for the township should be subjected to a background check.

Resident Irene Christodlous stated that she feels anyone who receives taxpayers' money should have a background check. She added because volunteers do not receive a salary, they should not be subjected to a check. There was then discussion regarding volunteers and the potential for liability.

Resident Lois de Vries, stating she has no strong opinion either way, but to ask for someone sitting on the Environmental Commission, what do you do a background check for, thinking they are talking about educational programs. Another reason would be a fiduciary position where someone expends funds, but no volunteer can expend funds on their own, noting she is not in a position to spend taxpayers' money. She continued to explain the same holds true for the Land Use Board.

Ms. de Vries thanked Attorney Semrau for addressing the issues at the Life Care Mews property adding that its been two years since there is no activity on the application but that property has been in its present condition approaching 17 years if not longer.

She then addressed the condition of the storage area of the municipal building, but she stated she felt it was premature to have the interim administrator reorganize the building and moving the personnel. Acting Administrator Crane stated nothing will be done at this juncture, but something to consider for funding in 2008. She continued to explain that she felt this move is premature when the governing body is seeking a permanent administrator in January and theoretically, not knowing who that will be at this time.

Stan Christodlous asked what the criteria would be if following a background check, information was found. Ms. Phoebus explained the results of the check are not revealed, the Chief of Police is the only one who is notified of the results.

Mr. Christodlous then asked about the hotel/motel tax and if it was going to apply to bed and breakfast inns as well. Mayor Walsh replied that it would.

Resident Dan Freed asked if the engineer who was recommended by the County to use in the Plan Endorsement process is indeed the County Engineer. Ms. Phoebus replied that Freeholder Director Zellman explained to her that it is an engineering company that they use.

WORK SESSION AGENDA (CONTINUED)**DISCUSSION ITEMS**

PUBLIC COMMENTS (CONTINUED) Mr. Freed remarked on the Life Care Mews issue asking if anyone has a concept on what the restoration plan might mean. Mayor Walsh stated that Engineer Golden will be preparing a plan for presentation. Ms. de Vries remarked that the major complaint with this site is that the soil mining operation had taken place there which removed all the top soil leaving the subsoil exposed leaving very little capable of growing on it.

Dan Freed then asked about the timeframe for the Plan Endorsement process. Ms. Phoebus in speaking with various officials feels that it will take at a minimum of two years. Many municipalities throughout the State have started this process. Attorney Semrau stated as instructed he has sent letters to obtain quotes for wastewater management plans because there are not many firms that have this experience.

Mr. Boyce stated he appreciated the fact that even though Mr. Crane is serving in an interim position, he is trying to make something better and whoever gets the job permanently would appreciate the fact that something is being done to organize the mess on the lower level. Mr. Crane remarked that his direction came from the employees. He began to describe some of the offices provided for the Chief Financial Officer, the Land Use Board Secretary and the Clerk.

Fred Gillespie remarked that there is failure to address what Mr. Smith has done relative to our computer program. Mr. Grotzmann and Ms. Phoebus both agreed that he is doing a fine job.

ADJOURNMENT No further business appearing before the Committee at this time, Ms. Phoebus moved the Work Session meeting be adjourned at 7:47 P.M., seconded by Mr. Gilseman and carried unanimously.

Respectfully submitted,

Tom Walsh, Mayor

Vita Thompson, R.M.C.
Municipal Clerk

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

OCTOBER 29, 2007

REGULAR MEETING BEGINS - 7:30 P.M.

The regular meeting of the Andover Township Committee was called to order at 7:56 P.M. by Mayor Walsh, followed by a salute to the flag.

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

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

REGULAR MEETING

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

APPROVAL OF CONSENT AGENDA ITEMS Ms. Phoebus moved the following consent items be approved, seconded by Mr. Gilsenan and carried unanimously.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT
(See Insert Attached to These Minutes)

**APPROVAL OF RAFFLE LICENSES – TEMPLE SHALOM OF SUSSEX COUNTY –
TO BE HELD AT HILLSIDE PARK HALL ON DECEMBER 15, 2007 FROM 9:00 A.M.
TO 4:00 P.M.**

- A) R.L. #804 - CASINO NIGHT**
- B) R.L. #805 - ON PREMISE 50/50**

**RELEASE OF SOIL EROSION & SEDIMENT CONTROL CASH BOND
MOREL BUILDERS LLC - BLOCK 69/LOT 4.18 – 13 EILEEN'S WAY
\$3,000.00 – ESCROW #T-13-56-717-234**

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS:**

#R2007-149 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE CHANGE ORDER NO. 1 TO THE EXISTING 2007 CONTRACT BETWEEN THE TOWNSHIP OF ANDOVER AND VARIOUS CONTRACTORS WITH THE MORRIS AND SUSSEX COUNTY COOPERATIVES FOR THE SKYTOP ROAD PHASE III RECONSTRUCTION PROJECT FOR AN INCREASE IN THE CONTRACT AMOUNT OF \$5,353.39 FOR A TOTAL OF \$224,562.49

#R2007-150 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY 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

#R2007-151 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE NON-UNION EMPLOYEES TO USE THE ELECTION DAY FLOATING HOLIDAY ON MONDAY, DECEMBER 24, 2007 AS THE OFFICIAL HOLIDAY AND AUTHORIZE THE CLOSING OF THE MUNICIPAL BUILDING

#R2007-152 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE APPOINTMENT OF TINA SUGAR, MUNICIPAL COURT ADMINISTRATOR FROM PROVISIONAL TO PERMANENT STATUS EFFECTIVE IMMEDIATELY

(See Inserts Attached to These Minutes)

***MINUTES:**

SEPTEMBER 24, 2007 REGULAR MEETING
SEPTEMBER 24, 2007 EXECUTIVE SESSIONS A & B
OCTOBER 02, 2007 SPECIAL MEETING
OCTOBER 02, 2007 SPECIAL EXECUTIVE SESSIONS A, B & C

APPROVAL OF MINUTES

SEPTEMBER 17, 2007 SPECIAL EXECUTIVE SESSION Attorney Semrau asked that this matter be carried to the next meeting.

PRESENTATIONS

None

REGULAR AGENDA

OPEN TO THE PUBLIC Resident Bernard Norgard asked how he could dispose of items that are not collected curbside. He was informed that those items can be taken to the SCUMA in Lafayette.

Resident Diane Gillespie referred to the speed limit posting of 25 m.p.h. at Drake Manor. She questioned if the State was going to let that limit stand. Mayor Walsh stated that Traffic Safety Officer Murrell is looking into this and at this time there are no answers. He further remarked that the required engineering reports were conducted and filed with the State and there is no reason why they should have not certified this speed limit.

She then referred to a book she was reading and found similarities to what she was reading and what she sees happening in this municipality adding that she was ashamed of everybody that is sitting in the room. She then stated how dare we accuse one another of things, point figures at one another, stating she is really, really upset with a lot of people in this room and it has become a joke to come to these meetings because somebody says something and they someone in the audience to counter that. They then have somebody to counter that and so on. She asked what are we doing; nothing for the residents of Andover Township. She remarked that she feels she can say this because she has campaigned for a lot of these people, she has gone out there and have mailed items and put out signs. She exclaimed that they have disappointed her tremendously and she is very upset. She stated she feels that she has been used and abused and have never come to any of these meetings wanting anything from anybody; she has always tried to do her best for any committee she has served on. She asked how could the Committee sit there and not have a conscious reminding everyone they are all here for one reason and one reason only.

She then remarked about the police officers stating they are probably afraid to do anything because you control the purse strings for their salaries. The firemen probably feel they have to do things or they are not going to get a fire truck. Mayor Walsh stated he takes extreme offense to those two last comments. Ms. Phoebus remarked that she is now really upset. Mr. Grottyhann and Ms. Phoebus both asked Ms. Gillespie to ask the fire department if this is so the case. Mayor Walsh called for order stating that Ms. Gillespie has the floor.

Ms. Gillespie added that if Ms. Phoebus is upset she is glad that someone else is as upset as she is. She stated that she feels she has been very fair to everybody. She added that we all do not agree and that is fine. She said she does things and says things that are wrong but she is willing to apologize and admit to making a mistake. She then remarked that everyone gets on their high horses and everybody has ego problems. She then said she was sorry if she offended anybody but she felt she had to get this off her chest.

OPEN TO THE PUBLIC (CONTINUED) Lois de Vries stated she is very pleased to have paved the way for discussions about a site on Route 206 that holds potential for satisfying the COAH obligations. She then stated she is very, very, very, very disappointed that Mr. Walsh unilaterally decided to exclude her from today's meeting on that topic, as well as Tom Germinario and Stan Christodlous. She added that it is unfortunate that he is unable to set aside his personal hostility toward her in order to gather all the appropriate input necessary to evaluate this property and making a good decision. She then stated that meeting was at her instigation through Mr. Christodlous and Attorney Germinario and she asked when it became Mayor Walsh's meeting. Mayor Walsh asked Ms. de Vries if she would like to get in the way so the town doesn't receive any COAH relief. He added that the property owner contacted him and he advise him to contact Attorney Semrau. Attorney Semrau arranged the meeting inviting Ms. Phoebus because she is on the Planning Board and the two of them had decided that is how the meeting would be handled. He then remarked that if Ms. de Vries wants to be in all the meetings and running the show, file a petition and run for office.

Resident Fred Gillespie complimented Attorney Semrau for opening the interview process for Township Administrator in the public session. He stated that it was something he enjoyed listening to the applicants. He then discussed his employment history and altercations that pursued from time to time from officials making suggestions that a particular candidate should be given a really good look. He stated he listened to those candidates and at the conclusion found that the official's recommendation was not the best candidate for the position. He stated that his decision caused him the principal's appointment. He stated he walked out of the building with his integrity in tack and the respect of his staff members. He then stated that unfortunately, in this day and age, both these qualities are missing, particularly in the political arena.

Stan Christodlous stated that in all due respect, Mayor Walsh's summary of how that meeting came about was incorrect. Mayor Walsh stated that he received a memo and forwarded it to the Township Attorney. Mr. Christodlous stated that Ms. de Vries talked to property owner Mr. Smith and Mr. Christodlous called Mr. Smith and Planning Board Germinario. Mr. Germinario then called property owner Smith. Mayor Walsh stated that the property owner called him and during the meeting he stated that he met with Mr. Freed and Ms. de Vries at the awards dinner. He then stated because he had a role in this matter, he should have been invited to the meeting. Mayor Walsh questioned "I did it unilaterally?" "This woman, (pointing to Ms. Phoebus) has no mind of her own?" Ms. de Vries responded "NO, she doesn't." Mr. Christodlous stated there should have been a member of the planning board at this meeting. Mayor Walsh responded there were two members present. Mr. Christodlous once again stated that he should have been at this meeting. Mayor Walsh remarked that in due time Mr. Christodlous will become involved in this matter.

Attorney Semrau stated from a legal prospective, it goes back to what Ms. Gillespie said. He stated that he does not believe it is anyone's fault or indecision. He explained that Mayor Walsh gave him a phone message addressed to him from Drew Smith and the Mayor asked him to call this gentleman because he has an inquiry about his property. Attorney Semrau stated he called him and he wanted to meet and he mentioned he spoke to other people and there was going to be some type of site visit with other people of the township. Attorney Semrau stated that Drew Smith did not mention that he met with anyone from the planning board. He further stated that he agrees with Mayor Walsh from the standpoint that at a certain time that he thinks it would be critical to have other people involved in this process. This was just an initial meeting with a landowner who had some interest in trying to discuss possibilities with the township. He reiterated that the message was handed to him and it stated Mayor Walsh and the Mayor asked Attorney Semrau to call him back. Attorney Semrau stated that he hopes this clarifies things. Mr. Christodlous remarked it does not clarify why he was not invited to the meeting. Again, Mayor Walsh stated that there are steps and this is the first step, adding Mr. Christodlous will be involved.

Resident Betty Donnelly asked about the status of JCP&L & L and the power outages situations, referencing continuous failures on Longview costing her over \$200.00. Chief Coleman stated he spoke to

OPEN TO THE PUBLIC (CONTINUED) John Anderson and he informed him there is a problem at the Woodruff Gap Station again, they recognize what the issue is and replacement of certain equipment is being conducted. Attorney Semrau added that he believes JCP&L has approached the township about a pending petition filed by the prior Township Committee and they would like us to withdraw that complaint. Earlier in the week, Administrator Crane stated to Attorney Semrau that JCP&L is supposed to construct a substation within the community and before we consider withdrawing the complaint, we need the substation constructed. Attorney Semrau stated with the information obtained from Administrator Crane, he corresponded with Mr. Sous who is with PSE&G asking him to contact us to ascertain the status of the substation. Attorney Semrau stated he corresponded with Attorney Rafanello and he indicated that was the intent.

Chief Coleman recommended that at this time the petition should not be withdrawn. Acting Administrator Crane stated that JCP&L is ready to begin construction on the substation but before they do so, they would like the township to release them from the petition. He added what would be the incentive if we did so. He further stated that JCP&L has intentions in the future to replace all the actual skeletons with guide poles and in doing that it will eliminate the 230 kilovolt line that feeds across Andover Township and replace it with a 500 kilovolt line. The substation will connect from one of the towers that they plan on replacing. Mayor Walsh stated that though there is movement to remedy this issue, it is moving very, very slowly.

Stan Christodlous stated he spoke with Engineer Golden today and he said they are waiting for a permit from the County which was just received. This plan was approved by the planning board about three years ago. Acting Administrator Crane stated that they are actively applying for permits.

Dan Freed reported on the Open Space Committee stating that they would like the Township Committee to revisit the structure of the terms of office for its membership. They would like to have staggered terms. At their next meeting they will be concerning the tax value which is currently at two percent. They will return to the Township Committee with their recommendation.

Attorney Semrau stated he will take another look at the statute regarding the membership terms but he has not found any legal basis to appoint someone for a term of office besides what a governing body's life is, which is one year. Mr. Freed stated it only makes sense to have continuity.

John Carafello stated he has had an opportunity to work with Engineer Golden for the past several months and he has found him to be extremely professional, extremely helpful to the point that as an owner he has given me some good ideas and we should be proud to have him. Mr. Carafello stated he heard about the Skytop Road project and that he was able to spread the funds pretty well. He added that with all the people he has worked with, Mr. Golden is doing a good job for this township. He treats people very fair.

An unidentified resident requested the Township Committee consider an Ordinance prohibiting exhaust breaking on vehicles coming down the hill on Andover-Sparta Road. J-Brakes and any other types of exhaust should be prohibited.

Resident Bernard Norgard had concerns regarding the condition of the power lines on his road. Administrator Crane stated he will be conducting a road inspection this Wednesday morning with the Township Engineer and he will look at this issue. Chief Coleman stated he will investigate the condition of the wires tomorrow.

Eric Danielson, Chief of the Andover Township Fire Department stated that he needs to respond now because of the comment made earlier this evening, not to start an argument but to clarify the type of relationship that they have with the Committee that they have not had in the past. He explained that communication has been circular this year, not linear, nothing has fallen off the table.

OPEN TO THE PUBLIC (CONTINUED) They have collectively able to accomplish many things. He gave an example noting he never heard about Tool Fuel until Mr. Grotzmann mentioned to them that this businessman asked him why our Fire Department never buys fuel from him. Chief Danielson stated he spoke to this gentleman and now we have Tool Fuel. Another communication came about when we were concerned that our ball fields were going to burn up because the DPW had laid fertilizer. Simple solution was to have the fire department water the fields.

Chief Danielson stated the fire department has nothing but great feelings for this Committee, never having this experience in the past. He stated that Gail Phoebus is a phenomenal, phenomenal liaison to the fire department, adding he can not express the amount of interest she has shown, more than anyone has in the past 20 years. In terms of the Township Committee, including Mr. Smith who is not present this evening, they have been so proactive. Mr. Smith has helped in terms of the website and getting all fire department information and photos to the community so they can see what is done. He added that the fire department appreciates everything that the Committee has done for them and it has to go noticed now because it was brought up earlier. He remarked that there are no purse strings, none at all. No one is holding anyone down, telling them what to do and that will not happen with 21 members on the department. A round of applause followed.

Diane Gillespie stated she is a woman of her word and apologized. She then questioned the Open Space membership terms giving her opinion why the terms should be longer than one year and staggered. Attorney Semrau reiterated that the Township Committee can not be bound for years following the current year. If there is a new committee come January 1st, the new committee should not be bound by what the old committee provides for. Again, he will check the statutes once again.

Laura Gilson questioned Attorney Semrau if legal precedent was needed in order to rotate these positions on the Open Space Committee. He replied that you can not bind a committee for coming years. The new committee is not bound by what the old committee provided for, unless it states for in the State Statute.

Ms. de Vries stated that during the hiring of the Interim Administrator, there was discussion amongst the Committee members establishing the hiring procedure and she recognized that she has not seen an advertisement for permanent administrator. Mayor Walsh stated that resumes continue to be filed and are being reviewed on a regular basis. The advertisement read for Interim Administrator with a possible permanent appointment.

Hearing nothing further, Mayor Walsh closed the public portion.

ORDINANCES: INTRODUCTION

None

RESOLUTIONS

#R2007-153 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO SETTLE THE MATTER ENTITLED TOWNSHIP OF ANDOVER V. KILLAM ASSOCIATES

Attorney Semrau provided an overview of the mediation and the outcome proposed. The Township Committee deferred this matter until after the Executive Session.

RESOLUTIONS (CONTINUED)

#R2007-154 A RESOLUTION OF THE MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF THE CONTRACT FOR THE PURCHASE OF A NETWORK SERVER FOR THE MUNICIPAL BUILDING

Mayor Walsh read the Resolution in full which will award this contract to Tri-County Computers Solutions of 619 Route 206 South, Andover, New Jersey 07821 submitted a proposal to provide the aforesaid services to the Township of Andover at a total cost not to exceed \$10,062.80. This award is subject to the Chief Financial Officer certifying availability of funds.

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

NEW BUSINESS

CALMING MEASURES FOR SKYTOP ROAD

Mayor Walsh stated that 100 residents signed a petition requesting that the speed limit on Skytop Road be reduced and speed bumps be installed. Officer Murrell was present and he stated with the improvements made to this roadway, cars are traveling at a greater speed. He further stated that there is a provision that speed bumps cannot be constructed on a roadway that connects two county roads, which this is the case with Skytop Road. Mayor Walsh also stated that these measures would be cost prohibited. Officer Murrell added that the fire department and road department are not in favor of these speed bumps.

Officer Murrell stated the survey cost is about \$5,000 as estimated by Engineer Golden. He added that if a survey is done, the 85 percent rule will be used and the results could show an increase in the speed limit. Mayor Walsh explained that a meeting should be scheduled with the residents of Skytop Road so they understand what could happen.

OTHER BUSINESS

APPROVAL OF RAFFLE LICENSES – NORTHWEST JERSEY READING COUNCIL TO BE HELD NOVEMBER 27, 2007 AT THE FARMSTEAD GOLF & COUNTRY CLUB

- A) R.L. 806 – ON PREMISE 50/50**
- B) R.L. 807 – ON PREMISE MERCHANDISE**

Mr. Gilsenan moved to approve the foregoing licenses, seconded by Mr. Grotyohann. Roll call vote:

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

COMMITTEE REPORTS

MR. GILSENAN. He reported that he would like to take this opportunity to inform the public that it is his intention to file an Ethics complaint against Mayor Walsh for repeatedly and blatantly violating his fiduciary duties to the taxpayers of Andover Township. This complaint may also include Mr. Grotyohann and Ms. Phoebus, but their inclusion will be determined by their voting record from this day, October 29th forward to the Reorganization. He stated that he would like to sincerely apologize in advance for the bad press this complaint will likely generate but regretfully, he feels he has no other recourse at this time. Until this matter is resolved, he stated that his communications with these committee members will be through Township Attorney Fred Semrau.

MR. GROTYOHANN. He reported on the Finance Committee, stating that the 2008 budget meetings have been tentatively scheduled. The first step is to generate the budget request packages for department supervisors which are due for distribution by November 5th. The requests will be returned to the Finance Department by November 21st. The Finance Committee will meet to review the requests between November 28th and the 30th. The Finance Department will compile all budget requests and prepare a budget draft. Lastly, the Finance Committee will meet to review and draft the budget.

MS. PHOEBUS. She reported on the Recreation Committee stating she received a Master Plan for Improvements for Andover Township Athletic Fields from Bernie Hattersley. She found the report to be impressive and he put a great deal of work into the Plan. She stated that we should contact him and let him know we are looking into this. Though his Plan looks expensive, perhaps some of the work could be done.

She announced on the New York City bus trip being held on December 1st. There are now two buses, the cost of each bus is \$1,300. On December 2nd there will be a Holiday Party at Hillside Park Hall and the Fire Department will bring Santa on the fire truck. The Holiday Party for township employees, volunteers and their guests will be held on December 7th at 6:00 p.m. at the Barn.

She reported on the Open Space public hearing meeting stating there was a huge turnout, about 67 people. The next meeting will be in January.

Ms. Phoebus reported that the Fire Department had their annual Rib Fest which was well received.

MAYOR WALSH. He reported that he received a call from Attorney John Ursin, following the Fire Department's request for an off road vehicle for search and rescue. He stated that he informed Mr. Ursin that any donation made by him or his client will come with no strings attached given his proposed application before the Planning Board. Following their discussion, Mayor Walsh stated that Attorney Ursin advised him that \$10,000 would be donated to the fire department and placed it in escrow until the department raises \$10,000 in matching funds. Mayor Walsh handed the check to Attorney Semrau for proper execution.

REPORT FROM THE CHIEF OF POLICE Prior to his report, Chief Coleman wished to reply to the comments made earlier this evening. He stated that he started on the department when he was 18, more than 30 years. His grandfather was the Sheriff and a Freeholder and he stated that he takes this job as a way of life. He mentioned there were two former committeemen in the audience, noting they know what he is talking about. He added that he has been able to work with everyone of this Committee and there are no strings attached to his budget.

REPORT FROM THE CHIEF OF POLICE (CONTINUED) He stated by law, he is responsible for his budget and also responsible to the County Prosecutor and the State Attorney General and responsible to this Committee. He further stated that there have been people who made comments against me as the Chief of Police, adding those people are no longer here. He stated he will back this Committee, this entire Committee as the Chief of Police of this department and the comments made tonight against the men and women of the police department, who have dedicated their time and careers to the safety and welfare of this community. He stated he believes there is a very big apology owed to the police department and its membership.

Resident Diane Gillespie responded by saying if the Chief is referring to her, she publically apologizes.

At this time Chief Coleman reported that to date, they have answered 13,386 calls through dispatch. Andover Township calls total 8,187 calls, Andover Borough totals 266, Hamburg Borough 4,480 and Green Township totals 453. He reported that there was a fatal accident last Friday night, which is still under investigation.

REPORT FROM THE TOWNSHIP ADMINISTRATOR He reported that he has been reviewing the possibility of upgrading our security system. He advised that part of the new municipal court rules mandates that the security system provide certain provisions. He explained that our current system consists of three cameras that go to a monitor that does not have any recording device. He explained he received one proposal that would provide eight cameras throughout the building and DPW area which will be fed through the computer system and internet service to the police department and to monitors in the police vehicles.

He then suggested that upgrades to the fuel pump system should be required in order to keep track of how much fuel in being used and by whom. He added that though some departments are completing log sheets to demonstrate fuel use, some have become lacks.

He then reported on Back Thru The Future and they are scheduled for November 8th to pick up all the recyclable computer components for shredding. All the required paperwork from DARM has been received in order to authorize this recycling.

He reported that there was a problem with the newly purchased mowing deck, thinking this defect was covered under warranty, an estimate was received for \$4,800.00 for repairs. Following discussion with a senior principal of the company, it was found that the defect in the part was not covered under warranty. He stated he is still working on this matter, hoping to have it resolved shortly.

He then reported that the land was cleared for the erection of the pole barn. He stated that a soil erosion permit was never obtained for this project. He directed Engineer Golden to look into this matter.

He asked the Township Committee for direction on obtaining quotes for the installation of a security gate for the DPW. Following discussion, it was decided that the security camera system may be a better solution to this problem. Funding for the security gate was provided in 2005 and never built.

Acting Administrator Crane spoke of the updated projects list from Engineer Golden, which consists of 29 road projects that are at some point either begun or not yet completed.

REPORT FROM THE MUNICIPAL ATTORNEY He reported that he received a message from Mayor Walsh which he received from officials representing the Miller Sheep Ranch property. They indicated that in July they met with representatives of the Planning Board to discuss a preliminary layout plans. The feedback he received was not too favorable. He then stated that they sent him correspondence and made repeated calls in order to meet with representatives from the Township Committee and they sent the same plan they presented to representatives from the Planning Board. Attorney Semrau stated he would leave this information with the Administrator to see if anyone has an interest to look further.

With respect to the check for the fire department, he stated that the check will have to be sent back to Attorney Ursin so he can make the check payable to an escrow account, adding that additional information is necessary.

He stated that a number of meetings had been held in order to discuss and draft a constraints ordinance. He added that he feels within the next 30 days the draft will be distributed to the Township Committee for review and consideration for adoption in 2008.

He then reported on the cell tower bids, and there was one bid submitted by Verizon for \$25,000 annual rent to co-locate. He drafted a letter to the administrator to indicate that the bid was legally sufficient and a resolution will be prepared for the next agenda. Attorney Semrau stated another carrier called a day later who pleaded to be included in this bid. Mayor Walsh stated there is ample room for another carrier.

CANCELLATION OF THE NOVEMBER 12TH REGULAR MEETING. Ms. Phoebus moved to cancel this meeting, seconded by Mr. Gilsenan and carried unanimously.

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

Contract Negotiations

1. ***Andover Borough Road Services Agreement***
2. ***Police Dispatchers Contract***
3. ***FOP #177 – Police Department Contract***
4. ***Road Department Contract***

Attorney-Client Privilege

Pending Litigation

1. ***Andover Township vs. Killam Associates*** was carried unanimously.
(See Insert Attached to These Minutes)

The Committee went into executive session at 9:14 P.M. Ms. Phoebus moved to adjourn executive session at 10:05 P.M., seconded by Mr. Gilsenan and carried unanimously.

REGULAR MEETING RESUMED

RESOLUTIONS

#R2007-153 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO SETTLE THE MATTER ENTITLED TOWNSHIP OF ANDOVER V. KILLAM ASSOCIATES

Ms. Phoebus moved to adopt this Resolution as presented, seconded by Mr. Gilsean. Attorney Semrau explained that by adopting this Resolution it will call for \$85,000. to be paid to the Township, a waiver of \$43,000. that is allegedly due for services rendered during their tenure and this settlement will conclude the litigation.

Following this explanation there was a roll call which carried this action unanimously. (See Insert Attached to These Minutes)

**NEXT SCHEDULED MEETINGS: Monday, November 26, 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 10:06 P.M., seconded by Mr. Gilsean 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 29th day of October 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):**

2.

- () 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.
- () 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.

Contract Negotiations

- 1. ***Andover Borough Road Services Agreement***
- 2. ***Dispatcher Contract***
- 3. ***FOP #177 Police Contract***
- 4. ***Road Department Contract***

Possible Litigation

Pending Litigation

- 1. ***Andover Township vs. Killam Assoc.***

- () b. (8) Personnel matters.
- () 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: October 29, 2007

Moved: Phoebus Seconded: Gilsenan
Voted Aye: Gilsenan, Grotyohann, Phoebus, Walsh
Voted Nay: None
Abstained: None
Absent: Smith
Resolution adopted. 10/29/07

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

Personnel Matters

None

Contract Negotiations

1. ***Andover Borough Road Services Agreement***
2. ***Dispatcher Contract***
3. ***FOP #177 Police Contract***
4. ***Road Department Contract***

Attorney-Client Privilege

Possible Litigation

None

Pending Litigation

1. ***Andover Township vs. Killam Associates*** was carried unanimously.
(See Insert Attached to These Minutes)

The Committee went into executive session at 6:47 P.M.

CONTRACT NEGOTIATIONS: ANDOVER BOROUGH ROAD SERVICES AGREEMENT. Shop Steward Michael Teets, and Assistants Eric Marra and Steve Benziger were present during this meeting. Because the DPW had no legal representation, Attorney Semrau recused himself from the meeting and left the room. There was discussion regarding the issue of double time on Sundays. It was decided that a review of the overtime figures for the past three years would be reviewed and report filed with the Township Committee.

POLICE DISPATCHER CONTRACT. There was discussion regarding the recent meeting of the Negotiations Committee. Further meetings will be scheduled.

FOP #177 POLICE DEPARTMENT CONTRACT. Acting Administrator Crane informed the Township Committee of the discussions held during this meeting of the Negotiations Committee. Further meetings will be scheduled.

ROAD DEPARTMENT CONTRACT. Acting Administrator Crane advised that there were further meetings of the Negotiations Committee regarding a few outstanding contract items. There was discussion regarding this issues and he will report back to the DPW bargaining unit.

ADJOURNMENT: No further business appearing, Ms. Phoebus moved to adjourn executive session at 10:05 P.M., seconded by Mr. Grottyohann and carried unanimously.

Respectfully submitted,

Tom Walsh, Mayor

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