

ANDOVER TOWNSHIP COMMITTEE MINUTES

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

DECEMBER 10, 2007 - 6:00 P.M.

REGULAR MEETING BEGINS AT 7:30 P.M.

The regular meeting of the Andover Township Committee was called to order at 6:15 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: Attorney Semrau
Those absent: Mr. Grotyohann (excused)

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

Mr. Smith announced that one of the candidates will be late this evening due to a minor motor vehicle accident. The interviews began with a presentation from candidate Jayme Alfano. At this time Acting Administrator Crane who is also a candidate left the dais and the meeting room

FIVE MINUTE PRESENTATION BY ADMINISTRATOR CANDIDATES

JAYME ALFANO. Ms. Alfano provided the Township Committee and those present in the meeting room of a recap of her first interview including a synopsis of her education and qualifications. There were random questions from the governing body to conclude the interview.

MICHAEL CRANE. At this time Mr. Crane re-interviewed before the Committee and was called into the meeting room. He also provided a short presentation and recap of education and qualifications.

CANDIDATES FOR INTERVIEW FOR TOWNSHIP ADMINISTRATOR

At this time Mayor Walsh asked that the Township Committee continue with regular business and when the next candidate arrives, the interviews will resume.

At this time Mayor Walsh asked that the agenda be amended as follows:

UNDER THE REGULAR AGENDA

UNDER RESOLUTIONS

1. **#R2007-164 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER AWARDING THE CONTRACT FOR THE BROADVIEW DRIVE DRAINAGE IMPROVEMENTS PROJECT TO WILLIAM WROBLESKI, LLC**

APPROVAL OF AGENDA On a motion by Ms. Phoebus and seconded by Mr. Smith the agenda was approved as amended.

APPROVAL OF CONSENT AGENDA Ms. Phoebus moved the following consent items be approved, 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 NOVEMBER REPORT - \$3,598,282.90

***RESOLUTIONS:**

#R2007-160 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY APPROVING THE ASSIGNMENT BY CHIEF OF POLICE COLEMAN OF POLICE OFFICER STEPHEN MURRELL TO TRAFFIC SAFETY OFFICER

#R2007-161 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY SUPPORTING THE OVER THE LIMIT – UNDER ARREST 2007 YEAR END CRACKDOWN

#R2007-162 2007 BUDGET TRANSFER RESOLUTION - \$13,250.00

#R2007-163 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO MATTHEW KRAUSER FOR REAL ESTATE APPRAISAL CONSULTING SERVICES

(See Inserts Attached to These Minutes)

APPROVAL OF MINUTES:

**OCTOBER 29, 2007 WORK SESSION
OCTOBER 29, 2007 REGULAR MINUTES
OCTOBER 29, 2007 EXECUTIVE SESSION**

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

Mr. Gilsean – yes
Ms. Phoebus – yes
Mayor Walsh - yes

Mr. Grotyohann – absent
Mr. Smith – abstain

REGULAR AGENDA**RESOLUTIONS****#R2007-164 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER AWARDING THE CONTRACT FOR THE BROADVIEW DRIVE DRAINAGE IMPROVEMENTS PROJECT TO WILLIAM WROBLESKI, LLC**

Mr. Smith requested an explanation of this project and Engineer Golden was in attendance and he provided the background as to why this project is necessary. The drainage issue at this location as been an issue for some time. The funds are available, proposals were received and Wrobleski is the lowest proposal received to complete this project.

Ms. Phoebus moved to approve this resolution as presented, seconded by Mr. Gilseman and carried unanimously.
(See Insert Attached to These Minutes)

NEW BUSINESS**CONSIDERATION OF RE-BID FOR CELL TOWER CO-LOCATORS**

Attorney Semrau explained that the Township had gone out to bid early Fall and awarded a bid for additional co-locator agreement on the cell tower. There was a bidder that requested that if there was space we go out again for bid. He stated we did so and the bid was not timely submitted and there were no other bidders. He asked if the Township Committee would consider going out again for bid with the same specifications with a \$25,000 minimum bid for annual rent. Tom Lynch from NJ Sites was present and voiced his company's interest in bidding on this project.

Ms. Phoebus moved to go out for bid on this project with a minimum bid of \$25,000, seconded by Mr. Smith and carried unanimously.

PRESENTATIONS

None

CANDIDATES FOR INTERVIEW FOR TOWNSHIP ADMINISTRATOR (RESUMED)

Candidate Frank Rubino came before the Township Committee. He was informed that at any time he was uncomfortable with any question, the Township Committee could go into Executive Session for that particular personal questioning. There was questioning from all members of the governing body for the next 30 minutes. At that time, Mr. Rubino thanked the Township Committee for the opportunity and he left the meeting.

The next candidate requested to be unidentified due to his pending employment. He also was interviewed in public and was advised that at any time, if he found the questioning to be detrimental to his current position, he could opt to go into Executive Session. Questioning ensued from the governing body for about 30 minutes. At the conclusion, he thanked the Township Committee for considering him for this appointment.

RECESS CALLED AT 8:02 P.M.

MEETING RESUMED AT 8:13 P.M.

REGULAR AGENDA (RESUMED)

OPEN TO THE PUBLIC Before opening the public session Mayor Walsh announced to the public that those who wish to speak shall come up to the dais, to the microphone, state their name and address, direct their comments to the Township Committee. The Committee will comment or respond when they conclude their comments. Each member of the public will be recognized and given the floor. When they have concluded they will not be recognized again during that public portion of the meeting. Anyone who is disruptive and speaks when they are not recognized will be considered to be disruptive to the meeting and may be asked to leave. At this time, the meeting was opened to the public.

Lois de Vries, Chair of the Environmental Commission stated she noticed that the Committee is considering rescheduling the 2008 Reorganization and she called to their attention that the Environmental Commission reorganization is scheduled for January 3rd. She was informed that other available dates would be forwarded to her for rescheduling of the Environmental Commission meeting.

Sue Howell, Andover Township questioned that at the last meeting the issue was raised that the Township paid for Mr. Mosner's legal defense for the ethics charges. Attorney Semrau explained that the Township has not paid for these expenses. He had requested payment which was initially denied and thereafter there was discussion that in order to avoid any further litigation over the issue, a proposal was made, but no agreement was reached.

Phil Boyce, 19 Victoria Pines Lane commented about the NJ Herald article which addressed the Township's interview process for the administrator. He mentioned a comment made at the end of the article about Mike Crane assisting in the election for Mayor Walsh's campaign. He wanted to clarify by saying he thought Mike Crane assisted everybody in their elections, as far as he knew, because he was the chairman of the republican committee. He then reiterated what he stated at the November 26th meeting regarding Mr. Gilsenan's comments made at the October 29th regarding the intent to file an ethics complaint against the Mayor. He stated that he understood the process to be a confidential matter and by bringing the issue up at a public meeting, that Mr. Gilsenan had conducted an ethics violation. He stated he was more concerned about making such an implication without the Mayor having an opportunity to explain it. He then voiced his concern regarding a threat that if other members did not vote as he wished, a complaint would be filed against them. Mr. Boyce stated that he would like to see the Committee members vote their conscious and do the right thing rather than be threatened with an ethics complaint about a vote that hasn't taken place yet. He asked Mr. Gilsenan to reconsider this.

Mr. Smith remarked that Mr. Crane did not assist him with in any way with his campaign.

Hearing nothing more from the public, Mayor Walsh closed the public portion.

ORDINANCES: PUBLIC HEARING

Before opening this Ordinance to the public, Mayor Walsh asked for a motion to amend the Ordinance in **Subsection 66-2, Line 4 to read “.....on or after January 1, 2008...”**

Ms. Phoebus moved to authorize this amendment, seconded by Mr. Smith. Attorney Semrau explained that the Ordinance included the date that the State law was amended to permit the actual local entities to charge this tax. This amendment is make the effective date clear and to avoid any confusion.

Following this explanation, the motion was carried unanimously.

#2007-17 CHAPTER 66 “HOTEL/MOTEL OCCUPANCY TAX

“AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES WITH THE CREATION OF CHAPTER 66, “HOTEL AND MOTEL OCCUPANCY TAX”

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

Hearing no comments at this time, 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 November 26, 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. Gilsenan – yes | Mr. Grotyohann – absent |
| Ms. Phoebus – yes | Mr. Smith – yes |
| Mayor Walsh - yes | |

Before opening the following Ordinance to the public, Mayor Walsh asked for a motion to amend the Ordinance by removing Section 2.

Mr. Smith moved to authorize this amendment, seconded by Ms. Phoebus and carried unanimously.

#2007-18 TO AMEND BOND ORDINANCE #2005-17

“AN ORDINANCE SUPPLEMENTING BOND ORDINANCE #2005-17D AND APPROPRIATING AN AMOUNT NOT TO EXCEED \$150,000 EXPECTED TO BE RECEIVED AS A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT FOR PHASE III RECONSTRUCTION TO SKYTOP ROAD”

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

ORDINANCES: PUBLIC HEARING (CONTINUED)

#2007-18 TO AMEND BOND ORDINANCE #2005-17

Hearing no comments at this time, Mr. Smith moved to close the public hearing, seconded by Mr. Gilsenan 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 November 26, 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. Gilsenan – yes	Mr. Grotyohann – absent
Ms. Phoebus – yes	Mr. Smith – yes
Mayor Walsh - yes	

#2007-19 LEASE WITH THE TOWN OF NEWTON

“AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A LEASE WITH THE TOWN OF NEWTON FOR THE LOCATION OF ONE REMOTE SATELLITE RECEIVER ANTENNA AT THE GOODALE ROAD TOWER SITE”

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

Hearing no comments at this time, Mr. Smith moved to close the public hearing, seconded by Mr. Gilsenan 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 November 26, 2007, was advertised according to the law and was brought before the public for final consideration. There being no objections, Mr. Smith moved the adoption of the above entitled ordinance, seconded by Ms. Phoebus. Roll call vote:

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

OTHER BUSINESS

RESCHEDULING OF DECEMBER 27TH MEETING FROM 10:00 A.M. TO 6:30 P.M.

RESCHEDULING OF THE 2008 REORGANIZATION MEETING FROM JANUARY 02ND TO JANUARY 4TH

Ms. Phoebus moved to approve the rescheduling of the above referenced meetings, seconded by Mr. Gilsenan and carried unanimously.

COMMITTEE REPORTS

MR. GILSENAN. He reported on Lakeland Emergency Squad calls stating there were 7 for Andover Borough, 37 for Andover Township, Byram Township had 27. Mutual aid response to Hopatcong was one, with Newton there were five, Stanhope, nine for a total of 86. Advanced life saving workup was 23 calls, cancellations totaled seven and release was one. The total mileage for November was 1,298 with a total number of hours of 254. There were two medevacs. Elections were held and the President is Ann Foster, Vice-President is Dave Brevies, Treasurer is George Allenspauch and Secretary is Evan Camella. The total donations received to date are \$49, 762.00.

He sent a special note of thanks to Andover Township EMC Bob Reidmiller for donating \$1300. from the OEM budget to purchase three radios for the squad. Mr. Gilsean explained that Lakeland Emergency Squad responds to approximately 70 calls per year from the Andover Subacute and Rehab Center at an average cost of \$200. per call, per year, the cost to the taxpayer is approximately \$14,000 per year. Lakeland has asked them for donations to cover these costs and the response was \$100 donation in 2006 and another in 2007. He added that the taxpayers can no longer afford to support this for-profit nursing home and he stated he will continue to work on this and keep the public updated.

MR. SMITH. He reported that the website for the month of November there were 1286 visits and for the first time there was a drop. He reported on the Seniors annual holiday dinner at the Lafayette House. The next event is on December 16th, the Recreation Department's holiday party.

MS. PHOEBUS. She reported on the New York City bus trip was a success. She mentioned some issues with one of the bus drivers and Jackie Huelbig will be reporting that incident to the bus company. She then reported that the township holiday party was a lovely event and she thanked everyone for their help. This Saturday will be the children's holiday event at the barn.

She stated she, Chuck McGroarty and Mr. Christodlous met with the County Administrator and County Engineer to discuss the plan endorsement process and she found it to be a very successful meeting. They expressed their concerns regarding the costs to the County and they are willing to research the issue and perhaps start a pilot program with other towns allowing municipalities to use their in-house engineers to help with some of the costly reports. Because of this, the first advisory committee meeting is on hold until we can get the County's feedback. They even agreed to come to the first meeting and speak with them.

She then reported on the Fire Department's end of the year meeting. She then spoke about Project Operation Santa. Fire Chief Danielson explained how the process works and anyone interested in participating should contact the department.

MAYOR WALSH. He thanked Gail Phoebus for all she has done through her generous donations. A round of applause for her and her husband followed. He then read a letter from School Superintendent Jerry Clymer which announces his retirement effective the end of June 2008.

REPORT FROM THE TOWNSHIP ADMINISTRATOR He reported that the hold harmless agreement for engineering/road projects is in place. He met with the EMC Reidmiller who will provide a quarterly report to the governing body. Mr. Crane informed Mr. Smith that Reidmiller needs a municipal e-mail account. Mr. Smith stated one has been established for him and he will send him another notice along with his password.

REPORT FROM THE TOWNSHIP ADMINISTRATOR (CONTINUED) He then reported that the Ballantine Woods meeting will be postponed and will be done in the early Spring. JCP&L has begun site clearing for the construction of the substation.

REPORT FROM THE MUNICIPAL ATTORNEY Attorney Semrau stated that he has the September 17th Executive Session that he has prepared. He asked the Township Committee to review them during the recess and perhaps during the conclusion of the Executive Session, action may be taken.

At this time Mr. Gilseman wished to report on the Lake Iliff acquisition stating that the grant from Sussex County totaling \$76,000 has been received. Morris Land Conservancy provided \$25,000 to this project, costing Andover Township nothing to proceed. The Andover Township Open Space Tax collected is approximately \$60,000 for this year; some of these monies have been earmarked as a match for the ANJEC Grant and also for the Morris Land Conservancy Outreach project. He added that if Andover Township did not have their own open space tax, we would not be eligible for the County grant.

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

Personnel Matters

1. ***Position of Township Administrator***

Contract Negotiations

1. ***Fraternal Order of Police Contract***
2. ***Police Dispatchers Contract***
3. ***Department of Public Works Contract***
4. ***Smith Property***

Attorney-Client Privilege

1. ***Possible Violation of the Law***
2. ***Approval of Minutes for September 17, 2007
Special Executive Session (Removed)***
3. ***Property Acquisition – Morris Land Conservancy***

Possible Litigation

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

The Committee went into executive session at 8:49 P.M. Ms. Phoebus moved to adjourn executive session at 10:03 P.M., seconded by Mr. Smith and carried unanimously.

REGULAR MEETING RESUMED

APPROVAL OF MINUTES

SEPTEMBER 17, 2007 EXECUTIVE SESSION

Ms. Phoebus moved to approve these minutes as presented, seconded by Mr. Gilseman and carried unanimously.

REPORT FROM THE MUNICIPAL ATTORNEY (CONTINUED)

Attorney Semrau reported on the speed limit amendment in Drake Manor stating that the State Department of Transportation is requiring a more extensive engineer's report in order to bring this change to their approval. He stated that Engineer Golden submitted a proposal of \$3,500 in order to do the appropriate testing and write the necessary report for approval. He stated that he and Officer Murrell need Engineer Golden to guarantee that his report will be enough to ensure the NJDOT's approval. There was a consensus to place this matter on the next agenda for consideration.

At this time Mr. Smith moved to appoint candidate Jayme Alfano to the position of permanent Administrator, subject to negotiating of terms and to a satisfactory reference check and background check. Motion was seconded by Mr. Gilsenan. There being no discussion, a roll call was requested:

- | | |
|--------------------|-------------------------|
| Mr. Gilsenan – yes | Mr. Grotyohann – absent |
| Ms. Phoebus – yes | Mr. Smith – yes |
| Mayor Walsh - no | |

Attorney Semrau stated he will prepare the contract and resolution for the next meeting.

NEXT SCHEDULED MEETINGS: **Thursday, December 27, 2007 - 6:30 p.m.**
Regular Meeting – 7:30 p.m.

2008 Reorganization Meeting
Wednesday, January 4TH - 7:30 p.m.

ADJOURNMENT No further business appearing before the Committee at this time, Ms. Phoebus moved the meeting be adjourned at 10:03 P.M., seconded by Mr. Smith and carried unanimously.

Respectfully submitted,

Tom Walsh, Mayor

Vita Thompson, R.M.C.
Municipal Clerk

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Andover on the 10th day of December 2007, that:

1. Prior to the commencement of this **Regular Meeting**, the Township Committee 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. ***Fraternal Order of Police Contract***
- 2. ***Police Dispatchers Contract***
- 3. ***Department of Public Works Contract***
- 4. ***Smith Property***

Attorney-Client Privilege

- 1. ***Possible Violation of the Law***
- 2. ***Approval of Minutes for September 17, 2007
Special Executive Session (Removed)***
- 3. ***Property Acquisition – Morris Land Conservancy***

- () b. (8) Personnel matters.
 - 1. ***Position of Township Administrator***
- () 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: December 10, 2007

Moved: Phoebus Seconded: Gilsenan
Voted Aye: Gilsenan, Phoebus, Smith, Walsh
Voted Nay: None
Abstained: None
Absent: Grottyohann
Resolution adopted. 12/10/07
