

## ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

AUGUST 25, 2008

EXECUTIVE SESSION – 6:30 P.M.

REGULAR MEETING - 7:30 P.M.

The regular meeting of the Andover Township Committee was called to order at 6:41 P.M. by Mayor Phoebus, followed by a salute to the flag.

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

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

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

**Personnel Matters:**

1. *Police Dispatcher Grievance*
2. *D. Dickinson, DPW Supervisor*
3. *J. Alfano, Township Administrator*

**Contract Negotiations:**

1. *Remax – Rental of Hillside Park Hall Lower Level*
2. *Cell Tower*

**Attorney-Client Privilege:**

1. *St. Paul's Abbey*
2. *Highland Farms & Lakeview Ridge*

**Pending Litigation**

1. *Szatkiewicz vs. Andover Township*

**Potential Litigation**

1. *PSE&G*
2. *Possible Violation of the Law*
3. *Quist Property - Drainage Issue*, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:43 P.M. Mr. Walsh moved to adjourn executive session at 7:56 P.M., seconded by Mr. Smith and carried unanimously.

**REGULAR MEETING**

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

**APPROVAL OF CONSENT AGENDA ITEMS** Administrator Alfano requested that

Resolution #R2008-143, *TO AUTHORIZE THE RENEWAL OF MEMBERSHIP IN THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND FOR A THREE YEAR PERIOD BEGINNING JANUARY 1, 2009 AND ENDING JANUARY 1,2012, 12:01 A.M.* be removed from the consent agenda and tabled until September 08<sup>th</sup>.

Mr. Walsh moved the following consent items be approved, as amended, seconded by Mr. Smith and carried unanimously. Mayor Phoebus voted yes on all but abstain on Item #8 under Other Business.

**\*CONSENT AGENDA:**

**\*OTHER BUSINESS:**

***APPROVAL OF VOUCHERS FOR PAYMENT***

(See Insert Attached to These Minutes)

***ACCEPTANCE OF TAX COLLECTOR’S JULY REPORT - \$9,972,753.74***

***ACCEPTANCE OF SOIL EROSION, GRASS GROWTH AND DRAINAGE PIPE CASH BOND  
JEFFREY MCWILLIAMS – 27 IRVING PLACE – BLOCK 144/LOT 1 - \$1,500.00  
ESCROW #T-13-56-717-264***

***REFUND (PARTIAL RELEASE) OF SOIL EROSION/SEDIMENT CONTROL BOND FOR  
JEFFREY MCWILLIAMS - 27 IRVING PLACE – BLOCK 144/LOT 1 - \$200.00  
ESCROW #T-13-56-717-264***

***ACCEPTANCE OF SOIL EROSION, GRASS GROWTH BOND - MOREL BUILDERS  
15 EILEEN’S WAY - BLOCK 69/LOT 4.19 - \$3,000.00 – ESCROW #T-13-56-717-269***

***ACCEPTANCE OF SOIL EROSION, TREE REMOVAL BOND – MOREL BUILDERS  
15 EILEEN’S WAY - BLOCK 69/LOT 4.19 - \$2,500.00 – ESCROW #T-13-56-717-268***

***APPOINTMENT TO THE RECREATION COMMITTEE – JANET BARDELLO  
ALTERNATE NO. 3 MEMBER – TERM TO EXPIRE DECEMBER 31, 2008  
EFFECTIVE IMMEDIATELY***

***APPROVAL OF ON-PREMISE RAFFLE LICENSES – ARC OF SUSSEX COUNTY, INC.  
TO BE HELD ON SEPTEMBER 17, 2008 AT 8:00 P.M. AT PERONA FARMS***

- A) R.L. 835 50/50 RAFFLE***
- B) R.L. 836 MERCHANDISE RAFFLE***

**\*CONSENT AGENDA: (CONTINUED)****\*RESOLUTIONS:**

- #R2008-141 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY **TO CREDIT AN ESCROW ACCOUNT IN THE NAME OF APPLICANT, MICHAEL PICCOLO**
- #R2008-142 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY **TO APPOINT A TEMPORARY PART TIME CLERK TYPIST FOR THE MUNICIPAL COURT**
- #R2008-144 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE, COUNTY OF SUSSEX AND STATE OF NEW JERSEY **TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND OF \$72.50 TO CHARLES & LUCILLE ANDERSON FOR THE YEAR 2008, DUE TO PAYMENT APPLIED TOWARDS BLOCK 38/LOT 22.02 WHICH WAS DELETED AS A LINE ITEM FOR THE YEAR 2008**
- #R2008-145 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY **AUTHORIZING AN ADDITIONAL NINETY (90) DAY EXTENSION TO THE CURRENT CONTRACT WITH REMAX PLATINUM GROUP FOR REAL ESTATE SERVICES ASSOCIATED WITH THE LEASE OF THE HILLSIDE PARK BARN**

(See Inserts Attached to These Minutes)

**PRESENTATION****PROCLAMATIONS TO ANDOVER TOWNSHIP BOY SCOUTS FOR THEIR WORK ON THE HILLSIDE PARK SKATING RINK**

Proclamations were presented to the local Boy Scouts, a combination of Eagle, Life, First Class and Star scouts and they painted the rink walls and worked on the curbing from July 8<sup>th</sup> through 10<sup>th</sup>. The following scouts were recognized and a round of applause followed.

**Star Class Scout, MATTHEW GRAMKO**  
**First Class Scout, LOGAN PATTON and HARRY SHEERER**  
**Life Class Scout, KEITH MEYER, CHRIS MARION, JOHN KOENIG and TIM HAINES**  
**Eagle Scout ROBBIE GERDES and JUSTIN LABRIE**

Administrator Alfano informed the audience that Chris Marion had called her stating he met her at a Board of Education meeting and he visited the Township website. She stated that Chris is very good with computers and wanted to know if the township could use his help in updating our website. She stated that they met for about an hour and out of the goodness of his heart, he will try to help us out. Administrator Alfano stated she wanted to publically thank him for his assistance.

**REGULAR AGENDA**

**OPEN TO THE PUBLIC** Mayor Phoebus read the following into the record prior to the public portion.

**RULES FOR THE PUBLIC PORTION OF THE MEETING**

1. Please come forward when recognized and state your name and address.
2. Please direct your comments to the Township Committee.
3. The committee will comment or respond when you conclude your comments.
4. Each member of the public will be recognized and given the floor. When you have concluded, you will not be recognized again during that public portion of the meeting.
5. Anyone that is disruptive and speaks when they are not recognized will be considered to be disruptive to the meeting and maybe asked to leave.

Phil Boyce of 19 Victoria Pines Lane questioned Attorney Semrau regarding an issue that could be perceived as a conflict of interest. He stated that there is an application pending before the Land Use Board where the chairman of that board is making the application. Mr. Boyce stated that Land Use Board Attorney Germinario was recruited for the position by the chairman of the board and he has a problem with that. He asked that since Attorney Germinario was recruited by Land Use Board Chair Christodlous who is now the applicant, would the proper procedure be for him to step down as board attorney. He also stated that there is a member of the Land Use Board who ran for Township Committee and Mr. Christodlous was his campaign manager. He then asked if it appropriate for Mr. Smith to vote on Mr. Christodlous' application since they have a close personal relationship.

Mr. Smith stated he had no campaign manager, he was his own campaign manager and he offered Mr. Boyce to check the ELEC records. Mr. Boyce then asked if Mr. Christodlous was actively involved in his campaign. Mr. Boyce asked Mr. Smith questions regarding Mr. Christodlous' involvement in his campaign and Mr. Smith answered that perhaps he did put signs up on his behalf.

Attorney Semrau explained that this has to do with a Land Use Board matter and he stated he could convey these concerns to Attorney Germinario and let him address them when the application comes forward. He added that in the past, he has worked with Attorney Germinario for a number of years and if he has any concerns, he will call him.

Lois de Vries stated she would like to remind the Township of their duty to maintain the detention basins which and she asked if Engineer Golden could explain the current status of their maintenance and possibly point out what potential consequences there may be if the Township doesn't begin to maintain a regular schedule.

Engineer Golden stated that there is a program for basins maintenance which is under consideration. There is also a log of all the basins which are under the Township's jurisdiction but we have not yet created a maintenance plan. He added that they are still trying to identify which basins are in the builders' agreements. He stated some of the worse cases require brush removal and major work. Those not requiring major work are under the jurisdiction of the various developers. He stressed that it is an item that should be reviewed for next year as far as staffing in order to properly maintain these basins. It is a requirement to maintain all the basins and if not the Township is subject to fines.

Administrator Alfano reported that she and Ms. de Vries met with members of the DPW visiting each basin to ascertain what is needed as part of the maintenance program. Supervisor Dickinson suggested that one or two be done at a time to see what exactly is involved to get it to the point where it is to be self-maintained.

**OPEN TO THE PUBLIC (CONTINUED)** Ms. de Vries stated that there was a great deal of discussion and misinformation regarding the proposed Constraints Ordinance and she reiterated the Environmental Commission's position in applying the environmental impact statement. She explained the difference between the minor and major subdivisions. She stated that the EIS can be waived. Ms. de Vries asked why Mr. Walsh who was once in favor of a Tree Ordinance and Constraints Ordinance changed his mind on both. Mr. Walsh replied that he was always in favor of a Tree Ordinance until Attorney Semrau explained that such an ordinance could not be defended in court. He added that he is in favor of a Constraints Ordinance, but not the way this one is written.

Carla Kostelnik of 50 Greendale Road provided her history of the Township as a member of the Planning Board and Township Committee and since then many things have changed. She stated that at that time they based their zoning on the environmental impact statement or resource inventory. She stated those ordinances were based on the availability of water and needs to be stressed. The Constraints Ordinance is extremely complicated, overlaps unnecessarily and it's been in courts and will be again. She suggested rezoning of the entire municipality according to surveys and then look at individual applications as they are filed. Mr. Walsh asked if she had seen the 1989 Constraints Ordinance. She replied that it was through out of the courts.

Attorney Semrau stated that he was directed to work with various professionals on the Tree Ordinance but a water availability ordinance is more along the lines of a carbonated rock ordinance. He explained that you can not go lot to lot and have individual zoning and the Constraints Ordinance sets out to say those properties that are environmentally constrained have to abide by a certain set of rules.

Stan Christodoulos, 6 Wisteria Road explained that Ms. Kostelnik is referring to the Table in the ordinance. Attorney Semrau added that it is a mathematical formula to the ordinance.

Diane Gillespie asked Attorney Semrau the status of the research on the permit on the hunting preserve. He stated that he reported back that inquiries were made and spoke to the attorney for the preserve and he sent correspondence. He indicated publically at that time that a lawsuit had been initiated and from that standpoint his recommendation was that if something was to be done on the local level, the court will so direct. If not, there is nothing left to do the way the law is written. He added that a call to the NJDEP gave them the same answer that all the applicant has to do is post a sign. He stated he does not know the status of the lawsuit but will check.

Ms. Gillespie asked if the Township has an instrument that measures sound. Chief Coleman replied "no". She then referenced a Star Ledger article about Hillside NJ and the in-fighting which brought the town to a standstill because can get done. She asked everyone to remember to do that it is what's best for everyone. She stated that Andover Township has many beautiful assets that could be gone in an instant without a Constraints Ordinance. She asked that we all have confidence in our professionals who worked on this, spending thousands of dollars.

Mr. Smith moved to close the public portion, seconded by Mr. Gilsenan and carried unanimously.

**ORDINANCES: PUBLIC HEARING****#2008-13 POLICE DEPARTMENT  
"OFF DUTY CONTRACTS"**

***"AN ORDINANCE TO AMEND CHAPTER 119 ENTITLED "POLICE DEPARTMENT" SECTION 119-8 "CONTRACTED OFF DUTY EMPLOYMENT" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY"***

Mr. Gilsenan moved to open discussion of this ordinance to the public, seconded by Mr. Smith and carried unanimously. Hearing nothing from the public, Mr. Walsh 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 July 28, 2008, was advertised according to the law and was brought before the public for final consideration. There being no objections, Mr. Walsh moved the adoption of the above entitled ordinance, seconded by Mayor Phoebus. Roll call vote:

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

**ORDINANCES: INTRODUCTION****#2008-14 PEDOPHILE ORDINANCE**

***"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 128, "SEX OFFENDERS"***

Attorney Semrau stated that he has additional information that could cause amendments to this ordinance before its introduction. He asked if this could be tabled until the September 22<sup>nd</sup> meeting for further review. Mr. Gilsenan moved to table this ordinance until the September 22<sup>nd</sup> meeting, seconded by Mayor Phoebus and carried unanimously.

**RESOLUTIONS****#R2008-146 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY SUPPORTING SENATE BILL 2024 REQUIRING FULL DISCLOSURE OF FEES/COMMISSIONS EARNED BY INSURANCE BROKERS( FOR LOCAL GOVERNMENTS/PUBLIC ENTITIES INSURED BY PRIVATE INSURANCE CARRIERS) OR RISK MANAGER (FOR LOCAL GOVERNMENTS/PUBLIC ENTITIES INSURED THROUGH JOINT INSURANCE FUNDS)**

Mr. Smith moved to adopt the foregoing resolution as presented, seconded by Mr. Gilsenan and carried unanimously.

(See Insert Attached to These Minutes)

**NEW BUSINESS*****TRAFFIC STUDY – COUNTY ROUTE 616 – NEWTON-SPARTA RD.***

Engineer Golden was present and he reported that the County has been evaluating Newton-Sparta Road to determine if speed limit changes are appropriate. The County has informed us that they would like to make amendments to the current speed limits and they are looking for support from the Township via an Ordinance to authorize them to make these changes. Mr. Walsh stated that we have been after them for years to lower the limits on this roadway and they informed us that it can't be done because of the 85<sup>th</sup> percentile.

Engineer Golden explained that they have not met the basic warrants to make the speed limit change but they want to go over and above what the warrants are and try to use other justifications to supersede, such as population density, access points, site distance, accident records, fatal crashes and items such as these. Though the speed limit changes are lower, Chief Coleman feels they are not low enough. There was discussion regarding the ordinance and the fluctuation of the speed limit proposed along Newton-Sparta Road.

Engineer Golden stated that the Township does not have an option of asking the County to make the roadway slower, they are asking for support of any change in the road.

**ORDINANCE: INTRODUCTION****#2008-15 TO AMEND CHAPTER 10 "VEHICLES AND TRAFFIC"  
SECTION 10-19 "SPEED LIMITS"*****"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY ESTABLISHING SPEED LIMITS FOR BOTH DIRECTIONS OF TRAFFIC ALONG SUSSEX COUNTY ROUTE 616"***

***BE IT RESOLVED*** by the Mayor and Committee of the Township of Andover, that Ordinance #2008-15, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on September 22, 2008 at 7:30 P.M. local prevailing time, or as soon thereafter as the matter can be reached in the Municipal Building, 134 Newton-Sparta Road, Roll call vote:

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

***DISCUSSION REGARDING SUPPORT OR OPPOSITION OF SENATE BILL NO. 1976/ASSEMBLY BILL NO. 2982 – "POLICE SERVICES PROPERTY TAX RELIEF FUND"***

Chief Coleman was present and he stated that this matter has been discussed on the County level and as Chief of Police he is opposes this bill which include numerous mandates that regulate local police departments. One is how a municipality hires its officers; you would need authorization from the Attorney General to hire additional personnel. He added that under this Bill, each violation will have a \$40 surcharge added, including parking tickets to fund this program. Some of the discretion is taken away from the officers in issuing summonses. He stated there are sections of the Bill they do support such as funding for body armor, spinal cord research, autism medial research, treatment fund and forensic DNA laboratory fund. Most of what was written will take a lot of the control away from local government and put it in the hands of the State. Mr. Walsh stated that this Bill will help fund our own department and everyone else's.

**RESOLUTION****#R2008-147 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY OPPOSING S-1976/A-2982, AN INCREASE IN STATE POLICE SURCHARGES TO DEFRAY COSTS OF LOCAL POLICE SERVICES**

Mr. Walsh moved to adopt the foregoing resolution as presented, seconded by Mr. Smith and carried unanimously.

(See Insert Attached to These Minutes)

**OLD BUSINESS*****DRAKE MANOR TRAFFIC STUDY REPORT***

Engineer Golden stated that the traffic survey used in this would serve as a model for the neighborhood and hoped that the State would accept it not to have to do each road separately. The study must include 100 cars and that is impossible in this area, so several days had to be used. He stated he revised his report as the State asked him to. He added that there is another request filed with the State and he believes that we will receive approval for Club Road and Manor Drive legally posted for 25 m.p.h. Engineer Golden stated that there is a drive to move the legislation regarding speed limits back to the municipality.

***DISCUSSION REGARDING THE CONSTRAINTS ORDINANCE AND HOW TO PROCEED***

Mayor Phoebus stated she has recused herself from this discussion turned this portion of the meeting to Deputy Mayor Smith.

Deputy Mayor Smith stated that the purpose of this discussion is to again try to determine where we are going with this Ordinance. He stated that he has struggled with this, doing a lot of research on it and can see merits to it. He stated that it is consistent with the Master Plan and he read a quote from the Master Plan stating such.

Mr. Gilseman stated that he is in agreement the statement does refer to an Ordinance such as the Constraints Ordinance. He referenced the drainage issues and how to undo the damage done. Mr. Smith stated that in speaking to the general public, there are a lot of misconceptions with this Ordinance. He said the Ordinance is not designed to restrict or stop building or drive out commerce. It is to try and encourage responsible development and not to overdevelop properties that can't withstand building on it.

Mr. Smith remarked that he did an exercise, taking a 10 acre property and assuming a R-2 district and said what if 20 to 25% of that is restrictive area or falls under this Ordinance. What he arrived at was that one house would not be allowed. Normally you could develop five houses and with this Ordinance and those restrictions, you would develop four.

Mr. Walsh stated at the last meeting Mr. Gilseman asked how this Ordinance would affect commercial development and he asked if he found an answer. Mr. Gilseman stated that this State has had the largest build out of residential homes in the last 10 years and there is a financial crisis because of it. Taxes have doubled in that time period. Attorney Semrau stated that it is applicable for a preliminary major site plan applications so if commercial development comes in, constraints would be subtracted. He could not state the financial impacts this ordinance on commercial development. Mr. Smith stated in his opinion the only area where commercial development would differ would be in impervious areas.



**DISCUSSION REGARDING THE CONSTRAINTS ORDINANCE AND HOW TO PROCEED (CONTINUED)** Mr. Walsh reiterated that his problems with the Ordinance is with the Environmental Impact Study required for the minor subdivisions and other being the Category one buffer which we already know that there is no building in that area. He asked then why since you can't build in it can't it be a part of a five acre parcel? Attorney Semrau stated that this is land you should not get credit because it is land that is not recognized as development potential. There was ongoing discussion regarding the pros and cons of this Ordinance. There was also discussion regarding the comparison of this Ordinance to the 1989 Ordinance, showing that it is much different.

Attorney Semrau stated that if there is additional information requested from the governing body he will bring documentation with him to the public hearing. Hearing the comments this evening he will try to confer with everyone involved with this Ordinance to try to bring more information at the September 8<sup>th</sup> meeting.

**COMMITTEE REPORTS:** Due to the late hour, the Committee Reports were waived this evening.

Mr. Walsh thanked Ed Burgio for donating a 40 foot lift for the DPW to use for trees other than using ladders. Mr. Burgio was present and there was a round of applause for his generosity.

**REPORT FROM THE TOWNSHIP ADMINISTRATOR** She reported that the Andover Regional Board of Education gave a list of items that they need help with from the DPW. She passed that on to them and the only issue seems to be snow removal. Mr. Walsh stated that there has also been a plan in place where the school administrator would contact the State Police and they contacted Supervisor Dickinson. The school officials stated they don't send their personnel to remove snow until the morning and by then there could be a great deal of accumulation. Administrator Alfano stated that we can work with them to come up with a better plan.

There has been a great deal of discussion regarding the use of fields by Newton High School for field hockey and soccer practices and games for one year until they can improve the fields they use. Mr. Walsh explained the fields in the Township and what they are currently used for. Newton High School wanted to use Hillside Park for field hockey and the soccer field for practice. Mr. Walsh recommended offering them the outfield only; no one has ever been permitted to practice on the soccer field because of the monies invested.

She then reported she received a call from Plant Aid, a textile recycling/reuse organization to support developmental projects in Asia and Africa. They wanted to expand into Sussex County and asked if we had any regulations regarding the placement of these boxes for clothing collection. Following a short discussion it was decided more information was necessary about the organization. They were concerned about overflowing containers. She will request more details on the organizations before a decision is made.

**REPORT FROM THE CHIEF OF POLICE** Chief Coleman reported 10,906 calls year to date, a little more than 1,000 calls per month. He also stated that a more detailed report will be ready for next month.

**REPORT FROM THE RESCUE SQUAD CHIEF** He reported a total of 94 calls for the month of July, expended 1417 hours, 59 minutes and drove 1790 miles. He recognized member Bill Keller as top responder for the month, responding to 28 calls. Dave Penny and he (Mel Dennison) both went on 26 calls.

Year to date, Lakeland responded to 616 calls. Of those, 217 were in Andover Township. Hours used were 2357 and driven a total of 9209 miles. He stressed how the amount of mileage is creating a great deal of wear and tear on these vehicles.

**REPORT FROM THE RESCUE SQUAD CHIEF (CONTINUED)** He then discussed the serious maintenance problems with the aging fleet and the need for a new rig. This year on maintenance and repair they have spent \$6,000 to \$7,000. He asked if he could sit down with a subcommittee to discuss this further. Mr. Walsh asked if the squad has specked a new vehicle. Chief Dennison stated they have been looking and they are costing about \$125,000. They was discussion regarding purchasing as a cooperative with other municipalities. He thought of bringing Andover Township and Byram Township Committee's together to work on bid specs again.

Chief Dennison provided an update on the Andover Subacute and Rehab Center stating he received a call from Bob Mayer and they met to discuss what could be done regarding the numerous calls from the facility. There is nothing definitive at this point but Mr. Mayer is looking into providing a financial donation to Lakeland. Chief Dennison explained that Lakeland sends a fund drive letter to them every year and they claim they don't receive it.

Chief Dennison also stated that in speaking with Mr. Mayer he told him that the nursing home is contemplating reducing their paid service which will put more pressure on the volunteers. The nursing home owns the paid service. There has been talk that they want to eliminate their paid ambulance service. Mr. Gilsenan asked for legal input for a "for-profit company" to use a volunteer service, taxpayers' money to help run their for-profit business. Attorney Semrau stated he would look into this matter and report back.

**REPORT FROM THE MUNICIPAL ATTORNEY** He reported that he sent a letter to the Township Committee notifying them that the cable television franchise is up for renewal, it expires next June. He stated that one of the first things to do is establish a cable television committee to work on issues relevant to the renewal.

He reported on the executive sessions items beginning with Remax and Administrator Alfano has a proposal for professional services for environmental services if the rental is to a day care facility, such an inspection is required for the lease, that there is a no further action letter, which is issued by the Department of Environmental Protection. A resolution was prepared to hire First Environment for a fee not to exceed \$2,500.00.

**RESOLUTION:**

**#R2008-148 A 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 FIRST ENVIRONMENT FOR ENVIRONMENTAL  
SERVICES TO OBTAIN A NO FURTHER ACTION LETTER**

Mr. Walsh moved to adopt this resolution as presented, seconded by Mayor Phoebus and carried unanimously.

(See Insert Attached to These Minutes)

Attorney Semrau reported that on July 17<sup>th</sup>, the Governor signed legislation known as 8500 which now is it mandatory to impose a developers' fee on all non-residential development, at the rate of 2.5% of the equalized value of the improvement, provided that there is the appropriate affordable housing fund in place. He stated that he notified Planner McGroarty and he asked him to prepare an ordinance to amend the township's current affordable housing rates for this section. He added that this is for any certificates of occupancy that are issued going forward. Mayor Phoebus stated that without the ordinance, payment is still required but the fee will then go to the State not the township. There is a four year period to use that money and if not, the State of New Jersey will get those funds also.

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

**Personnel Matters:**

- 3. *J. Alfano, Township Administrator*

**Contract Negotiations:**

- 2. *Cell Tower*

**Attorney-Client Privilege:**

- 1. *St. Paul's Abbey*

**Pending Litigation**

- 2. *Szatkiewicz vs. Andover Township*

**Potential Litigation**

2. ***Possible Violation of the Law***, was carried unanimously.  
(See Insert Attached to These Minutes)

The Committee went into executive session at 10:20 P.M.

**RECESS WAS CALLED AT THIS TIME**

**MEETING WAS RESUMED AT 10:25 P.M.**

Mr. Walsh moved to adjourn executive session at 11:13 P.M., seconded by Mayor Phoebus and carried unanimously.

**REGULAR MEETING RESUMED**

**NEXT SCHEDULED MEETINGS:**    **Monday, September 08, 2008 6:30 p.m. Executive Session**  
**Regular Meeting 7:30 p.m.**

**Monday, September 22, 2008 6:30 p.m. Executive Session**  
**Regular Meeting 7:30 p.m.**

**ADJOURNMENT**    No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 11:14 P.M., seconded by Mr. Smith and carried unanimously.

Respectfully submitted,

\_\_\_\_\_  
**Gail Phoebus, Mayor**

\_\_\_\_\_  
**Linda Paolucci**