

**ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES**

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

**DECEMBER 08, 2008  
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 Phoebus, followed by a salute to the flag.

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

**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. *T. Day, Chief Financial Officer*
2. *Possible Litigation*
3. *J. Alfano, Township Administrator*

**Contract Negotiations:**

1. *Forest Lakes Dam Rehabilitation Project*
2. *Rescue Squad*
3. *Truck Washing*

**Attorney-Client Privilege:**

1. *Mews Property*
2. *COAH Update - Rannou Property*

**Pending Litigation**

**Potential Litigation**

1. *Police Computer System*, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:32 P.M. Mr. Walsh moved to adjourn executive session at 7:45 P.M., seconded by Mr. Smith and carried unanimously.

**REGULAR MEETING**

**APPROVAL OF AGENDA** Mayor Phoebus asked that the agenda be amended to include

**UNDER RESOLUTIONS**

1. #R2008-200 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF THE AGREEMENT BETWEEN KRISTA AND CHRISTOPHER RANNOU AND THE TOWNSHIP OF ANDOVER CONCERNING THE DESIGNATION OF CERTAIN PROPERTY AS AN AFFORDABLE HOUSING SITE

**APPROVAL OF AGENDA (CONTINUED)** Mr. Walsh moved to approve the agenda as amended, seconded by Mr. Smith and carried unanimously.

**APPROVAL OF CONSENT AGENDA ITEMS** Mayor Phoebus asked that the Consent Agenda be amended under Approval of Vouchers to add: Power Postage - \$1,000.00; Dr. Sam Castimore, VMD for September and October - \$1,536.00; MGL Printing 2009 Dog License Tags - \$832.00. Mr. Walsh 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 - \$18,434,322.20**

**\*RESOLUTIONS:**

**#R2008-194 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP OF ANDOVER TO ACT AS CO-APPLICANT IN CONNECTION WITH THE DAM RESTORATION LOAN FOR LAKE LENAPE ASSOCIATION, INC. FOR THE REPAIR OF LAKE LENAPE DAM**

**#R2008-195 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP COUNTY OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE A REFUND IN THE AMOUNT OF \$51.00 TO SHLOMO ZAFRANY FOR THE WITHDRAWAL OF A BUILDING PERMIT APPLICATION #08-333**

**#R2008-196 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPROVE THE SUBMISSION OF AN APPLICATION FOR PARTICIPATION IN THE LOCAL GOVERNMENT ENERGY AUDIT PROGRAM OF THE NJ BPU**

**#R2008-197 RESOLUTION OF THE TOWNSHIP OF ANDOVER TO AUTHORIZE 2008 BUDGET TRANSFER - \$84,000.00**

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

**\*RESOLUTIONS:**

**#R2008-198 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ISSUE A TAX REFUND TO JESSE WOLOSKY IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE #08-00005 SOLD FOR DELINQUENT TAXES FOR BLOCK 158/ LOT 14.03 IN THE AMOUNT OF \$9,274.86**

**#R2008-199 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ENTER INTO A CONTRACT WITH ALLIANCE WORK PARTNERS FOR STAFF TRAINING AND DEVELOPMENT SERVICES IN THE AMOUNT OF \$2,000.00**

(See Inserts Attached to These Minutes)

**\*APPROVAL OF MINUTES:**

**OCTOBER 27, 2008 REGULAR MEETING  
OCTOBER 27, 2008 EXECUTIVE SESSION "B"**

**\*RELEASE OF APPROVED 2008 EXECUTIVE SESSION MINUTES AS REDACTED:**

<b>JANUARY 17</b>	<b>FEBRUARY 11 "A" &amp; "B"</b>
<b>FEBRUARY 25</b>	<b>MARCH 10</b>
<b>MARCH 24</b>	<b>APRIL 14 "A"</b>
<b>APRIL 28</b>	<b>MAY 12</b>
<b>JUNE 09</b>	<b>JUNE 23 "B"</b>
<b>JULY 28 "B"</b>	<b>AUGUST 25 "B"</b>
<b>SEPTEMBER 8</b>	<b>SEPTEMBER 22</b>

**REGULAR AGENDA**

**PRESENTATION BY THE FOREST LAKES ASSOCIATION OFFICIALS**

Eileen Born, attorney for the Forest Lakes Association was present. She reviewed the proposal before the Township Committee as her colleague did at the last meeting. She explained that the loan is a 20 year, 2 percent loan and they are specifically for the rehabilitation of dams in New Jersey. She is asking that Andover Township to act as co-applicant in this loan agreement. Byram Township has already agreed to act as co-applicant and they prepared a resolution that will be signed on December 15<sup>th</sup>, but will be made effect November 24<sup>th</sup>. It was later determined that Byram Township resolution was contingent upon Andover Township passing a resolution to act as co-applicant. Various public meetings were held prior to this decision.

**PRESENTATION BY THE FOREST LAKES ASSOCIATION OFFICIALS (CONTINUED)**

She explained that the current dam safety statute requires that all properties that are benefitted by a lake community pay an assessment to fix the dam under this program. She stated all properties in Forest Lakes will be assessed, both members and non-members of the association. Because there are two municipalities involved, the process will be a bit more complicated. There are 40 properties in Andover Township. Once the costs are certified to the Township, an Ordinance would need to be passed.

Attorney Born stated that in agreeing to act as co-applicant, the agreement can be made contingent on the approval of a co-borrower's and loan agreement at a later time, not being obligated at this time to commit to a loan agreement that the municipality does not know the terms of.

Attorney Semrau remarked on a number of questions raised at the last meeting by members of the public and the Township Committee. One of the concerns is that this agreement is for a dam located in another municipality and involves 40 residents that may not be members of the lake community. He asked what would happen if the governing body decided to pass on this and what happens if consent is given due they have the right at a later date to change their course and not go along with. Attorney Born stated that if Andover Township does not agree to sign the co-borrowers agreement there are no other options available to borrow money for dam repair. Without Andover Township, Forest Lakes could not submit their application for funding because the DEP requires both municipalities to be co-applicants.

There was discussion regarding what is considered the known reservation and the argument that those within that reservation, whether or not they are members of the association shall be assessed for this dam repair. Attorney Born referred to the filed map that shows this reservation. Mr. Walsh remarked that this information should be part of the deed of the land. She agreed and stated in the chain of title, every property in the Forest Lakes Reservation, going back to the original Casperson deed and each having a filed map, it is clear which properties are part of the reservation.

Attorney Semrau asked why Byram would adopt a resolution contingent on Andover Township taking action. She explained that it is because the way the statute is written and all properties must be included, required to be assessed according to the benefit.

Questions continued from the governing body, including a question from Mr. Smith asking why it is a requirement for Andover Township to be a co-applicant when the body of water does not exist in the township. Attorney Born referred again to the statute and the history of the loan program. The private lake association made the application and they guaranteed the loan. Because of those lake associations that are voluntary, people could resign their membership before they could be assessed, crating a smaller and smaller membership taking on a greater and greater burden. Attorney Born stated that the DEP does not consider an agreement to act as co-applicant to be a commitment to the loan. Several assessment options were also discussed.

It was decided that this matter will be further discussed in a second Executive Session later this evening and a determination will be made at that time.

**DISCUSSION REGARDING THE PROPOSED 9-1-1 CONSOLIDATION**

The 9-1-1 panel present was John Eskilson, Sussex County Administrator, John Tomasula, Town of Newton Chief of Police, John Drake, Chairman of the 9-1-1 Working Group, Keith Armstrong, Shared Services Coordinator for the County of Sussex and Phil Coleman, Andover Township Chief of Police.

John Drake began the discussion providing his employment history. He stated he was appointed with the possibility of doing consolidation and help position for the next generation 9-1-1. He stated that we are very fortunate in Sussex County with the six PSAPs and throughout the State there are 240 call centers. He stated that based on his observance of the six in Sussex County are very well run stating it is not a safety or personnel issue. He then gave a brief overview of the Next Generation 9-1-1 System which with this consolidation, this is the method of public safety answering that will be considered. He then talked about the Enhanced 9-1-1 which would flash the address across the monitor and provide information on the caller.

He explained that the Next Generation 9-1-1 is already being tested in some areas. They hope that within the next two to three years the current PSAPs will be able to have the Next Generation system or at least the ability to have it. The system is quite expensive, anywhere from \$200,000. to \$300,000. per dispatcher position. This system does provide texting capability in addition to the call system. The current centers are not set up for this.

Mr. Drake stated that with the 240 centers dispersed throughout the State it can be very difficult to control so the State has passed Assembly legislation which will restrict the ability to receive funding for any small PSAP that serves fewer than 67,500 people. The State is looking for about 22 County PSAPs, 15 regional PSAPs and five city PSAPs. They want to decrease the number of centers to 40 Statewide over the next few years. There are more incentives today than will be in a few years so acting now to begin consolidation we have a better chance for some of the available funding.

In closing he stated that they are very hopeful with what they have been seeing and trying to share this information with the municipalities.

Mr. Grotyohann asked when they see this happening. Mr. Drake stated that it is available now and within two to three years, New Jersey is going to be one of the State's that will be the most encouraged to consolidate due to its proximity to New York City. The technology in New Jersey almost surpasses that in other states. The number 67,500 is derived from the population of the smallest county in New Jersey. Mr. Walsh asked the population in Sussex County which is about 155,000. Mr. Smith asked about more specifics in terms of the locations, where they are and who they are. Mr. Drake replied that they have looked at the centers and due to technology, the size and the equipment they currently have, it would be their desire that the two they would choose would be Sparta and Newton. The Newton center will be Kittatinny and the Sparta would be Wallkill. Newton was chosen because of the size of the building, the generator backup and he encouraged anyone to take a tour of both Newton and Sparta.

Mr. Smith asked why they wouldn't go to one center, such as a County-wide center, citing disaster recovery as a reason. Mr. Eskilson explained it would take a minimum of three years to implement a County-wide 9-1-1 Center including a great deal of cost and expense to the tax base. This is an opportunity that rose while focusing on the one center option and it became evident that there were monies available to investigate the two center option. There was a brief discussion regarding the one center versus the two center option.

**DISCUSSION REGARDING THE PROPOSED 9-1-1 CONSOLIDATION (CONTINUED)**

There was then discussion regarding the need of additional staffing if Andover Township were to sign an agreement with Newton. Chief Tomasula stated that he did not anticipate hiring additional personnel. They are currently compliant with the new State regulations. Mr. Smith asked how Newton could absorb this additional work without adding staff if they weren't already overstaffed. Mr. Eskilson replied that they will continue to comply with the State standards. He added that Newton is almost overstaffed because of the State's requirements.

Mr. Smith then asked what the current disposition of the Andover Township dispatchers is. There was silence from the panel and Mr. Smith added that it sounds like there are no opportunities for them. This discussion ensued for a short while ending with Mr. Drake stating that in his opinion Andover Township dispatchers are very good and while towns begin to consolidate the sooner there are opportunities will be available. Mr. Eskilson spoke about Intergovernmental Transfer options. Mr. Gilsenan reiterated concerns regarding the displaced personnel that they will have first opportunity when positions are available.

Having no further questions, the Township Committee thanked the panel for attending and addressing their concerns.

**APPROVAL OF MINUTES**

**OCTOBER 27, 2008 EXECUTIVE SESSION "A"  
NOVEMBER 10, 2008 REGULAR MEETING  
NOVEMBER 10, 2008 EXECUTIVE SESSIONS "A" & "B"**

Mr. Smith moved to approve the foregoing minutes as presented, seconded by Mr. Walsh. Roll call vote:

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

**REPORT FROM THE FIRE CHIEF** Fire Chief Danielson reported for the month of November there were four activated fire alarms, one wildness rescue, one brush fire and one fuel spill. There was also Memorial Parade participation and two special work drills. There were a total of 12 reported calls for the month, 186 man hours, 242 calls year to date for a total of 3,307 man hours.

He provided the 2009 Slate of Officers as follows: Jason Garrigan, Chief; Joe Steinwand, Assistant Chief; Matt Dunbar, Captain; Dan Hennigan, Lieutenant; Jeff Combs, Chief Engineer. Chief Danielson thanked the Township Committee for their support as he is ending his two years as the Fire Department Chief.

**OPEN TO THE PUBLIC** Mayor Phoebus read the following rules for the public portion. Mr. Smith moved to open the public portion, seconded by Mr. Walsh and carried unanimously.

**Please come forward when recognized and state your name and address.  
Please direct your comments to the Township Committee.  
The committee will comment or respond when you conclude your comments.  
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.  
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.**

**OPEN TO THE PUBLIC (CONTINUED)** Resident Karl Hoffmann came before the Committee as before with his concerns regarding the proposed dam assessment and how he believes he should not be considered part of the reservation. He explained by showing his deed that it contains no easement and no mention of Forest Lakes. Attorney Semrau explained all these issues will be reviewed on a case by case basis and if the Committee were to move forward and continue with the assessment process, it would have to be demonstrated that an easement right exists. Mr. Hoffmann stated he was told years ago that he is not part of the Forest Lakes reservation.

Michael Meltzer, attorney for Ann Marie Peters and he stated he reviewed her deed and could not find anything that mandated membership in the Forest Lakes Association and it was indicated earlier that it is a voluntary association. He stated that it appears there are only 15 homes in Andover Township that aren't members who wouldn't be compelled to join. On behalf of Ms. Peters, Attorney Meltzer stated that she is not a member and she should not be assessed. He referenced other options that the lake association could try.

Attorney Semrau explained that it would have to be the association to demonstrate who should be assessed and each resident would be given an opportunity to review that once a determination is made.

Mary Molnar, 3 Winding Way mentioned that she has her home in Byram Township but owns property adjoining hers located in Andover Township. She asked if she would be assessed twice because she owns two lots. It was explained that this is an assessment on tax and it is not transferrable. Attorney Semrau explained that there would be an assessment ordinance that would have to be adopted by both municipalities and everyone will receive notice of it and there would be an opportunity to be heard.

Stan Christodlous, 6 Wisteria Road asked what happens if there is a default on payments. It was explained that there would be a tax sale. If the township decides to get involved in this issue, they would only be responsible for approximately 10 per cent of the loan, number of potential properties in Andover Township that would be assessed.

Attorney Born addressed everyone's questions and concerns stating that the township does not take on a liability, the assessment goes directly to the property owners. What is set up in the co-borrowers and loan agreement is that the Club has to put up one semi-annual loan payment. The township never puts any monies out and not responsible for the loan. Regarding the two lots that will be determined at the time the assessment is determined. Under this statute there is no other option that to do it the way the statute mandates. It says the municipality shall assess the benefitted property owners. The only option the municipality has is either to participate or not. Other loans were reviewed by the association but none are currently available to private lake associations. Attorney Semrau asked for verification that 25 of the 40 property owners in Andover Township are members of the lake association. Attorney Born concurred that this is true.

Resident Stan Christodlous stated Chief Coleman remarked earlier that of the 9,000 calls to dispatch, only 1,000 were 9-1-1 and John Drake mentioned this new system is only for 9-1-1 calls. Mr. Walsh and Mr. Smith along with Chief Coleman explained to Mr. Christodlous that this system will handle all calls.

Lois de Vries commented to the Township Committee to recall a certain property owner from Forest Lakes and Byram and that party owns five lots. She stated that if the dam restoration application will be considered there are other residents that have properties in both municipalities.

Hearing nothing more from the public, Mr. Smith moved to close the public portion, seconded by Mr. Walsh and carried unanimously.

**RESOLUTIONS****#R2008-200 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF THE AGREEMENT BETWEEN KRISTA AND CHRISTOPHER RANNOU AND THE TOWNSHIP OF ANDOVER CONCERNING THE DESIGNATION OF CERTAIN PROPERTY AS AN AFFORDABLE HOUSING SITE**

Mr. Walsh moved to approve the foregoing resolution, seconded by Mr. Smith.

Attorney Semrau explained that this is a project that came before the Mayor's Land Development Committee which involves 13.5 acres of land located on Stickles Pond Road. He stated that preliminary work has been done to see whether it is suitable for development. This property owner came forward and agreed that he would restrict development to affordable housing, there would be no market units and would range from 12 to 40 units depending on the availability and feasibility. A developer's agreement was quickly drafted and part of that agreement, the Township would include this site in its affordable housing plan. He further mentioned that resident John Carafello notified this property owner that the Township was looking for this type of plan.

Following this discussion the motion was carried unanimously.  
(See Insert Attached to These Minutes)

**NEW BUSINESS****DISCUSSION REGARDING 2009 PROPOSED RENTAL FEE SCHEDULE FOR HILLSIDE PARK HALL AND HILLSIDE HOUSE**

Mayor Phoebus recused herself from this discussion. Mr. Walsh referred to the breakdown provided by the Recreation Committee remarking that since the non-resident fee was increased, there are now more residents using this facility. Mr. Smith added that it shows what was done last year did exactly what we tried to do, reducing the usage by out-of-towners, making the rate increases quite effective. Following a short discussion the Township Committee agreed to accept the recommendation from the Recreation Committee. A resolution will be placed on the next agenda for formal consideration.

**COMMITTEE REPORTS:** Due to the amount of business yet to discuss, Mayor Phoebus asked all members to waive their reports this evening. All agreed.

**REPORT FROM THE TOWNSHIP ADMINISTRATOR** She reported that PSE&G will have a meeting tomorrow night at the Newton Holiday Inn Express from 5:00 to 8:00 regarding the Route B Line. They will have 30 professionals present to answer residents' questions regarding this matter. There is another meeting on December 17<sup>th</sup>. Administrator Alfano announced that the Department of Public Works was awarded \$290.00 from the JIF to be used for safety equipment. Regarding the Police Department, she acknowledged Sgt. Smith and Officer Mosner for their great work with child safety seat safety and an Awards Ceremony will be held tomorrow by Safe Kids in Morris Plains.



**REPORT FROM THE TOWNSHIP ADMINISTRATOR (CONTINUED)** She then reported on the status of the Gypsy Moth Spraying program. She provided a copy of the mapping of the infested areas but the total cost of the spraying has not been made available as yet from the State. She advised the Township Committee that the performance review process is underway for all Township employees. She remarked that everyone has been very accommodating. If the governing body wishes to see any of the reviews they are available in office.

**REPORT FROM THE MUNICIPAL ATTORNEY** Attorney Semrau stated he has Resolution #R2008-201 that has been provided to the Township Committee earlier this evening. He explained that this Resolution is to memorialize that the Township would be participating in a Market to Affordable Program, taking market units and convert them to affordable housing units provided that they meet the income limitations and that the property would be utilized by those who qualify for the program. This resolution states that the Township will participate and if is anticipated in the Plan that the Township will find 10 units that are already existing as market units that will accept the deed restriction for 30 years and adhere to affordable housing guidelines. He stated that in some cases municipalities make a contribution to subsidize this. This program is so new that today at 3:30, COAH posted this on their website because we have been asking for this resolution. If adopted this evening, Andover Township will be one of the first to adopt this resolution.

### **RESOLUTION**

#### **#R2008-201 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY OF INTENT TO APPROPRIATE FUNDS OR BOND IN THE EVENT OF A FUNDING SHORTFALL**

Mr. Smith moved to adopt the foregoing resolution, seconded by Mr. Walsh and carried unanimously. (See Insert Attached to These Minutes)

**NEXT SCHEDULED MEETINGS:** Saturday, December 20, 2008 8:00 a.m. Executive Session  
Regular Meeting 9:00 a.m.

Monday, December 29, 2008 6:30 p.m. Executive Session  
Regular Meeting 7:30 p.m.

2009 Reorganization Meeting  
Friday, January 02, 2009 7:30 p.m.

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

#### **Personnel Matters:**

2. *Possible Litigation*
3. *J. Alfano, Township Administrator*

#### **Contract Negotiations:**

2. *Rescue Squad*
3. *Truck Washing*

#### **Attorney-Client Privilege:**

1. *Mews Property*

#### **Potential Litigation**

1. *Court Computer System*, was carried unanimously.

(See Insert Attached to These Minutes)

**EXECUTIVE SESSION:** The Committee went into executive session at 10:13 P.M.

RECESS CALLED AT THIS TIME

EXECUTIVE SESSION RESUMED AT 10:25 P.M.

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

**REGULAR MEETING RESUMED**

Mayor Phoebus left the meeting during the Life Care Mews discussion in Executive Session. Deputy Mayor Smith presided over the remainder of this meeting.

Attorney Semrau explained that with respect to Forest Lakes Dam Restoration project and the application, the consensus was to address some of the concerns raised about the process. The consensus was also to go forward with the resolution at a meeting between now and the end of the year but before that occurs, they want to make certain that the Township has in writing confirmation to endorse an application and the Township would have the right to not go forward at any point in time after it elects to go forward with the application. Attorney Semrau stated he would draft an agreement. For those residents who are concerned whether they are included in the reservation, there will be an opportunity at a later date to address those concerns. If the Township Committee were to say no at this time, the entire project is at risk, but they want assurances that this does not lock the Township in permanently moving forward. All members agreed.

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

Respectfully submitted,

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Gail Phoebus, Mayor

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Vita Thompson, R.M.C.  
Municipal Clerk