

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

SEPTEMBER 22, 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 6:39 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 (excused)

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. Walsh, the resolution to go into executive session to discuss the following as amended

Personnel Matters:

None

Contract Negotiations:

1. *Lakeland Emergency Squad*
2. *Traffic Safety*
3. *Board of Education*

Attorney-Client Privilege:

1. *St. Paul's Abbey*
2. *Life Care Mews*
3. *Open Space Acquisition*
4. *Crepeau Developers*
5. *COAH Update*

Pending Litigation

1. *State vs. Roberts*

Potential Litigation

1. *Casa Bellisima*
2. *Brecia Court*
3. *Quist Property - Drainage Issue*
4. *Chincilli Property - Elm Avenue Wall Issue*, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:41 P.M. Mr. Walsh moved to adjourn executive session at 8:25 P.M., seconded by Mayor Phoebus and carried unanimously.

REGULAR MEETING

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

***UNDER CONSENT AGENDA**

***UNDER APPROVAL OF VOUCHERS**

1. TO AMEND THE BILLS LIST TO INCLUDE

**PAYMENT TO DR. CASTIMORE IN THE AMOUNT OF \$1255.00 AND
PURCHASE POWER POSTAGE IN THE AMOUNT OF \$2,000.00**

***UNDER RESOLUTIONS**

- 8. #R2008-166 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 SITE MANAGEMENT SERVICES FOR REVIEW AND ANALYSIS OF THE CELL TOWER FACILITIES IN AN AMOUNT NOT TO EXCEED \$1,000.00**

Mr. Smith requested that Resolution #R2008-161 be removed from the consent agenda for further discussion. Mr. Walsh moved to approve the agenda as amended, seconded by Mr. Gilseman and carried unanimously.

APPROVAL OF CONSENT AGENDA ITEMS Municipal Clerk Thompson explained that regarding Resolution #R2008-162 accepting the donation of a mechanical lift from Mr. Burgio, there is work that needs to be done on this machinery and the estimate totals about \$7600.00. In speaking with DPW Supervisor Dickinson he stated that a lift such as this can cost about \$21,000 so he recommended that this donation still be accepted.

Mr. Walsh moved the following consent items be approved, as amended, seconded by Mr. Gilseman and carried unanimously except for Mayor Phoebus where she abstained on Resolution #R2008-159 and Mr. Walsh on Bill No. 9112.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Insert Attached to These Minutes)

APPOINTMENT TO THE BOARD OF HEALTH - JAMES CUNNINGHAM TO THE POSITION OF REGULAR MEMBER - TERM TO EXPIRE DECEMBER 31, 2009

CONSENT AGENDA: (CONTINUED)**OTHER BUSINESS: (CONTINUED)****RELEASE OF CASH BONDS FOR MOREL BUILDERS**

- A) **SOIL EROSION AND SEDIMENT CONTROL
BLOCK 69/LOT 4.06 - 11 LIBERTY TRAIL
ESCROW #T-13-56-717-229 - \$3,000.00**

- B) **GRASS AND SILT FENCE
BLOCK 69/LOT 4.19 - 15 EILEEN'S WAY
ESCROW #T-13-56-717-269 - \$3,000.00**

- C) **ISOLATED GRASS AND SILT FENCE
BLOCK 69/LOT 4.26 - 8 LIBERTY TRAIL
ESCROW #T-13-56-717-262 - \$1,600.00**

***RESOLUTIONS:**

#R2008-157 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY EXPRESSING SUPPORT OF S77/A285 TO ESTABLISH UNIFORM, STATEWIDE "PEDOPHILE-FREE ZONES" RESTRICTING WHERE SEXUAL OFFENDERS CAN RESIDE

#R2008-158 RESOLUTION OF THE TOWNSHIP COMMITTEE, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO REQUEST THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF A \$3,165.12 CLICK IT OR TICKET TRAFFIC SAFETY GRANT IN THE 2008 MUNICIPAL BUDGET

#R2008-159 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ISSUANCE OF A FIREWORKS DISPLAY PERMIT TO APPLICANT "CELEBRATION FIREWORKS" OF EMMAUS PENNSYLVANIA , ON THE PERONA FARMS PROPERTY FOR SATURDAY, October 25, 2008

#R2008-160 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO DIRECT THE DEPARTMENT OF PUBLIC WORKS TO PREPARE CERTAIN SURPLUS MUNICIPAL EQUIPMENT THAT IS CONSIDERED UNREASONABLY EXPENSIVE TO REPAIR FOR SALE AT THE SUSSEX COUNTY COOPERATIVE SURPLUS AUCTION 2008

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS:**

#R2008-162 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AUTHORIZE THE FORMAL ACCEPTANCE OF A DONATION OF A MECHANICAL LIFT FROM ED BURGIO, RESIDENT OF ANDOVER TOWNSHIP TO THE DEPARTMENT OF PUBLIC WORKS

#R2008-163 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 COMMONWEALTH LAND TITLE INSURANCE COMPANY FOR TITLE WORK ASSOCIATED WITH THE PROPERTY DESIGNATED AS BLOCK 74/LOT 22.02 IN AN AMOUNT NOT TO EXCEED \$1,000.00

#R2008-166 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 SITE MANAGEMENT SERVICES FOR REVIEW AND ANALYSIS OF THE CELL TOWER FACILITIES IN AN AMOUNT NOT TO EXCEED \$1,000.00

(See Inserts Attached to These Minutes)

***APPROVAL OF MINUTES**

**JULY 28, 2008 REGULAR MEETING
JULY 28, 2008 EXECUTIVE SESSIONS "A" & "B"**

RESOLUTION

#R2008-161 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AUTHORIZE THE PERMANENT APPOINTMENT OF BARRY J. HOWELL, MECHANIC FOLLOWING THE FILING AND ACCEPTANCE OF AN INTERGOVERNMENTAL TRANSFER AGREEMENT WITH THE TOWNSHIP OF SPARTA EFFECTIVE SEPTEMBER 30, 2008

Mr. Smith wanted to point out to the Township Committee that by adopting this resolution we are accepting an Intergovernmental transfer agreement which means we are accepting the liability of this person's seniority, his sick leave and retirement benefits. He stated that in doing so he asked if there is a dollar value to this appointment. Following a short discussion it was decided that this resolution be held for later this evening until some of the answers could be obtained from the DPW Supervisor.

PUBLIC HEARING - APPLICATION TO THE NJ DEP GREEN ACRES PLANNING INCENTIVE LAND ACQUISITION PROGRAM

Sandy Urgo, Land Preservation Manager with Morris Land Conservancy gave a presentation about the application, the Governing Body asked questions, then opened to the public, and there were no comments.

RESOLUTION #R2008-164 - GREEN ACRES ENABLING RESOLUTION

Mr. Smith moved to approve the foregoing resolution as presented, seconded by Mr. Gilsenan. Attorney Semrau stated that the actual cost in the resolution should be amended to reflect the supporting documentation which is \$1,025,000.00. Mr. Smith moved as amended, seconded Mr. Gilsenan and carried unanimously.

(See Insert Attached to These Minutes)

Mayor Phoebus read the following proclamation into the record followed by the official signing of the document.

PROCLAMATION - "PUT THE BRAKES ON FATALITIES DAY" - OCTOBER 10, 2008

**TOWNSHIP OF ANDOVER
COUNTY OF SUSSEX
STATE OF NEW JERSEY
OFFICE OF THE MAYOR
PROCLAMATION
"PUT THE BRAKES ON FATALITIES DAY"
OCTOBER 10, 2008**

OCTOBER 10, 2008 HAS BEEN DECLARED "PUT THE BRAKES ON FATALITIES DAY" BY THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY;

WHEREAS, ACROSS THE NATION, TRAFFIC CRASHES CAUSED MORE THAN 41,000 FATALITIES IN 2007 AND ARE THE LEADING CAUSE OF DEATH FOR YOUNG PEOPLE AGES 15 TO 34; AND,

WHEREAS, IN NEW JERSEY, 724 INDIVIDUALS LOST THEIR LIVES IN TRAFFIC CRASHES IN 2007; AND,

WHEREAS, ALCOHOL-RELATED CRASHES ACCOUNTED FOR 28 PERCENT OF THE STATE'S TRAFFIC FATALITIES, WHILE 25 PERCENT OF ALL FATAL CRASHES INVOLVED TRAVELING AT UNSAFE SPEEDS; AND,

WHEREAS, MOTORCYCLISTS, BICYCLE RIDERS AND PEDESTRIANS FACE INCREASED RISKS ON NEW JERSEY'S ROADWAYS, AS PEOPLE OPT FOR ALTERNATIVE MODES OF TRANSPORTATION; AND,

WHEREAS, 78 MOTORCYCLISTS, 12 BICYCLISTS AND 144 PEDESTRIANS WERE KILLED IN NEW JERSEY IN TRAFFIC-RELATED CRASHES IN 2007; AND,

WHEREAS, SAFER DRIVING BEHAVIORS SUCH AS BUCKLING UP, EVERY RIDE; OBEYING POSTED SPEED LIMITS; AVOIDING AGGRESSIVE DRIVING BEHAVIORS AND AGGRESSIVE DRIVERS; NEVER DRINKING AND DRIVING; WEARING PROPER SAFETY GEAR WHEN RIDING A MOTORCYCLE OR BICYCLE; AND, FOCUSING SOLELY ON DRIVING BY AVOIDING DISTRACTIONS, CAN DRAMATICALLY REDUCE THE NUMBER OF TRAFFIC-RELATED INJURIES AND DEATHS;

NOW, THERE, I GAIL PHOEBUS, MAYOR OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY DO HEREBY PROCLAIM OCTOBER 10, 2008 "PUT THE BRAKES ON FATALITIES DAY" AND CALL UPON EVERYONE TO PUT THESE LIFESAVING BEHAVIORS INTO PRACTICE TO IMPROVE SAFETY ON THE ROADWAYS IN OUR COMMUNITY AND THROUGHOUT THE STATE.

GAIL PHOEBUS, MAYOR

DATED: SEPTEMBER 22, 2008

REGULAR AGENDA

OPEN TO THE PUBLIC Mayor Phoebus read the following into the record before opening the public portion of the meeting.

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.

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

Eddie Xudo owner of Casa Bellisima was present and he informed the Township Committee of the status of his application before the Land Use Board. He then asked stated that he will work with the township to ensure that all that needs to be done regarding this project will be done. He then questioned the status of his liquor license and asked the Township Committee to consider renewing his license and he apologized for the delays. He advised that all his documents should be in order and filed with the Land Use Board by week's end.

Resident Diane Gillespie of 115 Andover-Mohawk Road commented to Attorney Semrau that she received a copy of Mr. Ursin's letter and she in turn sent a letter to Attorney Semrau, copies were distributed to the governing body. She asked if the Township Committee is going to take any action on the Hudson Farm matter. Attorney Semrau stated he was going to suggest during his report for authorization by the Committee to review the documents that have been filed with the court and then make a recommendation if in fact they want to consider intervening in the action that has been filed with the Appellate Division. The Township Committee agreed.

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

ORDINANCES: PUBLIC HEARING

#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"

ORDINANCES: PUBLIC HEARING (CONTINUED)

#2008-15 TO AMEND CHAPTER 10 "VEHICLES AND TRAFFIC SECTION 10-19 "SPEED LIMITS"

Mayor Phoebus opened the public hearing on this Ordinance. Irene Christodlous questioned the various speed limits along Newton-Sparta Road. It was explained that these numbers are the recommendation of the County and there is little say on the local level. Attorney Semrau explained the engineering procedures followed when calculating proper speed limits.

Hearing no comments, Mr. Walsh moved to close the public hearing, seconded by Mr. Smith and carried unanimously. Mr. Smith commented that he would like to see the entire length to Limecrest Road posted at 35 mph. Administrator Alfano stated that was mentioned in the meeting with County officials and they stated they would take it into consideration but they will not do it.

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 August 25, 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 Mr. Smith. Roll call vote:

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

ORDINANCES: INTRODUCTION

#2008-14 TO CREATE CHAPTER 128 "SEX OFFENDERS"

"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"

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2008-14, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on October 13, 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 | |

Attorney Semrau explained that earlier this evening the Township Committee adopted a resolution in support of a Senate/Assembly Bill so it would put the responsibility on the State government to establish, enforce and defend the zones.

ORDINANCES: INTRODUCTION (CONTINUED)

#2008-14 TO CREATE CHAPTER 128
"SEX OFFENDERS"

Following further discussion, Mr. Walsh moved to reconsider the introduction of this Ordinance, seconded by Mr. Smith and carried unanimously.

Mr. Walsh moved to introduce the foregoing Ordinance as presented, seconded by Mayor Phoebus. Attorney Semrau reiterated that there is a resolution adopted this evening which would in fact replace this ordinance as well as case law regarding local legislation at this time. Roll call vote:

Mr. Gilsean - yes	Mr. Grotyohann - absent
Mayor Phoebus - no	Mr. Smith - no
Mr. Walsh - no	

THIS ORDINANCE IS NOT INTRODUCED.

#2008-17 TO AMEND CHAPTER 190 "ZONING"
ADDITION OF NEW SECTION 190-46
"PO/R PROFESSIONAL OFFICE/RESIDENTIAL"

"ORDINANCE AMENDING CHAPTER 190, "ZONING," ARTICLE II, "WORD USAGE AND DEFINITIONS," SECTION 190-4, "DEFINITIONS," ARTICLE IV, "ESTABLISHMENT OF ZONES," SECTION 190-33, "ZONING DISTRICTS," ARTICLE IX, "ZONE MAP," SECTION 190-74, "ZONE BOUNDARIES," AND ARTICLE V "USE AND BULK REGULATIONS," BY ADDING A NEW SECTION 190-46, ENTITLED "PO/R PROFESSIONAL OFFICE/RESIDENTIAL ZONE," OF THE REVISED ORDINANCES OF THE TOWNSHIP OF ANDOVER"

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2008-17, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on October 27, 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. Gilsean - yes	Mr. Grotyohann - absent
Mayor Phoebus - yes	Mr. Smith - yes
Mr. Walsh - yes	

Mayor Phoebus recused herself on the following resolution and Deputy Mayor Smith chaired the meeting for this action.

RESOLUTIONS

#R2008-165 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-010-003 FOR DINA'S LLC FOR THE TERM SEPTEMBER 22, 2008 THROUGH JUNE 30, 2009

Mr. Gilsean moved to adopt the foregoing resolution as presented, seconded by Mr. Walsh. Attorney Semrau stated that the licenseholder came forward and indicated that there are some land use matters that he represented by the end of this week, he would have all of his requirements that the Land Use Board has been waiting for submitted to the board secretary.

Taking this statement into consideration there was a roll call vote:

- | | |
|-------------------------|-------------------------|
| Mr. Gilsean - yes | Mr. Grotyohann - absent |
| Mayor Phoebus - abstain | Mr. Smith - yes |
| Mr. Walsh - yes | |

(See Insert Attached to These Minutes)

Attorney Semrau also stated that this evening there are only three qualified voting members of this resolution and he added that Deputy Mayor Smith conferred with him about whether he would be able to vote based on what could be perceived as a potential conflict. Attorney Semrau stated that he responded to Deputy Mayor Smith that under the circumstances, that Mayor Phoebus does not vote on any liquor license renewals so under the doctrine of necessity if Deputy Mayor Smith did not participate in this vote then government would be at a stand still and from a legal prospective Deputy Mayor Smith was permitted to vote on this application.

NEW BUSINESS

CONSIDERATION OF THE DEER CARCASS REMOVAL CONTRACT WITH SPACE FARMS

Administrator Alfano advised the Township Committee of the rates for this service and the increase from \$25.00 to \$40.00 for 2008-09 and \$45.00 for 2009-2010. A copy of the letter and current contract were reviewed. As of 9/9/08 the total paid to Space Farms for this service is \$990.00 for the past two years.

RESOLUTION

#R2008-167 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH SPACE FARMS, INC. FOR DEER CARCASS RECOVERY/REMOVAL FROM THE TOWNSHIP'S ROADWAYS AND ROAD RIGHT-OF-WAYS EFFECTIVE OCTOBER 15, 2008 THROUGH SEPTEMBER 30, 2010

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

(See Insert Attached to These Minutes)

OLD BUSINESS**DISCUSSION REGARDING SUPPORT OF THE PROPOSED MUNICIPAL REVENUE RESTORATION ACT OF 2008**

This matter was tabled from the last meeting in order for the governing body to be given an opportunity to review the material. Mayor Phoebus stated that this is a letter from Mount Olive Mayor Scapicchio in an attempt to garner municipal support to amend the current funding system on the assessment of certain personal property taxes and franchise fees. The law authorizes municipalities to impose a business personal property tax on local exchange telephone companies that service 51% or more of a service area. Due to increased competition fewer providers are meeting the 51% test and municipal revenues collectively have experienced an aggregate loss of \$440 million since 1997. There was discussion regarding the fact that the tax would then be passed on to the consumer. Following further discussion it was decided that they would not take any action at this time.

CONSIDERATION TO GO TO BID FOR IN-CAR DIGITAL VIDEO RECORDING SYSTEM FOR THE POLICE DEPARTMENT

Chief Coleman was present for this discussion and he stated that the current VHS system is antiquated and needs to be replaced. He mentioned his meeting with Mayor Phoebus, Deputy Mayor Smith and Administrator Alfano where they visited Newton Police Department and where given a demonstration of the digital system. He outlined how the system works. Mr. Smith stated that our current system is a lengthy, inconvenient process which does not index well. The VHS system takes hours to copy where a digital copy can be burned in seconds. Attorney Semrau added that this system not only protects the township but it also protects any resident who is arrested. Through the JIF there have been a number of cases where these have been severe injuries and deaths of people arrested and the most critical information is the video tape.

Following this short discussion, Mr. Walsh moved to authorize the Clerk to go out for bid on the in-car digital video recording system, seconded by Mr. Smith and carried unanimously.

COAH VACANT LAND ANALYSIS

Attorney Semrau explained that Planner McGroarty had discussed with the Mayor's Land Development Committee if the Township is interested in seeking further review from COAH based on the third round numbers that we received and obtain credit for vacant land in the township that can not be developed. He proposed that the vacant land study and analysis be sent to COAH for reconsideration on the number of units could cost in the range of \$2,000 to \$2,500. His recommendation was in favor of the analysis. Planner McGroarty is also looking at other issues with regard to the third round. Attorney Semrau stated that a decision does not need to be made this evening, only something to think about.

A formal recommendation from Planner McGroarty will follow as to how he thinks we should proceed. Mr. Smith commented on conflicting advise, the latest being that it is recommended and they are in agreement. Attorney Semrau stated that with the changing COAH rules reasons were given that it would be a good idea and there was concern raised by other planners that it is not a bona fide issue.

OLD BUSINESS (CONTINUED)**DISCUSSION REGARDING PENDING ORDINANCE #2008-16 "DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM (DCRP)"**

Mr. Smith stated that he is concerned about this ordinance by commenting the governing body as to who will be included in the retirement program and he mentioned a number of areas. Mr. Smith read that "all township department heads" and he stated there is some confusion as to who is designated a department head. He stated that the ordinance includes the municipal prosecutor, the municipal court judge and gubernatorial appointees who serve in county or municipal government for a fixed term. Attorney Semrau explained that there are legislative changes because there were attorneys who were collecting pensions from several communities and that prompted changes in the law to ensure that if someone were collecting a pension they could only collect if they were appointed in a position that was full time and there would not be these part time positions accumulating these pensions. He added that this new retirement plan is similar to a 401K plan and you only collect a pension along the lines of what you contribute and there is no match making sure that appointed officials such as administrators, engineers, attorneys can not be part of the Public Employee Retirement System. Appointments of the governing body are now only eligible in the DCRP. Other licensed officials will have the option of entering PERS or DCRP.

COMMITTEE REPORTS Due to the late start of this evening's regular meeting, the Township Committee decided to waive the committee reports.

RESOLUTION

#R2008-161 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AUTHORIZE THE PERMANENT APPOINTMENT OF BARRY J. HOWELL, MECHANIC FOLLOWING THE FILING AND ACCEPTANCE OF AN INTERGOVERNMENTAL TRANSFER AGREEMENT WITH THE TOWNSHIP OF SPARTA EFFECTIVE SEPTEMBER 30, 2008

Administrator Alfano reported that she received the information regarding this employee. He has worked for Sparta Township for five years and is transferring 48 1/4 sick days. Mr. Howell did submit his letter of resignation to Sparta. Personal and vacation time do not transfer, only sick time and longevity for seniority purposes. The Department of Public Works employees were asked about this transfer and they were all fine with this action.

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

REPORT FROM THE TOWNSHIP ADMINISTRATOR She reported that the William Bosworth Memorial Golf Outing is scheduled for October 1st and it is \$100 for a sponsor sign and she asked if the Committee was interested. All were in agreement that this is the least they could do.

Mr. Walsh moved to approve \$100 for a tee sign for the Bosworth Golf Outing, seconded by Mr. Gilseman. Roll call vote:

Mr. Gilseman - yes

Mr. Grotyohann - absent

Mayor Phoebus - abstain

Mr. Smith - yes

Mr. Walsh - yes

REPORT FROM THE TOWNSHIP ADMINISTRATOR (CONTINUED) She then reported that Wantage Township Administrator had sent letters to all Sussex County municipalities regarding the use of their dog park. The letter indicates that 50 percent of the park patrons are from the surrounding towns and therefore they are asking for a one time, \$100 donation which would pay for a plaque for the township's name. The funds would be used for digging, construction of a well, pipes and hydrants for the park. Following a short discussion it was decided that there is interest at this time.

Regarding employee reviews, she stated that she is working on a procedure to review all township employees. She stated that she would begin with department heads and then with their support staff. She plans to have the procedure in place by October and conduct the reviews in November and December.

Administrator Alfano reported on the PSE&G project and there was a question regarding the Route B project. She stated that she and Attorney Semrau wrote letters to all municipalities that are affected by this project and she heard from one town so far. She stated that these municipalities feel it would cost a great deal to fight a utility, is it worth the effort. She will report back to the Committee once she hears from more municipalities and their interest level.

She stated that October is Breast Cancer Awareness Month and the Cancer Foundation along with the Susan G. Komen Foundation are providing pink ribbons to the municipalities. The local Girl Scouts will be hanging these ribbons on the main streets and thoroughfares.

Administrator Alfano reported that the move is officially done and the hotel which has a computer and telephone is open for use by any committee member, volunteer or professional. The hotel is located in the CFO's former office.

REPORT FROM THE RESCUE SQUAD CHIEF He stated that he apologizes to the Administrator for not providing her with the number of calls to the Andover Subacute and Rehab Center. Chief Dennison stated there have been 76 calls to the Subacute for the year ending August 31st, averaging 10 calls per month. He added that this month the Subacute did reduce the hours of their private service. From 9:00 p.m. to 8:00 a.m. there is no private service, they are depending on Lakeland for their transports.

He provided his August report stating that there were 85 calls, of those 35 were in Andover Township and Byram had 31 calls, and nine for Newton. There was a request for paramedics on 39 of their calls, there were two incidents for helicopter service, a total of 269 man hours, drove a total of 1,740 miles and calls to Andover Subacute is 6 calls for the month. The Road Runner for the month was Bill Keller with 32 calls, Dave Pankaro with 22 and Jessica Casella with 20 calls. Lakeland's cost per call excluding ambulances, insurance, and cost of gas which are provided by the township is about \$120 per call.

Regarding the issues with the Subacute, he stated he has heard nothing since the meeting over a month ago. He stated that Bob Mayer offered to go to the owners and request some funding to Lakeland for their volunteer service. Administrator Alfano stated she and Mayor Phoebus will visit Mr. Mayer shortly and asked him the status of the donations.

REPORT FROM THE CHIEF OF POLICE He reported an increase of 400 calls totaling 12,180 calls as compared to this time last year. There were 7,198 calls for Andover Township, Andover Borough had 103, Hamburg 4,343 and Green Township had 436 calls. He asked Mr. Smith for direction on how he would like to change the monthly report. Mr. Smith suggested with agreement from the remaining Committee that the report should contain all details. Mr. Smith stated that he understands the patrolmen are doing extra work, more logging of hours that was not done before because of his request for more detailed reports. Chief Coleman replied that the information he received was incorrect. He explained that the daily log is an account for time. Mr. Smith stated is the Committee agrees, he would like to design a report format that would be more meaningful, adding comparisons to each item listed.

REPORT FROM THE MUNICIPAL ATTORNEY He reported that there was a discussion in Executive Session regarding COAH Update - Affordable Housing and Third Round Rules and one of the issues brought to the Township attention is the State and COAH are making each municipality go back to January 1, 2004 to present and calculate all the certificates of occupancy that have been issued and for every four issued the municipality is charged retroactively an affordable housing unit. The discussion in Executive Session was if the State is imposing this on Andover Township, Mr. Gilsenan asked if the Township has any recourse. He further stated that if there is an approved subdivision from January 2004 through the present, and there was no affordable housing obligation, now the Township is going to have to be responsible to make up for those units. In the discussion, the Township Committee directed the Attorney to identify those developments that were approved during this time period and consider a recommendation as to whether the Township can take legal action or at least go to the developers and tell them that they are obligated to come up with affordable housing for these projects. The argument would be if the State can impose this on Andover Township then why can't Andover Township impose this obligation retroactively to those developers who obtained approvals but did not do anything about affordable housing. For the next meeting Attorney Semrau will have those numbers from Planner McGroarty.

He then mentioned that earlier this year there was discussion regarding termination of health benefits for elected officials. Over the last few weeks, Attorney Semrau stated he and Administrator Alfano and CFO Day sent notification as to the termination of benefits. The State Health Benefits Plan responded and at one point advised the CFO that such action was permissible. Once the documents were sent down notification was received that without a waiver such separation should not take place, it would violate the spirit of the State Plan. Attorney Semrau stated that based on that information and his recommendation that such request for separation be withdrawn at this time so the Township would be in compliance.

Mr. Smith remarked that this vote was passed in February and it's now September and the benefits were still being paid and why did it take this long for action. Mr. Smith questioned how benefits were paid and Mr. Walsh and Administrator Alfano explained that benefits were budgeted prior to the Committee action. Mr. Smith asked if this issue would be resolved if Mr. Walsh signed a waiver and it would be. Mr. Smith asked if he would and Mr. Walsh replied "no".

NEXT SCHEDULED MEETINGS: **Monday, October 13, 2008 6:30 p.m. Executive Session**
Regular Meeting 7:30 p.m.
(Rescheduled from Tuesday, October 14th)

Monday, October 27, 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 10:05 P.M., seconded by Mayor Phoebus and carried unanimously.

Respectfully submitted,

Gail Phoebus, Mayor

Vita Thompson, R.M.C.
Municipal Clerk