

## ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

APRIL 28, 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 6:36 P.M. by Deputy Mayor Smith, followed by a salute to the flag.

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

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

**EXECUTIVE SESSION:** Deputy Mayor Smith asked that the Executive Session agenda be amended as follows:

**PENDING LITIGATION:**

2. SZATKIEWICZ VS. ANDOVER TOWNSHIP

**ATTORNEY-CLIENT PRIVILEGE:**

1. LIFE CARE MEWS

On a motion by Mr. Gilsenan, seconded by Mr. Walsh, the resolution to go into executive session to discuss

**Contract Negotiations:**

1. Cell Towers
2. St. Paul's Abbey

**Attorney-Client Privilege:**

1. Life Care Mews

**Pending Litigation**

1. Cilo Associates
2. Szatkiewicz vs. Andover Township, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:38 P.M. Mr. Gilsenan moved to adjourn executive session at 7:30 P.M., seconded by Mr. Walsh and carried unanimously.

## **REGULAR MEETING**

**APPROVAL OF AGENDA** Mr. Walsh asked that purchase order #08-00476 be removed from the Bills List for further discussion. Mr. Walsh moved to approve the agenda as amended, seconded by Mr. Gilsenan and carried unanimously.

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

**\*CONSENT AGENDA:**

**\*OTHER BUSINESS:**

**APPROVAL OF VOUCHERS FOR PAYMENT**, as amended  
(See Insert Attached to These Minutes)

**\*RESOLUTIONS:**

**#R2008-82 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY SUPPORTING THE "CLICK IT OR TICKET" MOBILIZATION OF MAY 19 – JUNE 1, 2008**

**#R2008-83 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE APPROVING OF LAKELAND EMERGENCY SQUAD TO RECEIVE FINANCIAL ASSISTANCE FROM THE COUNTY OF SUSSEX AS PER THE CERTIFICATION FOR RESCUE SQUAD CONTRIBUTION ATTACHED HERETO**

**#R2008-84 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ISSUE A TAX REFUND TO JAMES OLDER IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE #2001-9 SOLD FOR DELINQUENT TAXES FOR BLOCK 143/LOT 22.02 IN THE AMOUNT OF \$11,525.31**

**#R2008-85 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ISSUE A TAX REFUND TO ALLEN KUMETZ IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE #05-008 SOLD FOR DELINQUENT TAXES FOR BLOCK 143/LOT 22.02 IN THE AMOUNT OF \$5,396.82**

**#R2008-86 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY OPPOSING THE CLOSURE OF NEW JERSEY STATE PARKS**

(See Inserts Attached to These Minutes)

**APPROVAL OF MINUTES:**

**April 14, 2008 Regular Meeting  
April 14, 2008 Executive Sessions "A" & "B"**

Deputy Mayor Smith stated that these minutes need to be tabled due to the lack of a qualified voting quorum. Mr. Gilsenan needs to abstain. The minutes were carried to the next meeting.

**REGULAR AGENDA****PRESENTATION*****CLEANER/GREENER ANDOVER***

Deputy Mayor Smith acknowledged those organizations who took part in the Cleaner/Greener Andover project held on Saturday, April 12<sup>th</sup>. He presented Certifications signed by Mayor Phoebus and each participating organization received a check for \$300.00 made possible through the Clean Communities Grant as explained by Clean Communities Coordinator Jackie Huelbig. A round of applause followed.

Ms. Huelbig announced that Sussex County is conducting a poster contest stressing a clean community. This contest involves 4<sup>th</sup> grade students within the County. The municipal staff reviewed all entries and narrowed the selection to 2 posters from each class. At this time the Township Committee reviewed the posters and chose two winners that will be submitted to the County.

**REPORT FROM RESCUE SQUAD CHIEF** The Rescue Squad Chief was not present at this time to give his report.

**OPEN TO THE PUBLIC** Mr. Walsh moved to open the public portion, seconded by Mr. Gilsenan and carried unanimously. Deputy Mayor Smith read the following before opening 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.

Resident Michael Crane, 41 Payne Road had a question regarding the Mayor's subcommittee, asking if there is any financing provided for this program. Administrator Alfano replied that \$5,000 was budgeted for this line item, adding that the majority of those developers coming before the subcommittee are required to post escrow funds. The budget is to cover various miscellaneous items.

**OPEN TO THE PUBLIC (CONTINUED)** Diane Gillespie, 115 Andover-Mohawk Road stated that she attended a conference at Liberty State Park on Earth Day and she got some ideas and she asked if the Township asked for an Energy Audit from JCP&L. Administrator Alfano replied that she did ask for an audit and they directed her to the company that will be conducting this audit.

She then asked about the website stating that this is the third meeting where there hasn't been an agenda available. Administrator Alfano stated that the new company will be here on Friday at 4:00 p.m. and will be here all weekend updating the server. She added that beginning the following Thursday at the end of business, anyone who wants something posted to the website should email the information to her and she will forward to the computer company.

Ms. Gillespie then asked Attorney Semrau about the status of the research of a commercial preserve license. Attorney Semrau stated that he discussed this with the Township Planner and State Statutes were reviewed. There is correspondence that they are now prepared to send to the property owner. They will also get the Zoning Officer involved. He added that he can not say there is the ability to change anything but they will go forward. He stated that by the next meeting he hopes to have a response.

Phil Boyce, 19 Victoria Pines Lane, stated that he understands that the township has to pay funds for the defense of David Mosner regarding the Ethics Complaint. He asked Attorney Semrau how much money the township owes for this legal defense. Attorney Semrau stated \$6,367.50 and at this point payment has not been approved and it will be on the next agenda. Mr. Boyce then asked at what point the public can know who filed the Ethics Complaint against Mr. Mosner. Attorney Semrau stated that information is in the actual filings and he will provide a copy to Mr. Boyce.

Lois de Vries, Chair of the Environmental Commission provided a brief update on the progress of the detention basin project. She stated she received the draft contract from Fish and Wildlife which needs to be reviewed by Attorney Semrau, Engineer Golden and herself before it will be ready to come before the Township Committee. She added that Brian Marsh did a fantastic job, including a huge amount of research and everyone should be very pleased with the results. She stated that she is looking for Engineer Golden to find a way that this project may cost the township almost nothing. The way the contract reads now it would cost the township about \$5,000 to do 21 detention basins.

Fred Gillespie, 115 Andover-Mohawk Road advised the Township Committee that they have continued their stream monitoring program under the auspices of the DEP and put forward by the Environmental Commission. They inspected two streams so far as part of the seasonal look, which they do four times a year and he stated that from a biological standpoint they are in excellent shape.

Diane Boyce, 19 Victoria Pines Lane stated that a Master Plan Committee comprised of members from the Land Use Board was created. She asked if other people are able to attend these meetings. Attorney Semrau stated that he would have to defer this matter to the Planning Board Attorney which is his area of expertise. He will ask him and get an answer.

Stan Christodlous, 6 Wisteria Road stated that the Planning Board subcommittee is appointed by the Chairman and because it is a subcommittee he does not believe it is open to the public. Deputy Mayor Smith reiterated that this matter will be deferred to the Planning Board Attorney for determination.

Mr. Christodlous then stated at the last meeting Mr. Walsh decided to make a personal attack on him by disseminating some libelous information and he remarked that it was inappropriate to do at a township committee meeting. Mr. Walsh stated the information was handed out after the meeting was adjourned. Mr. Christodlous stated that this building is not for political statements and he remarked that Mr. Walsh abused that.

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

Due to a power outage in the municipal building, Attorney Semrau's hand held recorder was used to record the remainder of the meeting.

**ORDINANCE: PUBLIC HEARING**

**#2008-05 WELL TESTING ORDINANCE**

***“AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, SITE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 159, SUBDIVISION OF LAND, AND CHAPTER 131, SITE PLAN REVIEW, ARTICLE III, APPLICABILITY OF SITE PLAN REQUIREMENTS, WITH THE ADDITION OF REGULATIONS PERTAINING TO THE TESTING OF WELLS”***

Mr. Walsh moved to open discussion of this ordinance to the public, seconded by Mr. Gilsenan and carried unanimously.

Carla Kostelnik, 50 Greendale Road presented concerns to the Township Committee regarding this ordinance. Following a lengthy discussion, Mr. Walsh moved to close the public portion, 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 March 24, 2008, was advertised according to the law and was brought before the public for final consideration. There being no objections, Mr. Gilsenan moved the adoption of the above entitled ordinance, seconded by Mr. Walsh. Roll call vote:

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

**#2008-06 CHAPTER 122 “PROPERTIES, ABANDONED LIST”**

***“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 122, “PROPERTIES, ABANDONED LIST”***

Mr. Walsh moved to open discussion of this ordinance to the public, seconded by Mr. Gilsenan and carried unanimously. Hearing nothing from the public, Mr. Walsh moved to close the public portion, 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 March 24, 2008, was advertised according to the law and was brought before the public for final consideration. There being no objections, Mr. Gilsenan moved the adoption of the above entitled ordinance, seconded by Mr. Walsh. Roll call vote:

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

**ORDINANCE: PUBLIC HEARING (CONTINUED)**

**#2008-09 2008 SALARY ORDINANCE**

***“AN ORDINANCE TO PROVIDE AND DETERMINE RATES OF COMPENSATION FOR OFFICIALS, OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY”***

Mr. Walsh moved to open discussion of this ordinance to the public, seconded by Mr. Gilsenan and carried unanimously. Hearing nothing from the public, Mr. Gilsenan moved to close the public portion, seconded by Mr. Walsh 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 April 14, 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. Gilsenan. Roll call vote:

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

**RESOLUTIONS**

**#R2008-87 2008 SALARY RESOLUTION**

Following a short discussion it was decided that this resolution be tabled until the next regular meeting in order to have a full committee present to vote. On a motion by Mr. Gilsenan and a second by Mr. Walsh the motion to table this resolution was carried unanimously.

**OTHER BUSINESS**

***APPROVAL OF RAFFLE LICENSES – ST. CATHERINE’S OF SIENNA HSA TO BE HELD ON MAY 19, 2008 AT FARMSTEAD GOLF & COUNTRY CLUB FROM 11:30 A.M. TO 6:30 P.M.***

- A) #R.L. 827 – ON PREMISE MERCHANDISE**
- B) #R.L. 828 – ON PREMISE 50/50**

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

**COMMITTEE REPORTS**

**MR. GILSEMAN.** He reported that the Open Space Plan was approved by the Land Use Board as an amendment to the Master Plan. Open Space Chair Freed was present and he discussed this plan in greater detail.

**COMMITTEE REPORTS (CONTINUED)**

**MR. GILSENAN.** Mr. Gilsean then reported on the Stream Monitoring Project spearheaded by the Environmental Commission. He also mentioned the Detention Basin Project and the symposium at the Frelinghuysen Arboretum scheduled for October 17<sup>th</sup>.

He also stated that the ANJEC Grant award will be announced in May.

**MR. WALSH.** He reported that the new DPW truck will be delivered this week and the old truck will be retired. On May 8<sup>th</sup> he will meet with Mayor Phoebus, DPW Supervisor Dickinson and Environmental Commission Chair de Vries regarding the detention basins.

He reported that progress has been made on the old police headquarters renovations stating that the only thing left is the fire inspection. He also stated that the office of Emergency Management will have its own entrance and will be located on the second floor.

Mr. Walsh stated that brush pick up is done until October 1<sup>st</sup>. A clay expert will analyze the girls' softball field and with available FEMA funds, better clay may be purchased.

He also reported that the Andover Township Police Department will be patrolling the parks because the State has reduced the ranger presence at the parks due to the budget cuts. He stated that Kittatinny State Park houses 48 airplanes receiving rental income reaching \$62,000 per year just at this location. Yet there are not enough funds to keep the park patrols at this site.

**MR. SMITH.** He announced that the Andover Regional Seniors are looking for new members, 55 and older. Russell McCue was named Senior of the Year and a luncheon will be held in his honor on May 5<sup>th</sup>.

On April 23<sup>rd</sup> he took a bus trip to Trenton with Cece Patterson to picket the park closings. Deputy Mayor Smith encouraged all to call 609.292.6000 in protest of these closings.

The Land Use Board met and passed a resolution finding the Well Testing Ordinance was consistency with the Master Plan. An ordinance addressing rezoning is also being considered.

The spring/summer newsletter is complete and ready for delivery. Administrator Alfano has suggested a new floor plan for municipal officers.

**REPORT FROM THE TOWNSHIP ADMINISTRATOR** She reported that there have been discussions with the Town of Newton regarding the possibility of an Interlocal Agreement for the share of DPW equipment.

She reviewed the complaint filed against Goldmine Industries and in discussing this issue with the Zoning Officer; he has found no violation in this matter. Regarding the issue with the Springdale Market property, there are violations present at this site. Mr. Cutler had advised her that a revision to this ordinance is necessary in order to place the jurisdiction where it belongs. A draft ordinance was available for the Township Committee review.

Mr. Walsh moved to direct the Municipal Clerk to notify the property owner regarding the violations at this location and to abate the conditions immediately. Motion was seconded by Mr. Gilsean and carried unanimously.

**REPORT FROM THE TOWNSHIP ADMINISTRATOR (CONTINUED)** Administrator Alfano stated that the resolutions authorizing the contracts for the Employee Assistance Program and the telephone system upgrades will be on the next agenda for consideration.

**REPORT FROM THE CHIEF OF POLICE** Chief Coleman reported 5,040 calls year to date, 2,721 more than this time last year. He stated that the court security plan has been reviewed by the Administrative Office of the Courts. Mr. Walsh asked if Traffic Safety Officer Murrell could be present at the next meeting to provide a report on the Drake Manor speed limit issue. Chief Coleman stated he will see to it.

**REPORT FROM THE MUNICIPAL ATTORNEY** He reported that the next Worksession agenda will include discussion regarding the developers' fee escrow ordinance. He also suggested that the Mayor's Subcommittee should be expanded to include additional members from the Township Committee, Land Use Board and Environmental Commission.

**NEXT SCHEDULED MEETINGS:** Monday, May 12, 2008 6:30 p.m. Worksession  
Regular Meeting 7:30 p.m.

Deputy Mayor Smith suggested that due to the holiday weekend, the May 27<sup>th</sup> meeting should be cancelled. All committee members agreed. Mr. Walsh moved to cancel the Tuesday, May 27<sup>th</sup> regular meeting, seconded by Mr. Gilsenan and carried unanimously.

**Tuesday, May 27, 2008 6:30 p.m. (Cancelled)**  
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 9:15 P.M., seconded by Mr. Gilsenan and carried unanimously.

Respectfully submitted,

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Bob Smith, Deputy Mayor

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Vita Thompson, R.M.C.  
Municipal Clerk