

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

**FEBRUARY 11, 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 6:37 P.M. by Mayor Phoebus, followed by a salute to the flag.

ROLL CALL: Present: Mr. Gilsenan, Mr. Grotyohann arrived at 7:50 p.m.
Mayor Phoebus, Mr. Smith, Mr. Walsh
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. ***J. Alfano, Township Administrator***
2. ***D. Dickinson, Interim Supervisor of Roads***
3. ***Position of Deputy Emergency Management Coordinator***

Contract Negotiations:

1. ***Computer Services***
2. ***2008 Salary Review for Non-Contractual Employees***
3. ***State Health Benefits Plan***

Attorney-Client Privilege:

1. ***Mosner vs. Local Finance Board***
2. ***Szatkiewicz, etal. Vs. Township of Andover, etal.***
3. ***Hemlock Road***
4. ***Block 139/Lot 2***
5. ***Chuck McGroarty (COAH Presentation) Affordable Housing –
Potential Litigation Issues***

was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:39 P.M. Mr. Smith moved to adjourn executive session at 7:44 P.M., seconded by Mr. Gilsenan and carried unanimously.

Attorney Semrau remarked on the Executive Session stating that Administrator Alfano's matter was not discussed this evening. Mr. Dickinson was RICED regarding personnel. There was discussion regarding the position of deputy emergency management coordinator since there has been a call for a test. Discussion regarding Computer Services relates to a resolution on the agenda, #R2008-43. The salary review and State Health Benefits Plan was discussed and there may be more discussion in a second executive session later this evening. In the matter of Mosner vs. Local Finance Board, discussion was held to address the demand made for compensation. Szatkiewicz vs. Township is a case recently filed. The Hemlock Road issue will be discussed in the second executive session. Regarding Block 139/Lot 2 is a Board of Health matter with some legal implications. The COAH matter was limited to attorney-client privilege with Planner McGroarty.

REGULAR MEETING

APPROVAL OF AGENDA Mr. Walsh asked that Bill No. 8-01-55-604-000, check #8092 in the amount of \$76,790.09 be removed from the bills list for further discussion.

Mr. Smith moved to approve the agenda as amended, seconded by Mr. Gilsenan and carried unanimously.

APPROVAL OF CONSENT AGENDA ITEMS Mr. Smith moved the following consent items be approved, as amended, seconded by Mr. Gilsenan and carried unanimously.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

Approval of Vouchers for Payment (With the Exception of Bill No. 8-01-55-604-000, check #8092 in the amount of \$76,790.09)

(See Insert Attached to These Minutes)

Acceptance of Tax Collector's January 2008 Report - \$980,498.91

Approval of Raffle Licenses – Andover Regional PTA - To Be Held on March 7, 2008 at the Long Pond School from 6:30 to 10:30 p.m.

- 1) ***R.L. 811 On Premise 50/50 Raffle***
- 2) ***R.L. 812 On Premise Merchandise Raffle***

Release of Soil Erosion & Sediment Control Cash Bond – Morel Builders Block 69/Lot 4.04 – 3 Liberty Trail – Escrow #T-13-56-717-041 - \$1,000.00

Approval of 50/50 Raffle License R.L. 813 – Sussex County Interfaith Hospitality Network To Be Held on March 29, 2008 at Perona Farms from 6:00-10:00 p.m.

Acceptance of the 2007 Land Use Board Annual Report Submitted Pursuant to 40:55D-70.1

***RESOLUTIONS:**

#R2008-39 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER *TO AMEND RESOLUTION #R2007-37, APPOINTMENT OF LAND USE BOARD SECRETARY TO INCLUDE COMPENSATION FOR ATTENDANCE AT EVENING MEETINGS PURSUANT TO THE CURRENT SALARY RESOLUTION EFFECTIVE JANUARY 1, 2008*

#R2008-40 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER *APPOINTING THE TOWNSHIP'S FUND COMMISSIONER AND ALTERNATE FUND COMMISSIONER TO THE NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND*

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

#R2008-41 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY OPPOSING REVISIONS TO THE WRONGFUL DEATH STATUTE

#R2008-42 2007 BUDGET APPROPRIATIONS TRANSFER - \$11,200.00

#R2008-43 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE TERMINATION OF THE AGREEMENT BETWEEN THE TOWNSHIP AND TRI-COUNTY COMPUTERS SOLUTIONS

#R2008-44 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY AWARDED CONTRACT AND LEASE FOR CO-LOCATION ON A PREVIOUSLY AWARDED, APPROVED AND CONSTRUCTED SELF-SUPPORTING WIRELESS TELECOMMUNICATIONS MONOPOLE, AND ANCILLARY WIRELESS TELEPHONE SUPPORT EQUIPMENT AND STRUCTURES ON TOWNSHIP PROPERTY DESIGNATED AS BLOCK 119/LOT 5

#R2008-45 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER AUTHORIZING AN ADJUSTMENT IN SALARY FOR JAMES SULLIVAN, BUILDING SERVICE WORKER TO THE CURRENT RATE OF ROAD LABORER, FINAL STEP, WHEN WORKING WITH THE DEPARTMENT OF PUBLIC WORKS FOR THE PURPOSE OF STORM RELATED SERVICES

(See Inserts Attached to These Minutes)

***APPROVAL OF MINUTES**

**DECEMBER 27, 2007 REGULAR MEETING
DECEMBER 27, 2007 EXECUTIVE SESSIONS "A" & "B"
JANUARY 04, 2008 REORGANIZATION MEETING**

APPROVAL OF MINUTES

**DECEMBER 10, 2007 REGULAR MEETING
DECEMBER 10, 2007 EXECUTIVE SESSION**

Mr. Gilson moved to approve these minutes as presented, seconded by Mr. Smith and carried unanimously.

PRESENTATION

CHUCK MCGROARTY – COAH PRESENTATION This discussion was held in Executive Session under Attorney-Client Privilege as explained by Attorney Semrau.

Mayor Phoebus made the following appointments for the Environmental Commission membership.

MAYORAL APPOINTMENTS – ENVIRONMENTAL COMMISSION

- 1) **Appointment of Bob Green from Alternate No. 2 to Regular Member
Term to Expire December 31, 2009**
- 2) **Appointment of Gregory George from Regular Member to Alternate No. 2
Term to Expire December 31, 2008**

REGULAR AGENDA

REPORT FROM TRAFFIC SAFETY OFFICER MURRELL He distributed copies of the Crackdown report and county and statewide statistics. He explained some municipalities received compensation for this program and Andover Township did not receive funds this year. Because there were funds remaining in the Drunk Driving Enforcement Account, the overtime for officers was charged to this fund.

He also explained that beginning March 1st, the cell phone/texting ban will go into effect as a primary offense and there will be a \$100.00 fine.

Regarding the Drake Manor speed limit, the speed estimates report is being conducted by Engineer Golden.

REPORT FROM THE FIRE CHIEF Chief Danielson reported that for the month of January there was 1 standby at firehouse, 1 stand by out of town, 1 monthly meeting, 4 activated fire alarms, 2 down power lines, 2 fast team responses, 1 ice rescue, 1 carbon monoxide alarm, 2 motor vehicle accidents, 1 landing zone, 3 mutual aid out of town, 2 special work drills, 1 vehicle fire and 1 appliance fire. There were 23 reported calls, 65 for the year, 288 man hours for January and a total of 937 hours for the year.

He further reported that the department purchased two all terrain vehicles for \$10,000., the amount match by a donation from Hudson Farm West. A multi-purpose trailer was ordered for these vehicles. Attorney Semrau stated that he received verification today signing off on the release of those funds.

The ice rescue drill is scheduled for Monday, February 25th at the Wharf, asking those who are interested in participating should arrive at 7:00. As asked by Mr. Gilsenan, Chief Danielson explained how a carbon monoxide alarm is handled.

Approval of Bill No. 8-01-55-604-000, check #8092 Mr. Walsh asked who is the open space liaison, who is Mr. Gilsenan. Mr. Walsh explained that he pulled this bill for the payment of the open space tax because he was under the impression that the County suspended the open space tax for this year. Mr. Gilsenan stated he will investigate this matter further. Mayor Phoebus asked that Administrator Alfano review this matter and the bill will be carried until the next agenda.

OPEN TO THE PUBLIC Mr. Smith moved to open the public portion of the meeting, seconded by Mr. Gilsenan and carried unanimously. Mayor Phoebus read the following statement into the record.

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.

Dan Freed, 85 Lawrence Road, Open Space Chair, stated he has additional Open Space Plans CD's for those interested. He also stated that there will be another public hearing on February 26th and the Committee has worked through the process by receiving and reviewing comments from the membership. He reminded everyone that this is the planning process; there is nothing that is being set in stone. They are attempting to set priorities. Mr. Walsh reviewed the DVD and he noticed that it said 79 percent of the township could be preserved, about 10,000 acres. He stated it probably could be done but that is certainly not the intent of the Open Space Committee and what they are about. He explained that the 79 percent comes from the percentage of property in town that is suitable for development. He added that there is some language in the plan that will be changed to make it specifically stated that this property could be considered for open space acquisition should the opportunity present itself.

Carla Kostelnik, 50 Greendale Road, stated to clarify what Mr. Freed stated, the Open Space Committee did recommend several changes and one of them is to say that 79 percent of the town is eligible for open space. There are other changes and a list of those will be available shortly. Mayor Phoebus stated that the disk received is not reflective of what the Open Space Committee has decided.

Jeff Wolk, 34 Payne Road, asked that during the Reorganization meeting an Ad Hoc Committee was formed that he understands was intended to deal with the Land Use issues. Attorney Semrau stated the members of this committee consist of the planners, the administrator, the engineer, as well as the planning board chair and planning board attorney and township attorney. He explained that when landowners come in, they would have meetings. So by taking this cross-section, and have the property owners come in and explain their issues, the members of the board report back to who they represent with the issues.

In the past, Attorney Semrau explained he would receive numerous phone calls from a variety of committee and board members asking his opinion on procedures. He suggested for efficiency purposes, the issues go before this committee and they it is delegated. There are no decisions made by the committee, the township is not bound by anything that was discussed. The purpose is an informational exchange.

Mr. Wolk mentioned his concerns regarding this committee and how it may be detrimental to the township. He asked the point of having such a sub committee, whereby the subcommittee is handling what should be a land use matter. Attorney Semrau stated that this is the very debate the Committee had at the first meeting and we were careful to be sensitive not to be any form of the Land Use Board. He stated it is for the property owner that really does not know what to do, adding they have no conceptual plans or anything that has been before the board. It was also stated that this subcommittee is not mandated as a beginning point.

Mr. Wolk then referenced the resolution to terminate the contract with Tri-County Computers and provided his opinion to how we should encourage contracts to our local businesses. Attorney Semrau explained that this is a resolution between the vendor and the township, both parties agreeing to resolve this matter, with no reflection on the vendor. He added that any future opportunity or contract will not be affected by this action.

OPEN TO THE PUBLIC (CONTINUED) Mel Dennison, 2 Old Creamery Road, stated he is the new Chief for Lakeland Emergency Squad. He asked if he could be placed on the agenda for monthly reports. He reported that he has been speaking with liaison Mr. Gilsean, regarding the calls to the Andover Nursing Home. During the past three years, Lakeland responded to 67 calls in 2005, 66 calls in 2006 and in 2007 there were 97 calls they responded to at the Andover Nursing Home. He stated that this is a great cost to the squad and the taxpayers of this town. The average cost per call is in excess of \$100. and at 97 calls that is a great cost to the township. This figure does not include the cost of the ambulance. He suggested that the Andover Nursing Home should increase the size of their private service in order to alleviate the pressure on the volunteer service.

Mayor Phoebus asked that this matter be deferred to Administrator Alfano and she and will contact Mr. Dennison to schedule a meeting date to discuss this further.

Stan Christodoulos, 6 Wisteria Road, supported what Attorney Semrau stated regarding the Mayor's Committee and he stated it worked very efficiently today. A major purpose of this committee is to address the COAH issues. Attorney Semrau remarked that the whole planning issues are with the planning board. He stated that this committee is a place to develop ideas. Mr. Christodoulos added that meeting with the Mayor's Committee is strictly voluntary.

He then asked about the status of the Constraints Ordinance. Attorney Semrau stated that he and Administrator Alfano had discussed this matter and during their reports that would ask if the Constraints Ordinance and Driveway Ordinance could be discussed at a workshop for the next meeting.

Anthony Massaro of Current Drive commented that he does not agree that the public can only speak once during the open session. He then addressed the issue of charges being filed by Mr. Gilsean against other members of the Township Committee, stating that the charges were not made public. He stated that if this is the case, he feels the charges should be made public.

Lois de Vries, 85 Lawrence Road addressed Mr. Wolk's comment regarding the Mayor's Committee adding that this type of committee has existed before. She stated that Mr. Grotjohann and Mr. Walsh during the course of the past two years have had meetings with developers, only difference is that the public was not aware of these meetings.

She asked Attorney Semrau to provide a progress report on the mediation of the Life Care Mews property. He replied that he has not heard anything more. Mr. Walsh stated he will be discussing this issue during his report. Ms. de Vries stated that the Environmental Commission has procured a wonderful _____ called Backdoor Conservation, partnership between the Habitat Wildlife Counsel, The NRCS Audubon and the National Association of Conservation Districts. She distributed copies to everyone who did not receive one earlier.

Carla Kostelnik stated that the County Board of Agriculture on the fourth Monday of next month is hosting a conference with the NJDEP to discuss the new C-1 Stream Regulations and they asked members to invite who they wish. Meeting will be held at the Homestead, 4-H Office.

Michael Crane, 41 Payne Road, asked Mayor Phoebus and asked her if she is the owner of Farmstead Golf Course is suing the township. He asked her what the cost of the lawsuit to the Township was. She stated she did not have the answer. He then asked if she received any financial gain in this lawsuit. She replied no. Mr. Crane asked if someone could look into this matter. Attorney Semrau added that he is not handling that particular appeal and for it to be settled, it would need governing body approval. He stated that if there have been some discussions, it would take a resolution to formally resolve this matter.

OPEN TO THE PUBLIC (CONTINUED) Mr. Walsh asked Mr. Gilsenan about the charges he had intended to file. Mr. Gilsenan deferred to Attorney Semrau and he stated that there were no charges that were issued. Mr. Gilsenan stated nothing was filed. Mr. Walsh asked what brought him to that point. He responded with no comment. Mr. Walsh stated someone can not accuse someone of something and then do an about-face.

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

REGULAR AGENDA

ORDINANCE: INTRODUCTION

#2008-03 TO AMEND CHAPTER 30 "CONSTRUCTION FEES"
"SECTION 30-10 UNIFORM CONSTRUCTION CODE"

"AN ORDINANCE AMENDING CHAPTER 30, SECTION 30-10, "FEES" UNIFORM CONSTRUCTION CODE OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY"

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2008-03, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on February 25, 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 – yes |
| Mayor Phoebus – yes | Mr. Smith – yes |
| Mr. Walsh - yes | |

ORDINANCE: PUBLIC HEARING

#2008-02 TO AMEND 2007 SALARY ORDINANCE
POSITION OF DEPUTY COURT CLERK

"AN ORDINANCE TO AMEND THE 2007 SALARY ORDINANCE OF THE TOWNSHIP OF ANDOVER, ORDINANCE #2007-09 TO PROVIDE AND DETERMINE RATES OF COMPENSATION FOR EMPLOYEES OF THE TOWNSHIP"

Mr. Smith moved to open the public hearing for this Ordinance, seconded by Mayor Phoebus and carried unanimously. Hearing nothing from the public at this time, Mr. Walsh moved to close the public hearing, seconded by Mr. Smith and carried unanimously.

ORDINANCE: PUBLIC HEARING (CONTINUED)**#2008-02 TO AMEND 2007 SALARY ORDINANCE
POSITION OF DEPUTY COURT CLERK**

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 January 17, 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 – yes

Mayor Phoebus – yes

Mr. Smith – yes

Mr. Walsh - yes

RESOLUTIONS:**DISCUSSION REGARDING THE ADOPTION OF RESOLUTION #R2008-38
AMENDING FEE SCHEDULE FOR HILLSIDE PARK HALL**

Mayor Phoebus stated she will recuse herself from this discussion and stepped down from the dais. Deputy Mayor Smith will chair this portion of the meeting. Attorney Semrau explained there was a discussion at the last meeting regarding the Fee Schedule for Hillside Park Hall and a resolution was adopted. After speaking further to Mayor Phoebus, she would like to recuse herself from such discussion so there is no potential for any conflict. He recommended that the Township Committee readdress this issue by rescinding #R2008-38.

Mr. Gilsenan moved to Rescind Resolution #R2008-38, seconded by Mr. Walsh and carried unanimously.

Deputy Mayor Smith explained that at the time these fees were increased, the Township Committee was unaware that there were some pending contracts. He then stated that those contracts should be grandfathered. Following a short discussion all were in agreement that the fee schedule shall remain unchanged except for those pending contracts, they shall be grandfathered.

**#R2008-46 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO
AMEND SCHEDULE FOR FEES CHARGED FOR RENTAL AND SECURITY
DEPOSIT OF THE HILLSIDE PARK HALL AS RECOMMENDED BY THE
ANDOVER TOWNSHIP RECREATION COMMITTEE**

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

(See Insert Attached to These Minutes)

Ms. Phoebus returned to the dais.

COMMITTEE REPORTS:

MR. GILSENAN. He reported that Chief Dennison covered the report on the Lakeland Emergency Squad. On the Environmental Commission, updates were given on ongoing projects, such as stream monitoring, detention basin projects, ANJEC Grants as well as the activities on the Open Space Committee. The Commission unanimously approved the January Report to be submitted to the Township Committee. The Commission received an application from a Township resident for potential internship. They are in the process of organizing a partnership with the Sussex County Master Gardeners' Program and Kittatinny State Park to establish a plant rescue program for the Township.

Mr. Freed provided a status report on the Open Space Committee earlier in the evening. The Committee held a special meeting on February 6th to complete its review of the Open Space Plan Draft Document as well as the Open Space and Greenways Maps. These documents will be presented to the public at the information session on February 26th and CD's of the plan and maps are available to the public. Hard copy is available for public inspection in the Clerk's Office.

MR. SMITH. He reported on the website use, stating we increased by 555 inquiries over last month, at almost 2,000 visits, a new record. The increase as compared to last year is 38%. He then spoke about the Township consider some type of advertising on the website, providing a source of revenue.

Regarding technology, the overhead projector was used at the Fire Department's Installation Dinner. He reminded everyone, especially presenters that it is available for use. The projector is available through Robyn Hattersley, using proper sign out procedures.

He reported on the Seniors Citizens group, there are almost 1,000 residents who are eligible to join the club, but there are only 50 members at this time. The group meets twice a month, they offer great trips and various daily outings, which are available to non-seniors. He asked that if anyone knows someone who would be interested, to please encourage them to join.

The PARIS Grant project is moving along quite well and we are at a point that the first summation from each town has been prepared. Mr. Freed explained that last year every municipality in the County participated in the project initiative for funding. He stated that Sussex is the only County in State that has every municipality approved for this funding. The next step will involve all the municipalities to begin the purging stage in preparation for an expanded use for electronic document management and offering same as a shared service. Mr. Smith stated that there will be a Resolution presented at the next meeting which is an endorsement that the Township wishes to continue with this effort.

Mr. Smith commended the Finance Department in their effort to switch the payroll system from 26 pay periods to 24, on the first and fifteenth of each month. This move is a cost savings for the township and allows a better flow when addressing various administrative issues. He mentioned the requisition system, which moves requests from paper to electronic system.

Regarding the Building Department, for the month of January there were 21 permits issued for a total received in permit fees of \$3,425.00. The Ordinance that was introduced earlier this evening will address the issue of that department not covering their expenses. The department is now actively and aggressively checking on the status of open permits.

The Animal Control report for the month, 825 dogs were licensed for total revenue of \$6,820.00. There are currently 200 delinquents.

He reported that the Board of Education is sponsoring a Wine and Cheese benefit on February 29th. It will be held at Hillside Park Hall. More information available on the website.

COMMITTEE REPORTS: (CONTINUED)

MR. WALSH. He asked Mr. Smith to check with the Building Department and inquire if all commercial buildings in town have been inspected by the fire inspector and if every room in a hotel has to be inspected or just a random few.

In speaking with Chief Coleman Mr. Walsh asked the Township Committee to consider asking Attorney Semrau to draft a sex offenders lodging ordinance, specific to certain feet from a school and hotel. The Township Committee agreed and this matter will be placed on the next workshop agenda.

Mr. Walsh read a letter of commendation into the record addressing the investigation and apprehension of a criminal targeting the Newton area. Detective Eric Danielson and Officer Brian Kithcart responded and pursued the suspect on foot into chest high frigid waters. A round of applause followed. Mr. Walsh stated these men will be formally acknowledged at a future meeting.

Mr. Walsh asked for consent of the Committee to discuss with Labor Counsel Giacobbe and following his discussion, request for a test for Police Lieutenant for the Township. He explained that the process following the test could take about a year. He added that if Chief Coleman were to retire, a process is in place for his predecessor. Mr. Walsh stated that the deadline is April first to request a test. Mayor Phoebus asked the Committee for consensus and all were in agreement.

Mr. Walsh reported on the 2008 municipal budget stating that the Finance Committee is working diligently and it's been changing everyday. There is another meeting scheduled this week with the auditor.

With that said, he remarked to Lois de Vries that he made a phone call to a particular person as to Thor Labs as to find out what is going on with Thor Labs and possibly moving into Sussex & Warren. There was nothing going on with that and he did ask them what they were deciding to do with their property and they said at this particular time the only thing we have going is a lawsuit. They asked him what the reason was for contacting them he stated that he needs 47 units. Mr. Walsh stated that they asked him to approach the township committee that they would like to come before them to see if together they could resolve that issue of the 47 units. Mr. Walsh stated that is what he is doing tonight; consensus to have them approach the committee in public.

Attorney Semrau asked if this with respect to the Mews property; and if so, Mayor Phoebus should be recused from this. Mayor Phoebus recused herself and stepped down from the dais. Mr. Smith asked if they should be coming before the Land Use Board. Mr. Walsh stated they want to come before the governing body because they know this board is the ultimate decision maker. Mr. Gilseman stated they should be before the Mayor's Committee, it was designed for this purpose. Mr. Walsh replied they don't want to spend any money, adding they know what the feeling is and they just want to come before this committee in public. He added that there will be no decisions made at that time they just want to be able to talk to us in public.

Mr. Smith stated he would like to hear a comment from the land use board chairman. Chair Christodlous stated that he objects to that, it should either go to the Mayor's Committee.

Mr. Walsh read the following from the Rutgers book, "as can be seen by this article the governing body or chief legislature body within a municipality wields an enormous amount of power in the field of planning and zoning. It is the governing body that makes the initial determination as to whether there shall be planning and zoning constraints within the municipality. And if so, in most instances determines the magnetite of those constrains.

COMMITTEE REPORTS: (CONTINUED)

MR. WALSH. In the end, although the planning board and zoning board of adjustment play an important role in the process, it is clear that the ultimate power in the field lies with the governing body. From Rutgers." Mr. Walsh reiterated that all they are doing is asking to listen to them in public. No decisions to me made, no promises.

Attorney Semrau reminded everyone that a letter had been written based on direction from the committee that there wouldn't be any further discussions until a remediation plan was submitted. Mr. Walsh stated that they would like to address that issue also.

Attorney Semrau suggested, based on the instructions during the Worksession, perhaps they can first submit that restoration plan. He then asked if there is a change in position, that they can come in, which they have the right to do. Mr. Walsh replied they just asked him to come to the Committee with this and say that they would like to make the restoration part of the overall picture. Mr. Walsh stated he told them that's up to the committee and they would like to just sit and talk to us in public.

Attorney Semrau asked if we shouldn't first ask them to give us the restoration plan before they come in. Again he stated that based on previous instructions, it was unanimous at that time to advise them to submit the plan of restoration because it's been over two years and then if the committee wants to go that route, they don't have to go to that committee.

Following further discussion, it was decided that Attorney Semrau will send a letter to their attorney and report back at the next meeting and following their response, the Township Committee can then decide how to follow up. All were in agreement.

MR. GROTYOHANN. Just returning from vacation, he had nothing to report at this time.

MAYOR PHOEBUS. She reported on the Mayor's Committee. There were two meetings held earlier this evening and one appears to be very promising in meeting the 47 COAH units. She stated that there seems to be very good responses from property owners in the community who are very interested in this. They feel that this is a very worthwhile committee, they are very excited about it. The feedback is that the committee is a place where they can get a great deal of information, which in the past this was something that was very difficult to obtain. Meetings are booked through March 25th. She added that if we continue as we have been, we will meet those 47 units.

Mayor Phoebus apologized for not attending the Installation Dinner, she was out of town.

REPORT FROM THE TOWNSHIP ADMINISTRATOR She provided updates from the last meeting, starting with the lower level of the Barn, the expenses total approximately \$45,000.00. An appraiser's report was received and it was determined that the rental fee for the lower level can be about \$23,000.00. We currently collect \$20,000.00. She recommended that the township should look to lease that space. There is no known date that SCARC will be leaving but probably, April or May. She added that the best purpose for this location would be pre-schools and day care centers. She asked the Committee how they would like to proceed.

REPORT FROM THE TOWNSHIP ADMINISTRATOR (CONTINUED) She then reported that the engineering and design has been completed for the Lake Lenape Dam by the DEP and the project is now out for bid. Once completed, the Township will be bonding and billing for the project as a Special Assessment. She added that an Ordinance will be required.

The Rolling Hills Condominium Association has been in violation again by the County Board of Health. Attorney Semrau and their attorney have been exchanging correspondence which she reported has not been solved, but they are working towards it.

She reported on the Clean Communities Day as suggested by Mr. Smith. Administrator Alfano stated she mentioned the project at the last Board of Education meeting and they are interested in participating. The date is Saturday, September 20, 2008. The Board of Education is very pleased with the Township and they thank all for the use of the Barn for their Wine and Cheese function. They are also appreciative with the website assistance. They informed Administrator Alfano that the relationship between township and school board is a very good relationship and they expect it to continue.

Administrator Alfano stated she received five letters of praise this week, one that Mr. Walsh read and one received for Tax Collector Cashin, Public Works Repairer Benziger and Interim Supervisor Dickinson. They will be posted in the municipal building shortly.

In regards to the computers, she advised the committee that with their approval, she will be soliciting quotes for the server. They all agreed.

REPORT FROM THE MUNICIPAL ATTORNEY He reported that earlier this evening another co-locator agreement was approved. He commended Mr. Walsh for flagging down this contractor and now there are two for \$25,000.00 each.

He remarked on a question to Mayor Phoebus regarding her tax appeal. He stated that it has not been resolved. He added that for the Mayor to address a question about personal litigation, that should not happen and she should not be held responsible to answer those questions. Her answers were more of a private matter and from the township's perspective, no matter is settled until the Township Committee approves it.

NEXT SCHEDULED MEETINGS: Monday, February 25, 2008 6:30 p.m.
Regular Meeting 7:30 p.m.

Monday, March 10, 2008 6:30 p.m.
Regular Meeting 7:30 p.m.

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

Personnel Matters:

1. *J. Alfano, Township Administrator*

Contract Negotiations:

1. *Computer Services*

Attorney-Client Privilege

1. *Hemlock Road*
3. *State Health Benefits Plan*

was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 9:10 P.M. Mr. Smith moved to adjourn executive session at 10:07 P.M., seconded by Mr. Gilsenan and carried unanimously.

Attorney Semrau left the meeting and Attorney Di Yanni replaced him on the dais.

REGULAR AGENDA

POSITION OF DEPUTY EMERGENCY MANAGEMENT COORDINATOR Mr. Smith moved to cancel the test called by the DOP for the position of Deputy Emergency Management Coordinator and to eliminate the position of Deputy Emergency Management Coordinator based on budgetary constraints, seconded by Mr. Gilsenan and carried unanimously.

STATE HEALTH BENEFITS PLAN Mr. Walsh moved to provide coverage for those employees enrolled in the CIGNA plan with no increase in premium for a period of three years, to run concurrent with the DPW contract, January 1, 2008 through January 1, 2010, seconded Mr. Gilsenan and carried unanimously.

DARREN DICKINSON, INTERIM SUPERVISOR OF ROADS Mr. Walsh moved to provide a stipend in the amount of \$3,000.00 to Mr. Dickinson for the position of Stormwater Management Coordinator, seconded by Mr. Gilsenan and carried unanimously.

RATE OF INCREASE FOR NON-CONTRACTUAL EMPLOYEES Mr. Walsh moved to provide a cost of living salary adjustment for non-contractual employees at the rate of 3.75%, seconded by Mr. Smith and carried unanimously.

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Smith moved the meeting be adjourned at 10:11 P.M., seconded by Mr. Gilsenan and carried unanimously.

Respectfully submitted,

Gail Phoebus, Mayor

Vita Thompson, R.M.C.
Municipal Clerk

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Andover on the 11TH day of February 2008, that:

1. Prior to the commencement of this Regular Meeting, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):

- () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
- () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
- () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
- () b. (4) A collective bargaining agreement including negotiations.
- () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- () b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.

Attorney-Client Privilege:

- 1. Mosner vs. Local Finance Board**
- 2. Szatkiewicz, etal. Vs. Township of Andover, etal.**
- 3. State Health Benefits Plan (tabled until Session B)**
- 4. Block 139/Lot 2**

Contract Negotiations:

- 1. Computer Services**
- 2. 2008 Salary Review for Non-Contractual Employees**
- 3. Hemlock Road (tabled until Session B)**

- () b. (8) Personnel matters.
 - 1. J. Alfano, Township Administrator (tabled until February 25th)**
 - 2. D. Dickinson, Interim Supervisor of Roads**
 - 3. Deputy Emergency Management Coordinator**
- () b. (9) Deliberations after a public hearing that may result in penalties.
 - 1. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: February 11, 2008

Moved: Smith Seconded: Gilsenan
Voted Aye: Gilsenan, Phoebus, Smith, Walsh
Voted Nay: None
Absent: Grotyohann
Resolution adopted. February 11, 2008

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION - B

BE IT RESOLVED by the Township Committee of the Township of Andover on the 11TH day of February 2008, that:

2. Prior to the commencement of this Regular Meeting, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):

- () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
- () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
- () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
- () b. (4) A collective bargaining agreement including negotiations.
- () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- () b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.

Attorney-Client Privilege:

3. *State Health Benefits Plan*

Contract Negotiations:

3. *Hemlock Road*

- () b. (8) Personnel matters.

1. *J. Alfano, Township Administrator (tabled for February 25, 2008)*

- () b. (9) Deliberations after a public hearing that may result in penalties.
 - 2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: February 11, 2008

Moved: Smith Seconded: Gilsenan
Voted Aye: Gilsenan, Grotyohann, Phoebus, Smith, Walsh
Voted Nay: None
Abstained: None
Resolution adopted. February 11, 2008
