

ANDOVER TOWNSHIP COMMITTEE MINUTES

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

**JANUARY 17, 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 6:51 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. ***J. Alfano, Township Administrator***

Contract Negotiations:

1. ***Part-Time Staff and Compensation for DPW***

Attorney-Client Privilege:

1. ***SCARC Lease***
2. ***Property Acquisition*** was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:52 P.M. Mr. Grotyohann moved to adjourn executive session at 7:37 P.M., seconded by Mr. Smith and carried unanimously.

REGULAR MEETING

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

Mayor Phoebus asked that the agenda be amended as follows:

***UNDER RESOLUTIONS:**

7. **#R2008-37 A RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING A TAX LEVY FOR 2008 FOR THE ANDOVER TOWNSHIP OPEN SPACE PRESERVATION TRUST FUND**

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

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

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Insert Attached to These Minutes)

APPROVAL OF THE TAX COLLECTOR'S DECEMBER 2007 REPORT - \$173,743.03

**ACCEPTANCE OF MISCELLANEOUS CASH BOND (TEMPORARY CO) –
MICHAEL DAVENPORT - BLOCK 69/LOT 27 – 320 ANDOVER-SPARTA RD –
\$1,000.00 – ESCROW #T-13-56-717-254**

AMENDMENT TO THE RECREATION COMMITTEE'S MEMBERSHIP

- 1) **MOVE PATTI CLARK – REGULAR MEMBER – TERM TO EXPIRE
12/31/2010 TO ALTERNATE NO. 2 – TERM TO EXPIRE 12/31/08**
- 2) **MOVE ED BURGIO – ALTERNATE NO. 1 – TERM TO EXPIRE 12/31/08
TO REGULAR MEMBER – TERM TO EXPIRE 12/31/2010**
- 3) **MOVE JODI HALTEMAN –ALTERNATE NO. 2 – TERM TO EXPIRE
12/31/08 TO ALTERNATE NO. 1 – TERM TO EXPIRE 12/31/08**

**APPROVAL OF RAFFLE LICENSES – HILLTOP COUNTRY DAY SCHOOL –
TO BE HELD ON APRIL 4, 2008 AT PERONA FARMS FROM 7:00 TO 11:30 P.M.**

- 1) **R.L. 810 ON PREMISE 50/50 RAFFLE**
- 2) **R.L. 811 ON PREMISE MERCHANDISE**

***RESOLUTIONS:**

- 1. **#R2008-31 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF ANDOVER TO AUTHORIZE THE RENEWAL OF THE VOLUNTEER
ACCIDENT POLICY NUMBER SPS012241 WITH LIFE INSURANCE
COMPANY OF NORTH AMERICA AT AN ANNUAL PREMIUM
OF \$425.00 FOR THE TERM FEBRUARY 1, 2008 THROUGH
FEBRUARY 1, 2009**

REGULAR 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 explained the following 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.

Stan Christodlous, 6 Wisteria Road, stated that the Land Use Board received the new COAH regulations from Chuck McGroarty which showed total disregard to the rural communities of New Jersey and he left it is time to do something. He suggested that a letter be sent to the Governor, all State Representatives, the League of Municipalities and other communities throughout the State expressing our dismay with COAH's disregard to our communities.

Mayor Phoebus stated that the Township Committee discussed during the Executive Session exactly what Stan recommended. She explained that under the new Round Three, COAH feels that Andover Township owes 188 units of affordable housing, which is ridiculous. She stated that for Rounds One and Two, we owe 55 units, which we are obligated to meet by year's end. Other municipalities received extremely high numbers.

Attorney Semrau stated that there was a letter received from Colts Neck which states they feel that some of the suburban municipalities are paying the price for the urban municipalities under this system and it is fundamentally unfair. Colts Neck sent a letter asking if other municipalities would be interested in joining in a law suite, perhaps a Federal suit, to challenge the constitutionality of these rules. He explained that the Township Committee directed him to write a letter to Colts Neck indicating a sincere interest to possibly join in such an action.

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

ORDINANCE: INTRODUCTION

**#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”***

ORDINANCE: INTRODUCTION (CONTINUED)

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

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2008-02, 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 11, 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 – yes |
| Mayor Phoebus – yes | Mr. Smith – yes |
| Mr. Walsh – yes | |

Mayor Walsh announced that the Public Hearing for this Ordinance will be held on February 11th.

ORDINANCE: PUBLIC HEARING

**#2008-01 TO AMEND 2007 SALARY ORDINANCE
POSITION OF ASSISTANT TAX ASSESSOR**

“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 Mr. Gilsean. Roll call vote:

| | |
|---------------------|---------------------|
| Mr. Gilsean – yes | Mr. Grotyohann – no |
| Mayor Phoebus – yes | Mr. Smith – yes |
| Mr. Walsh – no | |

Hearing no comments from the public, Mr. Smith moved to close the public hearing, seconded by Mr. Gilsean and carried unanimously.

Attorney Semrau explained that this is the position for the Assistant Tax Assessor position and in his opinion, Mayor Phoebus can vote on the amendment of the salary ordinance establishing this position.

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 04, 2008, was advertised according to the law and was brought before the public for final consideration. There being no objections, Mr. Smith moved the adoption of the above entitled ordinance, seconded by Mr. Gilsean. Roll call vote:

| | |
|---------------------|---------------------|
| Mr. Gilsean – yes | Mr. Grotyohann – no |
| Mayor Phoebus – yes | Mr. Smith – yes |
| Mr. Walsh – no | |

NEW BUSINESS

DISCUSSION REGARDING THE POSSIBLE AMENDMENT TO THE RENTAL FEE SCHEDULE FOR HILLSIDE PARK HALL AND CONSIDERATION OF AUTHORIZING RESOLUTION

Mr. Walsh left the fees for non-residents were too low and needed to be increased. Mayor Phoebus agreed. He felt that \$750.00 was an amount worth discussing, adding that since we are reserving the facility so far in advance, the fee is too low. He added that the resident fee should remain unchanged. Mr. Smith stated he felt the facility should not be rented to non-residents all but because it is a Green Acres facility, we can not curtail the use.

Mayor Phoebus stated that the 2008 fee schedule must be set because people have booked the barn so the decision must be timely.

RESOLUTIONS:

#R2008-38 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AMEND SCHEDULE FOR FEES CHARGED FOR RENTAL AND SECURITY DEPOSIT OF THE HILLSIDE PARK HALL

Mr. Walsh moved to adopt the foregoing Resolution amending the Non-Resident Fee to \$1,000.00, seconded by Mr. Gilsenan.

Mr. Smith asked if Attorney Semrau would investigate the Green Acres issue further and see if we don't have to rent to non-residents at all. Mayor Phoebus asked if the non-resident prior day set-up should also be amended. It was agreed that this fee be raised to \$500.00. Attorney Semrau explained that these cost adjustments are only going against the township's expenses. He will also further investigate the Green Acres status issue.

Mayor Phoebus stated that part of the amendment of this Resolution; the Non-Resident Prior Day Set Up Fee will also be increased to \$500.00.

Following the motion and second, this resolution was adopted unanimously.
(See Insert Attached to These Minutes)

HYDROLOGY REPORT DISCUSSION Mayor Phoebus recognized Lois de Vries, Chair of the Environmental Commission to lead the presentation on the hydrology report. She asked the Township Committee to consider the possibility of getting a grant from ANJEC to help us fund a hydrology report. She stated that during the NRI and Build out Analysis, Banisch Associates made recommendations for several further projects that should be done and they prioritized, recommending the hydrogeology report be next in sequence. She added that the Planning Board members agreed. At that time, Attorney Semrau had referenced some reservations about it and the Township Committee decided not to proceed. Since that time she stated she has been in touch with ANJEC and Matt Mullhall.

HYDROLOGY REPORT DISCUSSION (CONTINUED) Attorney Semrau explained Mr. Mullhall had provided him with reports and he did not realize that he was the author of the report for Tewksbury finding it to be very thorough. He stated that the report prepared was on all ground water which also includes a nitrate delusion model which is helpful from a standpoint of land use and planning for capacities of future zoning decisions that the township may want to make. Attorney Semrau stated that though he references Mr. Mullhall's report it does not mean that he will be the individual who will be awarded the contract, but that he may be one of the individuals considered for this project. He added that the Tewksbury report has been raised in court a number of times. The cost for such a project would be in the area of \$15,000. Attorney Semrau stated in his opinion it would be a helpful land use tool in the future.

With regard to a hydrology report, Ms. de Vries stated that is something we don't have strong documentation at this point in time and it would be helpful to have this information available to us. She stated that when she spoke to Mr. Mullhall we could get an adequate report in the \$12,000 to \$15,000 range and for a really good report, between \$16,000 and \$20,000.

She asked the Township Committee for authorization to get a specific proposal from Matt Mullhall and to proceed with the ANJEC grant application. She stated that this is a matching grant. She is asking for \$10,000. from the Township which is what was spent on the open space plan. Mayor Phoebus stated that we have entered into plan endorsement and this report is a requirement of that process. Since we have to do the report and we may receive a grant that would be helpful to the township. Attorney Semrau stated that this report can also assist in making master plan decisions.

Mr. Smith had several questions regarding the report which were answered by Ms. de Vries. Attorney Semrau addressed the question regarding the report's shelf life and he stated that as long as you are defending issues with this master plan it stays with the master plan. Once another master plan is adopted, it loses a bit of its appeal.

Following this discussion it was agreed that the proposal will be based on the Tewksbury model. During the public hearings, there will be opportunities for questions and answers. At this point authorization is needed to move forward with the proposal and grant application process. Once the grant is awarded there will be a kick off meeting in which ANJEC does attend and quarterly reports and filed in order to show the project's progress.

Mr. Smith moved to authorize Ms. de Vries to proceed with the proposal process and file the ANJEC matching grant application, seconded by Mr. Gilsenan and carried unanimously.

COMMITTEE REPORTS:

MR. GILSENAN. He reported on the Open Space Committee stating that the reorganization is scheduled for January 22nd and the committee will review the draft plan, open space map revisions and greenways draft map in preparation for setting a date for the next public information meeting. Green Acres has not yet announced grant application deadlines but Morris Land Conservancy anticipates that the Open Space Plan will be ready on time.

Reporting on the Environmental Commission, the Reorganization meeting was held on January 9th and officers are Lois de Vries, Chair, Linda Hubbard, Vice-Chair and Harvey Hummel, Secretary. The calendar of meetings for 2008 was approved and Diane Gillespie and Lois de Vries will be attending the Land Ethics Symposium on creative approaches for ecological landscaping on February 21st in Langhorne Pennsylvania.

COMMITTEE REPORTS: (CONTINUED)

MR. GILSENAN. He continued to report that Mr. Freed updated the Commission on the open space committee activities and Ms. de Vries updated the Commission on the progress of the detention basin project.

He then provided an update on the ethics complaint, stating that the activity which he perceived to be in violation of state ethics laws by the previously named committee persons has resolved itself without the necessity of an ethics complaint being filed.

MR. SMITH. He reported on the website activity, demonstrating such activity by use of a graph provided to the public. He stated we continually increased until November. He has heard remarks that residents use this tool all the time. The Office of Emergency Management is now represented on the website.

Mr. Smith reported on the Senior Citizens' reorganization meeting and the new president is Elsie Burdge and first vice-president is Russell English. He had suggested to the club the issue of membership recruitment. He explained that 16% of the resident population is 55 and older, which is about 1,000 and yet there are only 50 members in the club. The Senior Citizens' members gave the recruitment assignment to him.

He then stated that the overhead projector has been delivered and premiered at Mary Spector's retirement party and will be used next at the Fire Department Installation Dinner on January 26th. The use of this equipment is to allow people to make presentations through more modern technology. The equipment will also be available to applicants before the Land Use Board.

MAYOR PHOEBUS. She stated that she was unable to attend the Fire Department's first meeting because she was out of town.

Regarding COAH, she asked the public for assistance in trying to meet this obligation for 2008. Andover Township owes 55 units, of which we have eight. She asked if anybody knows of any available homes for rehabilitation or possible RCA's, group homes, property, besides what we are trying to do will be greatly appreciated. She stated we need to work together. She remarked that we need to forget about the third round obligation of 188 units at this time because we will have until 2018 to meet that number. The 55 units we owe for rounds one and two we will be held accountable for.

MR. WALSH. He reported on Recreation, stating that Helene Reczka is the Chair and there were some membership changes discussed. They did discuss the fee increase for the Hillside Park Barn rentals.

Regarding the police department, he met with Chief Coleman to discuss the future of the department by trying to put a plan together. He stated that there was discussion regarding possible promotions in light of anticipated retirements. After outlining a plan, he wants to meet with the police officers and ask them for their ideas. Once the plan is complete, he stated he would like to sit with the Finance Committee to see what it may cost the township.

Reporting on the Department of Public Works, he stated that the new truck has been delivered to Sterling for installation of the equipment, with hopeful delivery to the township of late March, early April. The renovations to the old police headquarters are underway. The department is conducting a pavement evaluation on town owned roadways. All the information will be recorded on a computer spreadsheet and this will assist the township in creating a master plan for future road projects.

COMMITTEE REPORTS: (CONTINUED)

MR. WALSH. The department has been performing regular roadway maintenance, such as sweeping, chipping, pot hole repair and dealing with the winter weather. They are currently in the process of replacing the air compressor in the DPW garage and actively obtaining quotes for Goodale Fields.

The Expedition that was used by the police department has been turned over to the DPW upon the receipt of the new Dodge.

MR. GROTYOHANN. He reported on the Board of Health meeting, whereby Jackie Huelbig was the only member up for reappointment, term to expire December 31, 2010. Rachel Nazarian was voted Chair and Maryann Frodella was appointed Vice-Chair. Herb Yardley was reappointed health officer and Joan Skillan as Registered Environmental Health Specialist. They adopted their meeting calendar for the year. They discussed the Rabies Clinic held on January 4th where there were 236 vaccinations, 51 cats and 185 dogs.

He reported that Ms. Skillan stated that the ongoing solid waste overflow at Rolling Hills is slowly being cleaned. The tires were removed and she has been in contact with the management company. She issued the association a notice of violation and remedial action for allowing unlawful discarding of litter on private property, allowing the discarding of vehicle tires behind the dumpsters, property owners permitting open and overflowing waste disposal bins on private property and causing the dumpster area to be obstructed by litter and other offensive material. They were also ordered to completely clean and abate all litter within 20 feet surrounding the four dumpsters, also maintaining the area free of litter on a daily basis and keeping the dumpster lids closed to prevent wildlife attraction. Clean up shall be completed within 15 days of receipt of the notice. Ms. Skillan will report back at the next Board of Health meeting, February 13th.

A \$500 fine was issued to a well driller for installation of a well without the proper permits on Hidden Valley Way.

Regarding the Tax Department's report, tax collections have increased from 98.51% to 98.72%.

REPORT FROM THE TOWNSHIP ADMINISTRATOR With regard to Finance, the Division of Local Government Services has extended the 2008 budget calendar to account with the implementation of the new property tax levy cap for the governor's budget. She stated that the meeting was held earlier today so we should know soon how those numbers will change. Last year the budget deadline was extended for one month and it is likely that will happen again.

CFO Day has received requests from department heads for the budget process and we will be meeting with the finance committee the week of January 21st.

She reported that she had meetings with several department heads and she hopes to meet with everyone by the end of the month. She stated she is very impressed that Andover Township is represented by a stellar group of people.

She reported on Martin Street, stating she received an email from a resident who is concerned that though this is a private road, they are requesting full services because they pay taxes. By researching this matter, there have been issues with this road for several years. She stated that in the prior engineer's report, he stated that there would be a great deal of cost to bring it to standards in order to acquire it. She asked the Township Committee to advise her as to how they wish to proceed.

REPORT FROM THE TOWNSHIP ADMINISTRATOR (CONTINUED) Administrator Alfano stated that representatives from the Miller Sheep Ranch have contacted her with a request to meet. This meeting has been scheduled for February 11th at 5:30.

She then reported that she had a meeting scheduled with the County Administrator which he had to postpone until January 24th. She stated she will then report back to the Township Committee with the details of that meeting.

She stated that the Construction Department has requested a new fee ordinance in order to offset some of their operations. She provided Attorney Semrau with the information and perhaps for the next meeting we may have an ordinance for introduction.

Regarding Andover Borough, she met with Mayor John Morgan and he is requesting a meeting to discuss shared services and how we can assist the Borough which she is very interested in doing so. She asked him to acquire a pulse from his council as to what they are looking for from us before they meet. They did not renew their road contract with the township because the amount was over their budget. They had gone out to bid and awarded a contract for \$25,000 and they are not happy with the services.

In speaking with Interim Road Supervisor Dickinson, she received a fee list of various road services and she asked these rates have been adopted in the event someone requests our services per item. Mayor Phoebus stated that there was no action taken on that fee schedule.

She attended the Board of Education meeting and she is meeting with Business Administrator Terry Van Auken tomorrow morning to discuss specific issues.

With regard to Rolling Hills, she discussed this with Attorney Semrau and he will send a letter on the township's behalf so they are aware of our involvement.

A meeting was scheduled with the municipal engineer, the CFO, DPW, herself and the Mayor on Friday, January 25th at 10:00 a.m. in order to know where we are regarding the municipal roads.

Regarding the computer services, Tri-County will be coming in to install the new server but she had some questions that she needed to have them answer before they come in. Attorney Semrau sent them a letter and they are working on a response to me in order to move forward.

She informed everyone that she is available to everyone, urging all to call or stop by and she stated to the Township Committee that if there are items she did not address that they feel she should, she will be happy to report as they wish. Mr. Smith asked Administrator Alfano to provide the process and procedure for the finance committee and make available a project plan and outline for what she expects it to be, when it is expected for delivery, what are the milestones, what are the critical path points, so all can understand the process a little bit better.

Mayor Phoebus asked what should be done to proceed with the Martin Street issue. Mr. Walsh stated that the road would have to be brought up to specifications and properly engineered before we could consider the adoption. He added that the process will cost a great deal of money. Mr. Walsh stated that the residents knew this is a private road when they bought their homes. Attorney Semrau stated the response could be if interested in improving the road we could work with them but the cost would come from a road assessment paid for by the residents of that road. A letter will be sent by Attorney Semrau.

REPORT FROM THE MUNICIPAL ATTORNEY He reported that he was notified that the Township was named in a lawsuit involving a personnel matter, but we have not been formally served and as soon as we have the complete complaint he will distribute to the Municipal Clerk.

He also reported on the Rolling Hills complaints issue.

Regarding the Constraints Ordinance, which the draft is work by various individuals over a year's worth of time, coming up with recommendation for the township committee. He asked if the committee would be interested in listing this draft for an upcoming Worksession. He also asked that Planner McGroarty attend so questions can be asked and the committee can then decide how to proceed from there.

With respect to Tri-County Computers, if they don't respond to the letter in an accurate manner, then we need to talk about the next step.

REPORT FROM THE CHIEF OF POLICE He reported that there are 692 calls from January 1st to January 16th. The number of arrests for 2006 was 106 and that number increased to 168 for 2007. There were 18 juvenile arrests for 2006 and 47 for 2007. He stated the department is growing as Mayor Walsh stated we want to sit down and formulate a plan for the future of the department. He stated he is in the process of preparing the 2007 annual report which will be ready for the next meeting. He complimented the officers in the department stating they are a great group of men, well educated and they will carry the department for the coming years.

Mr. Smith asked if Chief Coleman knew why the number of arrests is on the rise. He replied that a huge part of the increase is that the department has an aggressive group of officers; the technology is there, commenting on the computers in the vehicles. He added that there is an influx of population; the county is continuing to grow. There was a short discussion regarding the drug and gang activity in the county and what is being done to counteract this influence.

NEXT SCHEDULED MEETINGS: Monday, February 11, 2008 6:30 p.m.
Regular Meeting 7:30 p.m.

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

Mayor Phoebus announced that Mr. Smith is being added to the Mayor's Land Development Committee.

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 8:47 P.M., seconded by Mr. Smith and carried unanimously.

Respectfully submitted,

Gail Phoebus, Mayor

Vita Thompson, R.M.C.
Municipal Clerk