

**ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES**

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

**NOVEMBER 10, 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 6:34 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:** Mayor Phoebus asked that the Executive Session be amended to include Quist Property. On a motion by Mr. Smith, seconded by Mr. Gilsenan, the resolution to go into executive session to discuss

**Personnel Matters:**

1. ***K. Reed, Animal Control Officer***
2. ***J. Alfano, Township Administrator***

**Contract Negotiations:**

1. ***Cell Towers - Rob Johnson***
2. ***Professional Services***
3. ***Shared Services***

**Attorney-Client Privilege:**

1. ***COAH Updates***

**Pending Litigation**

**Potential Litigation**

1. ***Jeker - JCP&L***
2. ***Quist Property*** was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:35 P.M. Mr. Walsh moved to adjourn executive session at 7:40 P.M., seconded by Mr. Gilsenan and carried unanimously.

**REGULAR MEETING**

**APPROVAL OF AGENDA** Mr. Walsh moved to approve the agenda, seconded by Mr. Gilsenan and carried unanimously.

**APPROVAL OF CONSENT AGENDA ITEMS** Mayor Phoebus asked that the Consent Agenda be amended by adding to the Bills' List check #4371 to Woodmont Homes in the amount of \$3,000.00 and remove check #4377 Michael Piccolo in the amount of \$1,506.50 per his request. Mr. Walsh moved the following consent items be approved, seconded by Mr. Smith and carried unanimously.

**\*CONSENT AGENDA:**

**\*OTHER BUSINESS:**

**APPROVAL OF VOUCHERS FOR PAYMENT**

(See Inserts Attached to These Minutes)

**ACCEPTANCE OF THE TAX COLLECTOR'S OCTOBER REPORT - \$2,472,027.56**

**\*RESOLUTIONS:**

**#R2008-186 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO INCREASE THE 9-1-1 SERVICES CONTRACTS ON WITH THE BOROUGH OF ANDOVER, THE TOWNSHIP OF GREEN, AND THE BOROUGH OF HAMBURG IN THE AMOUNT OF FIVE PERCENT (5%) FOR THE TERM JANUARY 01, 2009 THROUGH DECEMBER 31, 2009**

**#R2008-187 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP COUNTY OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE NON-UNION EMPLOYEES TO USE THE ELECTION DAY FLOATING HOLIDAY ON FRIDAY, DECEMBER 26, 2008 AS THE OFFICIAL HOLIDAY AND AUTHORIZE THE CLOSING OF THE MUNICIPAL BUILDING**

**#R2008-188 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT A ROAD LABORER FOR THE DEPARTMENT OF PUBLIC WORKS**

**#R2008-189 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AWARDED THE BID FOR THE PURCHASE OF A IN CAR DIGITAL VIDEO RECORDING SYSTEM FOR THE POLICE DEPARTMENT TO L-3 COMMUNICATIONS MOBILE VISION, INC. - \$41,573.75**

**#R2008-190 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT DARREN DICKINSON, SUPERVISOR OF PUBLIC WORKS TO THE POSITION OF DEPUTY MUNICIPAL STORMWATER MANAGEMENT COORDINATOR**

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

**#R2008-191 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT AUTOMATIC DATA PROCESSING, INC. (ADP) TO PROVIDE PAYROLL PROCESSING AND TIME REPORTING SERVICES TO THE TOWNSHIP**

**#R2008-192 BUDGET TRANSFER RESOLUTION - \$36,500.00**

**#R2008-193 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND TO THERESA & GERARDO CUCCOLO IN THE AMOUNT OF \$61.74 FOR AN OVERPAYMENT IN THE THIRD QUARTER 2008 TAXES FOR BLOCK 116.01/LOT 4**

(See Inserts Attached to These Minutes)

**REGULAR AGENDA**

**PRESENTATION - FOREST LAKES DAM** Forest Lakes Association Attorney Ahan Dash was present to discuss the repair of the dam and he here to seek cooperation with the Township to sign as co-applicants in a loan with the DEP for the dam restoration. He stated that the statute requires a resolution of the governing body agreeing to the co-application of the loan. He also remarked that there would be no permanent financial obligation to the township. The amount of the loan will be paid through special assessment of those taxpayers in the lake community, as prescribed in the statute. Mr. Walsh asked if those properties would be deed restricted and the answer was yes. Mr. Dash stated that whether or not you are a member of the association, you will still be required to pay the assessment; the assessment will apply to both members and non-members. Deputy Mayor Smith asked what was meant by permanent financial obligation. He replied that initially the township acts as a co-borrower so the loan application is signed by the township. All costs and out of pocket expenses are recovered through the assessment. The amount of the loan may be about \$1.5 million. Of 450 properties there are roughly 35 properties located in Andover Township, the majority in Byram.

Attorney Semrau recommended an appraisal company and do that task at the end of the project in order to coordinate the two municipalities. That cost can be part of the project. There was discussion regarding insurance. Attorney Semrau stated that the State signs off on the dams after the project engineer submitted the certification to the State. Because this dam is owned by the association, they are the ones who are responsibility for the insurance.

There was then discussion regarding the need for a resolution from the governing body. It was decided that a resolution could be considered at the December 08<sup>th</sup> meeting, which is well within time of the December 31<sup>st</sup> deadline.

**ORDINANCES: PUBLIC HEARING****#2008-20 EXECUTION OF LEASE AGREEMENT*****"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH ST. PAUL'S ABBEY FOR THE TOWNSHIP'S LEASE OF THE BUILDING AND PROPERTY LOCATED AT BLOCK 153/LOT 35 - ROUTE 206 SOUTH"***

Mayor Phoebus opened the public hearing. Having no comments Mr. Smith moved to close the public hearing, 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 October 27, 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. Walsh. Roll call vote:

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

Mayor Phoebus provided a short explanation of the lease agreement with the Abbey and the renovations will be done with the help of Homeless Solutions.

**PROCLAMATION - ST. PAUL'S ABBEY****~PROCLAMATION~**

DECLARING THE WEEK OF NOVEMBER 10, 2008 AS "ST. PAUL'S ABBEY WEEK"

**WHEREAS**, the St. Paul's Abbey Monastery was founded on the 15<sup>th</sup> of March, 1924 under the leadership of Father Michael Heinlein, a Monk of the German Arch Abbey of St. Ottilien; and

**WHEREAS**, over the years the St. Paul's Abbey and its pristine location has been a significant landmark and a well respected foundation in the Township of Andover; and

**WHEREAS**, recently the Township of Andover contacted representatives of St. Paul's Abbey seeking a way to address Affordable Housing concerns and obligation of the municipality; and

**WHEREAS**, representatives of the Abbey have been most generous by working with the Township in an effort to address these concerns and maintain the integrity and character of Andover Township; and

**WHEREAS**, the representatives of the Abbey, specifically Father Samuel, Brother Luke and Brother Owen have been instrumental in assisting and working with the Township to achieve this long term goal of revitalizing the Stone Building and addressing the Township's Affordable Housing concerns; and

**WHEREAS**, the Township of Andover is most appreciative and thankful for the assistance and guidance of the St. Paul's Abbey and its representatives and its efforts to work with and support the Township of Andover.

**NOW, THEREFORE, I, Gail Phoebus, Mayor of the Township of Andover** on behalf of the Township Committee and Township residents do hereby proclaim the week of November 10, 2008 as the week honoring St. Paul's Abbey in the Township of Andover and call upon residents to acknowledge and extend their appreciation for St. Paul's Abbey and its contributions to the Township of Andover.

**APPROVAL OF MINUTES****OCTOBER 13, 2008 REGULAR MEETING  
OCTOBER 13, 2008 EXECUTIVE SESSION**

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

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

**REPORT FROM THE FIRE CHIEF** Chief Danielson reported seven activated fire alarms, one wildness rescue, one brush fire, one chimney fire, one fundraising drill, two meetings, one assistance for EMS, two landing zones, five motor vehicle accidents and three downed power lines. There were a total of 29 calls for the month, 364 man hours and year to date 272 calls with 3,778 man hours.

He then reported that he received an email from the Department of Homeland Security advising that the Andover Township Fire Department appears to have moved forward with their grant application. Homeland Security had requested direct deposit information which is very positive news. This grant would encompass 20 air packs, a 95-5% split on this grant, receiving \$125,000 from the federal government. He hopes to hear more positive news in the coming weeks.

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

- 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.**

Karl Hoffman, 76 Forest Lakes Drive was present to discuss the presentation on the Forest Lakes Dam Loan. He arrived too late for the presentation and Attorney Semrau provided a short summary of what was discussed. Attorney Semrau stated that the Township Committee will be considering a resolution at the December 8<sup>th</sup> meeting to give consent to eventually execute the loan documents once more information is made available to the governing body.

Mr. Hoffman stated he just attended a meeting of the Forest Lakes Association and the only people allowed to vote were active members which he is not. He stated his concerns that he and some others who have never joined Forest Lakes do not want to pay this assessment. Mr. Hoffman stated that he is not a member of the association and he did not want his property to be assessed for the dam repairs. He stated that people who don't have use of the lake, do not have access to the lake are not allowed to go on the beaches of that lake should not have to be assessed.

Attorney Semrau stated that they did ask the attorney for proof of any properties that would be affected by this assessment and they are providing a legal summary with deeds to demonstrate that these properties would in fact be affected. He wants to take a closer look before a decision is made by the Township Committee. Hearing nothing more, Mr. Walsh moved to close the public portion, seconded by Mayor Phoebus and carried unanimously.

Deputy Mayor Smith presided over this part of the meeting due to a conflict by Mayor Phoebus.

### OTHER BUSINESS

#### APPROVAL OF RAFFLE LICENSES

- A) **NORTHWEST JERSEY READING COUNCIL - TO BE HELD ON DECEMBER 02, 2008 AT THE FARMSTEAD GOLF & COUNTRY CLUB FROM 4:00 TO 8:00 P.M.  
RAFFLE #R.L. 844 - ON-PREMISE 50/50  
RAFFLE #R.L. 845 - ON-PREMISE MERCHANDISE**
  
- B) **KAREN ANN QUINLAN HOSPICE, INC. - TO BE HELD ON MAY 27, 2009 AT THE FARMSTEAD GOLF & COUNTRY CLUB AT 8:00 P.M.  
RAFFLE #R.L. 846**

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

Mr. Gilsenan - yes

Mayor Phoebus - abstain

Mr. Walsh - yes

Mr. Grotyohann - absent

Deputy Mayor Smith - yes

### COMMITTEE REPORTS

**MR. WALSH.** He reported on the DPW stating that they have been looking into using calcium chloride on the roads which can save the township some money. He stated that the best solution is beet juice is being used in Chester Township and it lowers the use of grit by 2/3rds, which costs \$14.00 a ton to purchase and \$5.00 a ton to remove. The use of beet juice keeps the snow and ice from bonding to the surface and requires the use of less salt and environmentally sensitive. He also reminded everyone that the employee/volunteer holiday party is December 12<sup>th</sup> at 6:00 and the bus trip is on December 6<sup>th</sup> and seats are still available.

**MR. SMITH.** He reported that a data base was created for the seniors which will help them maintain records, dues and disseminating information to the membership. He added that the seniors have once again volunteered to fold and address the newsletter which saves the township a few hundred dollars. They will hold their annual Thanksgiving Dinner on Monday November 17<sup>th</sup> at Farmstead. The next regular meeting will be December 1<sup>st</sup> at the Andover Senior Center. The annual Christmas Party is December 19<sup>th</sup> at the Lafayette House.

He stated that a number of them will be attending the League of Municipalities Conference next week. He asked if anyone wishes certain information, to please let them know.

He reported that the Land Use Board has not met since the last Township Committee and the next meeting is November 25<sup>th</sup>.

Deputy Mayor Smith reported that he and Mayor Phoebus have had conversations with PSE&G regarding the construction of the new substation. He stated that he and Chief Coleman along with their assistant have been working on a revised monthly status report for the township and it should be presented in the near future.

**COMMITTEE REPORTS (CONTINUED)**

**MR. GILSENAN.** He reported that he has been working with Robert Johnson from Site Management Services reviewing the cell towers and the study was provided this evening. He stated that the DPW tower is designed for five carriers, we now have three. The revenue that tower will bring in over 25 years is \$2,246,000. That revenue can be increased by adding two more carriers. He reported that the Goodale tower is designed for eight carriers, we have four. That tower brings in \$3,053,000 over 25 years and again there is the capacity to double that revenue if we can find four more carriers.

Mr. Gilsean reported that the Lakeland Emergency Squad is drafting specs for a new ambulance. He stated we are currently spending a great deal repairing the old vehicle. The Open Space Committee meeting was cancelled due to snow. He asked Mr. Walsh about the status of the fields report. Mr. Walsh stated that the details on the fields were compiled but because the Open Space meeting was cancelled the information was not relayed.

**MAYOR PHOEBUS.** She reported on COAH saying that she never dreamed we would be in the position we are tonight with St. Paul's Abbey. She stated that this is a wonderful project and she thanked Attorney Semrau and Administrator Alfano. She also thanked the Township Committee for their patience and support. Mayor Phoebus thanked all the residents and Land Use Board Chair Christodlous for all the support.

The Planning Board's public hearing on COAH will be held on December 16<sup>th</sup> and a date for the Township Committee meeting will be held after that. Mayor Phoebus encouraged all to attend and this plan will be submitted to the State.

**REPORT FROM THE TOWNSHIP ADMINISTRATOR** She read a letter received from the Bosworth/Kelly families in thanks for a donation to the William F. Bosworth Memorial Golf Outing. The donation will benefit the Cops-Kids Program which helps children of fallen police officers.

Administrator Alfano reported on PSE&G announcing public workshops on the new power lines which will be held on December 9<sup>th</sup> and 17<sup>th</sup> at the Holiday Inn Express in Newton from 5:00 to 8:00 to review their plans. They also asked for a specific meeting with Mayor Phoebus, Engineer Golden and Attorney Semrau. She asked them to let her know what is convenient for them.

Regarding the cable franchise survey, she and Mr. Walsh have met with the attorney and she provided a draft in their packets. She asked if the form meets with their approval to let her know and she will begin distributing to the residents via the website. Copies will be available in the municipal building.

**REPORT FROM THE MUNICIPAL ATTORNEY** He reported that there are remaining COAH obligations where the Township Committee has directed him to pursue. He stated he is speaking with property owners who have residential rental properties if they would agree to qualify their properties with a long term deed restriction in exchange for a fee that would come from the township's affordable trust fund. Attorney Semrau asked the public if they have any ideas to approach the Township Committee.

Attorney Semrau then stated he gathered resolutions regarding the issue raised by Mr. Gilsean that since COAH is retroactively assessing the township for units that were constructed from 2004 through 2008 which is approximately 30 units, why can't the township retroactively assess those developers to find a place for affordable housing. He stated that letters will be sent to these developers shortly and ask them to come forward voluntarily. If not, the Township may consider other options to see if they can compel a contribution.

**NEXT SCHEDULED MEETINGS:** Monday, November 24, 2008 (Cancelled)

Monday, December 08, 2008 6:30 p.m. Executive Session  
Regular Meeting 7:30 p.m.

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

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

**Personnel Matters:**

- 2. *J. Alfano, Township Administrator*

**Contract Negotiations:**

- 2. *Professional Services*

**Attorney-Client Privilege:**

- 1. *COAH Updates*

**Pending Litigation**

**Potential Litigation**

- 2. *Quist Property* was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 9:21 P.M. Mr. Smith moved to adjourn executive session at 11:05 P.M., seconded by Mr. Gilsean and carried unanimously.

**REGULAR MEETING RESUMED**

**ADJOURNMENT** No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 11:05 P.M., seconded by Mayor Phoebus and carried unanimously.

Respectfully submitted,

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Gail Phoebus, Mayor

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Vita Thompson, R.M.C.  
Municipal Clerk