

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

OCTOBER 27, 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 6:30 P.M. by Mayor Phoebus, followed by a salute to the flag.

ROLL CALL: Present: Mr. Grotyohann (arrived at 7:25), 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. ***B. Howell, Mechanic***
2. ***J. Alfano, Township Administrator***
3. ***Personnel Matter***
4. ***Performance Reviews***

Contract Negotiations:

1. ***Shared Services***
2. ***Professional Services***
3. ***Haber Escrow Account***

Attorney-Client Privilege:

1. ***St. Paul's Abbey***
2. ***Life Care Mews***
3. ***Rolling Greens***

Pending Litigation

1. ***Szatkiewicz vs. Andover Twp.***

Potential Litigation

1. ***Tree Removal***
2. ***Piccolo Matter***
3. ***Quist Property*** was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:34 p.m. 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 Mayor Phoebus asked that the agenda be amended as follows:

UNDER ORDINANCES: INTRODUCTION - REMOVE #2008-19 In order to first distribute to the Land Use Board and Environmental Commission for their review and comments.

Mr. Smith suggested that Resolution #R2008-179 from the Consent Agenda in order to discuss it further. Mr. Walsh moved to approve the agenda as amended, seconded by Mr. Gilsean and carried unanimously.

APPROVAL OF CONSENT AGENDA ITEMS 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 Insert Attached to These Minutes)

**RELEASE OF SOIL EROSION MAINTENANCE CASH BOND - WOODMONT HOMES, INC.
BLOCK 7/LOT 2.02 - 320 ANDOVER-SPARTA ROAD - \$3,000.00 -
ESCROW #T-13-56-717-250**

***RESOLUTIONS:**

#R2008-180 RESOLUTION OF THE TOWNSHIP COMMITTEE, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND TO GUY AND GINA DIMAURO IN THE AMOUNT OF \$1,819.75 FOR AN OVERPAYMENT IN THE THIRD QUARTER 2008 TAXES FOR BLOCK 140/LOT 1.01

#R2008-181 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ACCEPT THE LETTER OF RESIGNATION FROM VINCENT PALAZZOLO, PUBLIC WORKS REPAIRER EFFECTIVE OCTOBER 31, 2008 WITH REGRETS

#R2008-182 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ISSUANCE OF LIMOUSINE OWNER'S AND DRIVER'S LICENSE TO MARCELLO APOLITO T/A SAFE AND SECURE LIMOUSINE, LLC EFFECTIVE IMMEDIATELY AND THROUGH DECEMBER 31, 2008

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

#R2008-183 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY **AUTHORIZING THE CANCELLATION OF OUTSTANDING CHECKS**

#R2008-184 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY **TO MEMORIALIZE THE EXTENSION OF THE BALLANTINE WOODS, LLC DEVELOPER'S AGREEMENT APPROVED BY THE ANDOVER TOWNSHIP LAND USE BOARD**

#R2008-185 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY **TO AUTHORIZE THE FINANCE OFFICER TO ACCEPT A PREMIUM FROM THE TAX COLLECTOR IN THE AMOUNT OF \$450.00 FROM TAX SALE CERTIFICATE #03-001**

(See Inserts Attached to These Minutes)

REGULAR AGENDA**RESOLUTIONS:**

#R2008-179 **REVISED ENABLING RESOLUTION FOR THE FILING OF THE NJ DEP GREEN ACRES PLANNING INCENTIVE LAND ACQUISITION**

Open Space Chairperson Freed was present to provide an explanation to the Township Committee. He explained that the Green Acres application was filed and comments were received from the State that they needed updated information, particularly related to the Recreation and Open Space Inventory (ROSI). He also explained because this is a matching grant application the amount on the resolution needed to be amended. Mr. Smith voiced his concerns of the Township having to come up with these funds once the application is approved. Mr. Freed and Attorney Semrau both explained that would be being asked for in this application compares to a line of credit. Attorney Semrau stated that a resolution needs to be adopted that says the municipality would like to apply for the \$1,025,000.00 and if awarded any grants, it will be matched. At that point the decision would be brought before the Township Committee at that time.

Following this explanation Mr. Walsh moved to approve the foregoing resolution as presented, seconded by Mr. Gilsenan and carried unanimously.
(See Insert Attached to These Minutes)

APPROVAL OF MINUTES**SEPTEMBER 22, 2008 REGULAR MEETING
SEPTEMBER 22, 2008 EXECUTIVE SESSION**

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

Mr. Gilsenan - yes

Mr. Grotyohann - abstain

Mayor Phoebus - yes

Mr. Smith - yes

Mr. Walsh - yes

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.**

Diane Gillespie came before the Township Committee with a trumpet in hand and stated that in anticipation of tonight's announcement, there are many people in this room that have asked her to present The COAH Rounds I and II Award to Gail Phoebus and Fred Semrau. She read the certificates and presented them. A round of applause followed.

Lois de Vries thanked Mayor Phoebus and Deputy Mayor Smith for assisting in the Environmental Commission's first round of detention basin planting. There were 13 volunteers and they planted 325 trees and shrubs. She and Dan Freed sprayed them all on Sunday with deer repellent. Ms. de Vries stated that she appreciated the support adding it was a lot of work and most stayed from 9:00 to 5:00. Mayor Phoebus also thanked everyone who showed up and thanked Ms. de Vries for organizing this effort. She thanked the developers also who allowed them to do this.

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

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

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

Mayor Phoebus asked if there were any comments from the public. Hearing nothing further, Mr. Walsh moved to close the public hearing, seconded by Mr. Smith 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 September 22, 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 - yes
Mayor Phoebus - yes	Mr. Smith - yes
Mr. Walsh - yes	

**#2008-18 TO AMEND CHAPTER 119 "POLICE DEPARTMENT"
CONTRACTED OFF DUTY EMPLOYMENT**

"AN ORDINANCE TO AMEND CHAPTER 119 ENTITLED "POLICE DEPARTMENT", SECTION 119-8 "CONTRACTED OFF DUTY EMPLOYMENT" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY"

Mayor Phoebus asked if there were any comments from the public. Hearing nothing further, 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 13, 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 - yes
Mayor Phoebus - yes	Mr. Smith - yes
Mr. Walsh - yes	

ORDINANCES: INTRODUCTION**#2008-19 TO CREATE CHAPTER 68 "DRIVEWAYS" (REMOVED)****#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"

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2008-20, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on November 10, 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

Mayor Phoebus thanked Attorney Semrau who has been the most wonderful person and attorney that this town could ever have. She thanked Administrator Alfano for her efforts through this process. Mayor Phoebus thanked the Township Committee for their support and understanding. She also thanked the Brotherhood at St. Paul's Abbey for all they have done to make this possible. She announced at the next meeting there will be a proclamation and refreshments following the public hearing. Officials from St. Paul's Abbey will be invited to attend. Attorney Semrau explained what the process of redevelopment involves.

NEW BUSINESS

None

OLD BUSINESS**DISCUSSION REGARDING THE PROPOSED ESCROW FEES ORDINANCE**

Mr. Smith commented that if we decide to raise fees the objective is to cover our costs and not be in a position of profiteering. He stated he finds the ordinance a bit difficult to follow and suggested a simple presentation as a reference, perhaps in a two column fashion showing current fee and proposed fee.

REVIEW OF PROPOSALS FROM VARIOUS PAYROLL CONTRACTORS

CFO Day is present and following his presentation from the last meeting, He provided an explanation of the report he provided outlining all the proposals received from contractors. Following a short discussion it was decided that the Township agree to adopt a resolution appointing ADP for a cost of \$250.00 implementation fee. The monthly charges will be paid by Lakeland Bank as they currently do. The resolution and contract will be placed on the next agenda for consideration.

OLD BUSINESS (CONTINUED)**OUTSTANDING INVOICES FOR HABER - BLOCK 111/LOT 19.05**

Mayor Phoebus requested this matter be tabled until the Executive Session discussion could be held later this evening.

OTHER BUSINESS**POSSIBLE CANCELLATION OF THE NOVEMBER 24th MEETING**

There was a brief discussion regarding this issue. Mr. Smith moved to cancel the meeting, seconded by Mr. Gilsenan and carried unanimously.

APPROVAL OF ON PREMISE MERCHANDISE RAFFLE - R.L. #843 - OUR LADY OF THE LAKE CHURCH TO BE HELD AT PERONA FARMS ON NOVEMBER 21, 2008

Mayor Phoebus recused herself from this matter. Deputy Mayor Smith chaired this portion. Mr. Smith moved to approve the foregoing licenses as presented, seconded by Mr. Gilsenan. Roll call vote:

Mr. Gilsenan - yes

Mr. Grotyohann - yes

Mayor Phoebus - abstain

Mr. Smith - yes

Mr. Walsh - yes

COMMITTEE REPORTS

MR. GILSEMAN. He reported that the Open Space Committee is walking properties looking for lots ideal for athletic fields. He stated that the Open Space Committee does not know exactly how many fields are needed, the size of the fields so he asked if the Recreation Committee could offer assistance as to what is needed. Mr. Walsh replied that Recreation Committee member Ed Burgio is present this evening and together they will gather the information and present it to the Open Space Committee.

He then stated there was an issue with Lakeland Emergency Squad regarding calls to the Andover Subacute Center and an agreement was reached for \$100.00 per call, which could average \$12,000.00 per year.

MR. GROTYOHANN. In the interest of time, Mr. Grotyohann passed on his report.

MR. WALSH. He reported on the Recreation Committee thanking Ed Burgio for overseeing the skating rink/basketball project. The work is completed and the courts are stripped and everything looks great. Mr. Walsh stated Mr. Burgio was able to provide quotes for stripping both parking lots at the park. There was discussion regarding the need to seal then stripe these lots especially for safety purposes. There is a need to start enforcing proper parking around the Barn.

He then reported that he attended a meeting with Administrator Alfano, Supervisor of Public Works Dickinson and Engineer Golden to set a priority list to deal with the drainage and road issues which will be brought before the Committee. There was a delivery of 1500 tons of road grit purchased from FW Bennett.

COMMITTEE REPORTS (CONTINUED)

MR. WALSH. He hopes this amount will be enough for the winter. He stated that salt has increased to \$21.00 per ton and we use about 1,000 tons a year. He also stated that Supervisor Dickinson will be talking to Hampton Township regarding use of the liquid calcium which could save about 30 percent on salt.

He then read a letter from Traffic Safety Officer Murrell commending Supervisor of Public Works Dickinson and Assistant Supervisor Benziger for their assistance before and during two charity events held at the Barn. He also commended Public Works Repairers Mike Teets, Vincent Palazzolo and Eric Marra were helpful in setting up barricades, cones and signs needed for traffic control despite pouring rain.

MAYOR PHOEBUS. She reported that the bus trip to New York City is December 6th. There are two buses. Contact Jackie Huelbig for information and tickets.

She and Deputy Mayor Smith attended a meeting at the East Hanover Municipal Building this past Thursday night to meet with other mayors concerning PSE&G lines issue. There was discussion regarding what the municipalities and their residents along Route B could do about this situation. She stated that it appears all that can be done is to ask the advocacy group to see if there is a need/demand for this amount of electricity. If there is not, then the group will try to come up with alternative plans to submit to PSE&G. She explained that the municipalities have very little control over the utilities.

She then reported on the COAH which is moving along well. She also commended the Fire Department on another job well done with the Annual Rib Fest.

MR. SMITH. He reported that last Monday the Seniors gave their presentation on Patriotism and a Tribute to the Flag. He stated that it is a very popular presentation and it has been received so well that several other groups are now asking to bring it to them. He would also like to bring it before Committee soon. On October 20th the Seniors held their annual Halloween Party and best costume went to Elsie Burdge. He stated that he was awarded honorable mention. Deputy Mayor Smith stated he was appointed by the Seniors to the Nomination Committee and the Audit Committee. Their annual Thanksgiving Dinner will be held on November 17th at the Farmstead Country Club. The Christmas Party will be December 19th at the Lafayette House and their next regular meeting is November 3rd. He again asked if anyone would like to join they are always looking for new members.

He then reported that the League of Municipalities Convention will be held November 18-21st and he asked if anyone would like him to gather information on any particular topic to let him know.

Deputy Mayor Smith stated that the Land Use Board met and discussed the Fees Ordinance. He then referenced the letter from the County regarding a Historical Monument in Andover Township. Mayor Phoebus stated that earlier this evening she spoke with Lois de Vries and she has agreed to handle this request.

Deputy Mayor Walsh congratulated the Environmental Commission on the detention basin project adding that it is nice to see citizens working quite hard on such a project.

He then stated that he and Chief Coleman have been working on a new status report and a proposal will be finalized soon. The new report provides historical readout and graphs of the police activity.

REPORT FROM THE TOWNSHIP ADMINISTRATOR She reported that she, labor counsel and the animal control officer have been working on a new animal control policy which was provided to the Township Committee for their review. The next newsletter will be mailed in mid-November and asked if anyone has anything they wish to include the deadline is Wednesday, November 5th.

She then reported that she and Mr. Walsh met with Carolyn from Attorney Semrau's office regarding the cable franchise renewal process. She stated that they are working on a survey we are currently ahead of schedule with the process. The final water tests were completed for the Barn and hopefully the No Further Action letter will be sent shortly.

Administrator Alfano reported on PSE&G stating she sent letters to all municipalities along Route B to see if anyone is interested in a meeting to discuss the power lines. She stated that a little more than half want to meet, others feel that the efforts are fruitless. She contacted PSE&G about a meeting but she has had no luck. She was contacted by an environmental group from Trenton who want to fight this process. She stated that the first step would be for land use boards to deny their applications. Mr. Smith asked if these efforts should be combined with the East Hanover group instead of having splinter groups. She replied that her efforts are part of the group.

She reported on the Truck Washing issue and we have no resolution and the deadline of February 2009 is fast approaching. Some municipalities are doing nothing more than rinsing. The County was denied their grant but they are looking into other alternatives. She will report as information becomes available.

Administrator Alfano reported on the website activity and she stated that information provided by Link High is somewhat different than the information provided in the past. She asked for the numbers of hits and they said they could not give that number but the number of pages that were viewed. She stated that we are averaging about 5,000 per month but it could be four people looking at a number of pages. She stated that they can provide more detailed reports but there is a cost for additional services.

Mr. Walsh stated he reviewed the animal control policy and was not happy with all that he has seen. He stated he has an issue with what may be an interference of her duties in the construction office. Mr. Smith stated that there is compensation knowing there are three functions. The problem is how are those functions divided and prioritized. It was decided that in order to discuss this further a RICE Notice would be sent to the employee for the next meeting. Mayor Phoebus asked if the Police Department agrees with the policy change. Administrator Alfano stated that the draft policy is before the Township Committee first for their review and then it will be shared with the other parties involved.

REPORT FROM THE CHIEF OF POLICE He reported that he believes his secretary will be able to download the program for the new monthly reporting system. He reported there were 13,718 calls year to date, 8,143 for Andover Township, 231 for Andover Borough, 4,847 for Hamburg Borough and 497 for Green Township. He requested to be kept in the loop for the animal control officer policy because the police department is the one receiving the calls and if there are any changes in the policy he needs to know. Administrator Alfano stated that there is no policy at this time. He asked permission of the Committee to confer with Attorney Semrau regarding amendments to the towing and storage ordinance. They all agreed.

REPORT FROM THE RESCUE SQUAD CHIEF Chief Dennison was not present at this time.

REPORT FROM THE MUNICIPAL ATTORNEY He spoke about the ROSI and in speaking with Sandy Urgo he needs the consensus of the Township Committee to authorize the Mayor and the Chairman of the Land Use Board to permit a letter to be sent to Green Acres with the revised open space inventory Mr. Freed presented earlier this evening which is due by October 31st. All members gave permission.

NEXT SCHEDULED MEETINGS: **Monday, November 10, 2008 6:30 p.m. Executive Session**
Regular Meeting 7:30 p.m.

Monday, November 24, 2008 6:30 p.m. Executive Session
Regular Meeting 7:30 p.m.

Mayor Phoebus announced that the Township Committee will be entering into a second executive session and action may be taken.

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

Contract Negotiations:

- 2. *Professional Services*
- 3. *Haber Escrow Account*

Attorney-Client Privilege:

- 2. *Life Care Mews*
- 3. *Ascot Apartments*
- 4. *Rolling Greens*

Pending Litigation

- 1. *Szatkiewicz vs. Andover Twp.*

Potential Litigation

- 1. *Tree Removal*
- 2. *Piccolo Matter*
- 3. *Quist Property* was carried unanimously.

(See Insert Attached to These Minutes)

Mayor Phoebus called for a five minute recess.

The Committee went into executive session at 8:57 p.m. P.M. Mr. Walsh moved to adjourn executive session at 10:19 P.M., seconded by Mr. Gilseman and carried unanimously.

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 10:21 P.M., seconded by Mayor Phoebus and carried unanimously.

Respectfully submitted,

Gail Phoebus, Mayor

Vita Thompson, R.M.C.
Municipal Clerk