

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

JULY 28, 2008
6:30 P.M.

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 6:40 P.M. by Mayor Phoebus, followed by a salute to the flag.

ROLL CALL: Present: Mr. Grotyohann, Mr. Gilseman, 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. Walsh, seconded by Mr. Gilseman, the resolution to go into executive session to discuss

Personnel Matters:

1. *J. Alfano, Township Administrator*
2. *P. Coleman, Chief of Police*
3. *DPW Position*
4. *D. Dickinson, DPW Supervisor*
5. *J. Haggerty, Public Works Repairer/Mechanic*

Contract Negotiations:

1. *Remax – Rental of Hillside Park Hall Lower Level*
2. *Cell Tower*

Attorney-Client Privilege:

1. *Hillside Drive Drainage Issue*
2. *Life Care Mews*
3. *St. Paul's Abbey*
4. *Pedophile Ordinance*

Pending Litigation

1. *Cilo Associates*

Potential Litigation

1. *Current Drive and Payne Road*
2. *Trees in Right-of-Way*
3. *Possible Violation of the Law*, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:43 P.M. Mr. Walsh moved to adjourn executive session at 7:39 P.M., seconded by Mayor Phoebus and carried unanimously.

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

APPROVAL OF CONSENT AGENDA ITEMS Mr. Walsh asked that Bill No. 08-00959 from the List of Vouchers, incorporating two checks one in the amount of \$388.12 and the other \$388.13 for further discussion. Mr. Smith asked that Resolution #R2008-135 be removed from the consent agenda for further discussion.

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

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Inserts Attached to These Minutes)

ACCEPTANCE OF TAX COLLECTOR'S JUNE REPORT - \$88,397.41

***ACCEPTANCE OF SOIL EROSION, GRASS GROWTH AND DRAINAGE PIPE CASH BOND
JEFFREY MCWILLIAMS – 27 IRVING PLACE – BLOCK 144/LOT 1 - \$1,500.00
ESCROW #T-13-56-717-264***

***ACCEPTANCE OF LETTER OF RESIGNATION – BARBARA NIEDZINSKI – BOARD OF
HEALTH REGULAR MEMBER – TERM TO EXPIRE DECEMBER 31, 2009 – EFFECTIVE
IMMEDIATELY***

***ACCEPTANCE OF LETTER OF RESIGNATION – BARBARA NIEDZINSKI – RECREATION
COMMITTEE REGULAR MEMBER – TERM TO EXPIRE DECEMBER 31, 2009 EFFECTIVE
IMMEDIATELY***

***ACCEPTANCE OF LETTER OF RESIGNATION – LISA GREEBEL – RECREATION
COMMITTEE ALTERNATE NO. 3 MEMBER – TERM TO EXPIRE DECEMBER 31, 2009
EFFECTIVE IMMEDIATELY***

APPOINTMENTS TO THE RECREATION COMMITTEE – EFFECTIVE IMMEDIATELY

- A) MOVE JODI HALTEMAN, ALTERNATE NO. 1 TO REGULAR MEMBER
TERM TO EXPIRE DECEMBER 31, 2009***
- B) MOVE PATTI CLARK, ALTERNATE NO. 2 TO ALTERNATE NO. 1 MEMBER
TERM TO EXPIRE DECEMBER 31, 2008***
- C) APPOINT BRIAN ROBINSON TO ALTERNATE NO. 2 MEMBER
TERM TO EXPIRE DECEMBER 31, 2008***

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS:**

#R2008-134 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO FORMALLY RELEASE **THE SKYTOP ROAD SECTION III DRAINAGE IMPROVEMENTS PROJECT ONE YEAR MAINTENANCE BOND NO. 100075765 IN THE AMOUNT OF \$10,444.96 TO SALMON BROS., INC.**

#R2008-136 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY **TO AUTHORIZE THE TAX COLLECTOR TO CANCEL 3RD & 4TH QUARTER 2008 TAXES DUE TO THE APPROVAL OF A TAX EXEMPTION FOR BLOCK 99, LOT 31**

#R2008-137 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY **AUTHORIZING THE ACQUISITION OF A PROCUREMENT CARD AND ADOPTING THE TOWNSHIP'S PROCUREMENT CARE GUIDELINES AND PROCEDURES**

#R2008-138 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY **TO APPOINT THERESA J. MARTIN AND JEFFREY R. WILLIAMS TO THE POSITION OF PART TIME PUBLIC SAFETY TELECOMMUNICATOR TRAINEE**

(See Inserts Attached to These Minutes)

At this time, 7:48 p.m., Mayor Phoebus announced that she will be leaving this meeting in order to attend in Sparta, representing all the residents in Andover regarding the PSE&G matter. Deputy Mayor Smith will now chair the meeting until Mayor Phoebus returns.

APPROVAL OF MINUTES

**JUNE 09, 2008 REGULAR MEETING
JUNE 09, 2008 EXECUTIVE SESSION**

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

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

**JUNE 23, 2008 WORKSESSION
JUNE 23, 2008 REGULAR MEETING
JUNE 23, 2008 EXECUTIVE SESSIONS "A" & "B"**

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

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

REGULAR AGENDA

REPORT FROM THE RESCUE SQUAD CHIEF Chief Dennison was not available this evening for his report.

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

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.

Deputy Mayor Smith suggested that a five minute time limit be added in order to have ample time for all to be speak.

Tony Sanchez, representing Hoover Truck Centers was present with regard to the bid for the new diesel truck. He voiced his concerns with the governing body choice with the lowest responsible bid which means passing over his bid. He continued to explain his disagreement with this action. Attorney Semrau replied to Mr. Sanchez and explained to the public the bidding laws. He added that the laws are specific and there can be no adjustments to the bid specifications. There is a technical report which explains the deviations which cannot be waived. With that report in mind, there is only one bidder that is technically qualified.

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

ORDINANCES: PUBLIC HEARING

#2008-12 CONSTRAINTS ORDINANCE

“AN ORDINANCE TO AMEND CHAPTER 190, “ZONING,” §190-4 “DEFINITIONS” AND §190-34 “TABLES”; AND CHAPTER 131, “SITE PLAN REVIEW,” §131-3 “DEFINITIONS,” §131-6 “PERFORMANCE STANDARDS,” §131-8 “PRELIMINARY APPROVAL, SITE PLAN DETAILS”; AND CHAPTER 131, ARTICLE IV “ENVIRONMENTAL IMPACT STATEMENT,” §131-11, 131-12, 131-13; AND CHAPTER 159, “SUBDIVISION OF LAND,” §159-6 “MINOR SUBDIVISION PLAT,” §159-7 “MAJOR SUBDIVISION PLAT,” §159-11 “PRELIMINARY PLAT,” §159-20 “LOTS”; AND CHAPTER 74, “LAND USE PROCEDURES,” §74-37 “COMPLETE APPLICATION, DECISIONS,” OF THE REVISED ORDINANCES OF THE TOWNSHIP OF ANDOVER, REGARDING REQUIREMENTS PERTAINING TO ENVIRONMENTAL IMPACT STATEMENTS AND RESOURCE CONSERVATION CALCULATIONS”

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

ORDINANCES: PUBLIC HEARING (CONTINUED)**#2008-12 CONSTRAINTS ORDINANCE**

Attorney Debbie Nicholson from Sparta stated she is here representing Robert Phoebus and Farmstead and its related entities. She stated she does not wish to diminish the good intentions of the Land Use Board and Environmental Commission and those individuals who have worked on this ordinance however she thought an overview and its impact to the entire community should be discussed. She stated that she felt this ordinance already exists in the current ordinances and believes it is unnecessary to accomplish a goal such as this. She proceeded to outline areas of the ordinance and asked the governing body to review the ordinance to see if the benefit outweighs the detriment.

Anthony Massaro, 100 Current Drive explained that the way he understands this ordinance is that if you are in a two acre zone and ½ acre is wetlands, the property owner would have to seek a variance in order to build a house. He further stated that if a property owner has 60 acres of land with no restraints, they would love this ordinance because he would have a piece of land worth a great deal more. He added that if certain land containing rock ledges and wetlands cannot be used in the calculations, then that property is not worth as much and taxes should be adjusted accordingly.

John Carafello, 260 Andover-Sparta Road, also voiced his concerns regarding this ordinance. He commented that flexibility should remain in the decision making, the reason we have boards. He stated that he feels we are well covered when it comes to protecting our environment and not sacrifice the flexibility. He stated he is very concerned about the taxes in Andover Township adding that many of the homes being built today are built be empty nesters and they are generating \$18,000.00 to \$20,000.00 a year in taxes, which makes up for home in other areas of the township which brings in else in taxes and may have children in the schools.

Diane Gillespie, 115 Andover-Mohawk Road stated that Andover Township adopted a Master Plan in 1989 and very little has been done to achieve the objectives that were identified in the Plan. This is a chance to see this oversight corrected with this ordinance. She stated that our current professionals are to be commended for encouraging the Land Use Board and Township Committee to rectify the situation. She continued to explain that on page 15 of the 1989 Plan, there are 15 goals and objectives which the professionals used to base this proposed ordinance. She then stated that not one individual who drafted the 1989 Master Plan sit on the Land Use Board or Township Committee. Ms. Gillespie stated that this Plan has gone through two revisions. She stated that the Township's zoning ordinances do not adequately protect the sensitive areas.

Lois de Vries stated that she is speaking as a resident, a member of the Land Use Board and a member of the Environmental Commission. She remarked that less than two years ago the Land Use Board had applications before it that totaled more than 1,000 housing units, comparing this to the fact that existing homes number a little over 2,000, an increase of 50%. She stated that we should take advantage of this time to move forward with protective ordinances. She also stated that the Master Plan has supported constraints zoning for 19 years. She also said that prior to the Manalapan decision; the Township actually had constraints ordinances on the books. Ms. de Vries stated that the Township Committee is trying to assume jurisdiction over land use matters.

Stan Christodlous, 6 Wisteria Road stated that all our professionals remarked that this ordinance is what our township needs and this has been discussed for quite some time. He added that extra professionals were brought in who have dealt with this before and he felt it was a weak ordinance. He also stated that there was a lot of misinformation given this evening to which he asked to see data to support what was said.

ORDINANCES: PUBLIC HEARING (CONTINUED)**#2008-12 CONSTRAINTS ORDINANCE**

William Howell of 60 Ballantine Road stated that if this ordinance is a back door way to a tree ordinance he fully supports it. He stated the trees, outcroppings and other environmentally sensitive areas should be protected.

Jeffrey Wolk, 34 Payne Road asked Attorney Semrau if an ordinance comparable to this ordinance pass muster before the courts of New Jersey. Attorney Semrau replied that he can not give a case on point but can give examples were it has. In Washington Township, Morris County there is five acre zoning and a constraints ordinance that in his opinion is much more restrictive than the one before us. He stated that he defended the township in this matter and the court upheld the five acre ordinance, in conjunction with the other ordinances of the township, including the constraints ordinance. He stated that what this ordinance seems to do is adjust density based on striking out the undevelopable land. He added that in 1992 the legislature stated you can not restrict density by taking out this type of land but in 2003 the Supreme Court overturned that decision.

Mr. Walsh stated he is not uncomfortable with the whole ordinance only certain parts, the 300 foot buffer and environmental impact study requirement. He thought if there was a meeting of the minds, perhaps one could be drafted that everyone is happy with. He asked if the ordinance can be tabled again in order to look further into it for possible amendments.

Deputy Mayor Smith remarked that he did some cost analysis and looked into the areas that might be affected and how they would be affected. He stated that if these properties were to lose their value by 25%, the amount of revenues that lost was so minor compared to what it would be if there was overdevelopment. He stated that the problem with that is there is 1.3 children per household at \$16,000.00 per year, per child.

He further stated that the land is passed on and the responsibility goes beyond those who currently own the land and think about the future of the municipality. He added that he would be open to discussion regarding some type of modification.

Mr. Walsh moved to table this ordinance for the September 08, 2008 meeting, seconded by Deputy Mayor Smith and carried unanimously.

ORDINANCES: INTRODUCTION**#2008-13 POLICE DEPARTMENT
“OFF DUTY CONTRACTS”**

“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”

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2008-13, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on August 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 – absent

Deputy Mayor Smith – yes

Mr. Walsh – yes

RESOLUTIONS**#R2008-139 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-010-003 FOR DINA'S LLC FOR THE TERM JULY 28, 2008 THROUGH JUNE 30, 2009**

Mr. Walsh moved to adopt this resolution, seconded by Deputy Mayor Smith. Attorney Semrau stated that with respect to this matter, there are some matters that he and the administration have been trying to resolve relevant to this establishment. The interim term expires at the end of September and with that in mind, he asked if this be tabled to the September 8th meeting.

Mr. Walsh moved to table this resolution for September 8th meeting, seconded by Mr. Gilseman and carried unanimously.

APPROVAL OF VOUCHERS 08-00959 Deputy Mayor Smith asked that at this time we address the matters pulled from the consent agenda.

Mr. Walsh questioned the two bills for M2 Associates and asked why the payment is under the Mayor and Council line item. Administrator Alfano stated that the ordinance began with the Land Use Board and was brought before the Township Committee. It was the governing body who requested more detail on the well testing ordinance. Mr. Walsh stated he had no problem with splitting the cost with the land use board but not paying the whole amount. It was determined that the amount was divided to pay from two separate line items.

Mr. Gilseman moved to approve these bills for payment, seconded by Deputy Mayor Smith and carried unanimously.

#R2008-135 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER *AWARDING THE CONTRACT TO PROVIDE SOFTWARE, INSTALLATION AND TRAINING WITH REGARDS TO THE IMPLEMENTATION OF A COMPUTER AIDED DISPATCH AND RECORDS MANAGEMENT SYSTEM TO ENFORSYS NJ, INC. IN THE AMOUNT OF \$47,750.00*

Deputy Mayor Smith asked for an explanation for this project. Chief Coleman explained that this equipment updates the original CAD system and records management. The present system will be obsolete at the end of the year, leaving a CAD system with no support or maintenance program. Enforsys has purchased the company. It is presently run in every dispatch center in Sussex County and 120 installations in the United States.

Mr. Walsh moved to adopt this resolution as presented, seconded by Mr. Gilseman and carried unanimously.

(See Insert Attached to These Minutes)

NEW BUSINESS

DISCUSSION AND CONSIDERATION OF THE AWARD OF BID FOR THE 2009 STERLING ACTERRA DIESEL TRUCK AND ASSOCIATED EQUIPMENT FOR THE ROAD DEPARTMENT

Supervisor of Public Works Dickinson was present for this discussion and explained that the bid specifications were prepared for a certain type truck and only one bid was received which met those specifications.

RESOLUTION #R2008-140 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AWARDED THE BID FOR THE PURCHASE OF ONE 2009 ACTERRA DIESEL TRUCK OR EQUIVALENT AND ASSOCIATED EQUIPMENT TO QUALITY BUS SALES & SERVICE, INC. IN THE AMOUNT OF \$126,949.00

Mr. Walsh moved to adopt this resolution as presented, seconded by Mr. Gilsenan. Roll call vote:

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

(See Insert Attached to These Minutes)

OLD BUSINESS

DRAKE MANOR TRAFFIC STUDY REPORT Attorney Semrau stated that Engineer Golden had prepared a traffic study and the DOT sent the study back. Engineer Golden was unavailable this evening to discuss options whether the study should be amended and resubmitted or simply state performance study, but that does take longer. It was decided to table this discussion for the August 25th meeting when Engineer Golden is available.

OTHER BUSINESS

Approval of Off Premise 50/50 Raffle License #R.L. 834 to Marquette Council #588 Knights of Columbus – To Be Held on September 6, 2008 at Rolling Greens Golf Course at 2:00 p.m.

Mr. Walsh moved to approve this raffle license as presented, seconded by Mr. Gilsenan. Roll call vote:

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

COMMITTEE REPORTS

MR. WALSH. He reported on the Recreation Committee advising that the skating rink painting is done. They are awaiting proposals to resurface the rink and inset basketball poles and rims over the rink's surface.

The Andover Regional School asked the DPW to bring the backhoe over and do some work on the school property. Supervisor Dickinson stated that the playground equipment area needs to be excavated for its installation and the dirt needs to be removed. Attorney Semrau suggested asking the School Business Administrator to send a letter to the Township holding the township harmless for the work that's done would suffice. Supervisor Dickinson suggested two men for two days would be sufficient.

Following a short discussion all agreed to send the assistance to the school for this project.

Mr. Walsh stated that the roadside mowing is continuous throughout the summer. He stated that before one of the last storms he was on the road with Supervisor Dickinson, a tree was down on a county road, where the Chief was directing traffic and the fire department had already taken care of the problem.

He further reported that there was a meeting with Administrator Alfano, Mayor Phoebus, Chief Coleman and the County regarding the 9-1-1 grant. They did include Andover Township and we did agree to be included only for the fact that if they get an approval the Township is part of the discussion and can pull out at any time.

Mr. Walsh wanted to send kudos to Officer Mosner for a job well done with the students at the schools. He is very committed to this program and they love him.

DEPUTY MAYOR SMITH. He reported that there was a rally last month to save the parks at Kittatinny Valley State Park. He stated that these rallies seem to be having some effect because the parks are out of danger, at least for the time being.

He stated that he attended the Board of Education meeting where they held final interviews for School Superintendent. He had an opportunity to ask questions to the candidates. Mr. Baggs was selected Interim Superintendent who he felt was a good choice.

Deputy Mayor Smith reported on the Senior Citizens meeting where they conducted a Flag Day celebration where he did a slide show of the flag telling its own story. Flag folding demonstrations were also done. The day trip to Atlantic City on September 9th for the Debbie Reynolds show is sold out. On September 15th there will be a tribute to Broadway sponsored by the seniors at Hillside Park.

He then reported on the Recreation Summer Program which is a two week program and he got involved by operating the overhead projector. He was very impressed on the program run and the variety of activities available for those participants.

MR. GILSENAN. He reported on the Open Space Committee and Sandy Urgo from the Morris Land Conservancy provided an update on her ongoing communications with several property owners in an attempt to acquire land for open space. She also provided a short list of information she needed in order to complete her application for Green Acres funding. The next meeting is August 26th.

He reported on the Environmental Commission and Chair de Vries reported that a grant in the amount of \$11,000.00 was received for the hydrology report. This will help develop ordinances to make allowances for water availability. Regarding the Detention Basins, a contract was signed with the US Fish and Wildlife service. Brian Marsh planted trees and shrubs in the Deacon and Morel basins. Engineer Golden is pursuing this project. In September the Environmental Commission will plant further basins and volunteers will be needed.

COMMITTEE REPORTS (CONTINUED)

MR. GILSENAN. Mr. Gilsenan stated that he attended the Northwest NJ Bus Study which they look for ways to improve and expand bus shuttle and carpooling options to increase access to jobs and other destinations for people who live and work in Warren, Sussex, Passaic and Morris Counties. He stated that a web page has been activated for public outreach information and other details. www.nwnjbus.org.

MR. GROTYOHANN. He stated that he just returned from vacation earlier today and has nothing to report at this time.

REPORT FROM THE TOWNSHIP ADMINISTRATOR She reported on the Safety Town program which she explained. Officer Mosner runs the program with Officer Kern and Detective Danielson who are also to be commended.

She reported that there is a meeting this evening in Sparta with PSE&G that Mayor Phoebus is attending. With that said, Mayor Phoebus returned to the meeting. She stated that there has been a great deal of concern with the power company and everyone has been trying to resolve this issue. She stated that she has a meeting with an official from PSE&G on Wednesday in order to receive some information.

Regarding the Hotel Ordinance, she asked the Township Committee to look this over for amendment to the 14 day stay clause. Because of this time frame there is nothing anyone can do to avoid year long residency at this hotel. She recommended thirty days year round residency only. Attorney Semrau stated that he will review the ordinance and advise.

Administrator Alfano informed the Township Committee that the State Aid initially set to be cut by \$223,000.00 was revised and the State Aid amount was cut by \$162,000.00 saving a tax point which was reflected on the current tax bill. She applauded Daryn Cashin and all those employees and seniors who assisted in getting the tax bills mailed on time.

She then informed the Township Committee that she was approached by employees who wish to have another employee picnic as was done two years ago. The Township Committee agreed and allowed the municipal building to be closed ½ day on the selected day.

She then reported that she and Judge Mulhern have been talking about assistance for the Court Administrator. In checking with Finance, funds are available for a temporary employee for a period of six months. Deputy Mayor Smith asked for documentation regarding this request. Administrator Alfano stated that there is a report from the AOC recommending this appointment. Because the department is understaffed, the Court is not running as efficiently as it should be. Candidates are being interviewed.

She reported on the pending office move and by September the municipal offices should be running more efficiently.

Mayor Phoebus returned to the meeting at 9:49 p.m.

REPORT FROM THE CHIEF OF POLICE Chief Coleman reported that as of July 27th there were a total of 9,545 calls, 5,669 for Andover Township, 156 for Andover Borough, 3,370 for Hamburg and 350 for Green Township. He stated that the Aggressive Driving Program is continuing. Chief Coleman and Officer Murrell had attended active shooters school and they have both qualified as instructors. This program is mandated under the Attorney General's guidelines.

REPORT FROM MAYOR PHOEBUS ON PSE&G MEETING She reported on the meeting this evening held in Sparta Township, where 200 to 300 upset residents attended. Many Andover Township residents were in attendance. She stated that they are not only clearing the rights-of-way but will also install huge 550 watts tower of which there aren't any in New Jersey. None of these towers will benefit the residents of Andover Township but those in Linden, New York City and Bergen. It is only to help the cities with their power grid. They are health concerns and it will affect the aesthetics of the municipality. It will affect property owners. Mayor Phoebus stated that we will have a choice on how the towers will look.

She explained they are looking at three routes. The A route would involve buying a great deal of rights-of-way. The B route is Andover Township and it appears that is the direction they are going. She stated that they mentioned the local Land Use Boards would have to approve this grid. Attorney Semrau stated that as a utility they have some many different rights that trump a lot of laws on the local level but he will look into the matter further.

REPORT FROM THE MUNICIPAL ATTORNEY Attorney Semrau stated that the Mayor's Development Committee is working diligently on a proposal that will be made at a public meeting as to how to address the affordable housing issue for the first and second rounds. There have been a number of meetings and there has been feedback to the Township Committee and hopefully by September they will be in a position to share this at a public meeting.

NEXT SCHEDULED MEETINGS: **Monday, August 11, 2008 6:30 p.m. Executive Session**
Regular Meeting 7:30 p.m. (Cancelled)

Monday, August 25, 2008 6:30 p.m. Executive Session
Regular Meeting 7:30 p.m.

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

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

Personnel Matters:

1. *J. Alfano, Township Administrator*

Contract Negotiations:

1. *Remax – Rental of Hillside Park Hall Lower Level*
2. *Cell Tower*

Attorney-Client Privilege:

1. *Hillside Drive Drainage Issue*
2. *Life Care Mews*
3. *St. Paul's Abbey*
4. *Pedophile Ordinance*

Pending Litigation

1. *Cilo Associates*

Potential Litigation

1. *Current Drive and Payne Road*
2. *Trees in Right-of-Way*
3. *Possible Violation of the Law*, was carried unanimously.

(See Insert Attached to These Minutes)

EXECUTIVE SESSION: The Committee went into executive session at 10:13 P.M. Mr. Walsh moved to adjourn executive session at 11:41 P.M., seconded by Mr. Gilsenan and carried unanimously.

REGULAR AGENDA

Attorney Semrau asked if the Township Committee with regard to the PSE&G matter if they had any objection to him communicating with the Township Engineer if necessary with certain mapping assistance. There was no objection. Mayor Phoebus stated that PSE&G has extensive mapping which they were have and did not choose to share with the public.

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 11:42 P.M., seconded by Mr. Grotyohann and carried unanimously.

Respectfully submitted,

Gail Phoebus, Mayor

**Vita Thompson, R.M.C.
Municipal Clerk**

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION "B"

BE IT RESOLVED by the Township Committee of the Township of Andover on the 28th day of July 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.
- (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.

Contract Negotiations:

- 1. ***Remax – Rental of Hillside Park Lower Level***
- 2. ***Cell Tower***

Attorney-Client Privilege:

- 1. ***Hillside Drive Drainage Issue***
- 2. ***Life Care Mews***
- 3. ***St. Paul's Abbey***
- 4. ***Pedophile***

Pending Litigation

- 1. ***Cilo Associates***

Potential Litigation

- 1. ***Current Drive and Payne Road***
- 2. ***Trees in the Right of Way***

- (X) b. (8) Personnel matters.
 - 1. ***J. Alfano, Township Administrator***

- () 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: July 28, 2008

Moved: Walsh Seconded: Phoebus
Voted Aye: Gilseman, Grotyohann, Phoebus, Smith, Walsh
Voted Nay: None
Abstained: None
Resolution adopted. July 28, 2008
