

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

**MAY 12, 2008
6:30 P.M.**

WORKSESSION – 6:30 P.M.

REGULAR MEETING BEGINS AT 7:30 P.M.

The Worksession meeting of the Andover Township Committee was called to order at 6:39 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.

DISCUSSION ITEMS

**PROPOSED REVISION OF CHAPTER 26
“BRUSH, GRASS, WEEDS”**

Administrator Alfano explained that the only change in this ordinance is giving the jurisdiction to the zoning officer where it belongs rather than having the Township Committee direct the Clerk to send a letter of violation. Following a short discussion the Township Committee agreed and asked that this ordinance be placed on the next agenda for introduction.

PEDOPHILE ORDINANCE

Attorney Semrau explained that some towns have moved forward and adopted such an ordinance besides the challenge in the courts in south Jersey and it was declared to be invalid. Following a short discussion, the Township Committee agreed to move forward on this ordinance. Administrator Alfano will request the proper mapping which outlines all schools and churches in the township from Chief Coleman. Following review of the map and ordinance, this matter will be discussed at the next available Worksession meeting.

ETHICS ORDINANCE

Attorney Semrau explained that he added language regarding nepotism in this ordinance. The Township Committee reviewed the draft and made suggestions. There was discussion regarding the provision stating that there shall be no communication with developers with applications before any board or commission. Attorney Semrau stated that his only concern would be the issue of enforcement when trying to delineate whether or not they have an application. Attorney Semrau suggested feedback from the Environmental Commission and Land Use Board asking them both for a short report. The Township Committee agreed.

DISCUSSION ITEMS (CONTINUED)

ETHICS ORDINANCE All committee members offered their input in this draft including questions on certain matters and clarification on others. Mr. Smith pointed out issues including why certain employees were excluded from this ordinance.

ESCROW ORDINANCE

Attorney Semrau stated that in the past the township has gotten into situations where the escrow has been depleted and developers continued to work and inspections are done so changes have been made. The Township Committee discussed this draft further and determination was made that the ordinance be sent to the Land Use Board for their review and feedback.

CONSTRAINTS ORDINANCE

Attorney Semrau stated that there have been several discussions regarding this ordinance and we are now at the point to determine if we are ready for introduction. Mr. Walsh addressed his problem with the need to mandate an environmental impact study on a minor subdivision, causing a great expense to the property owner.

Land Use Board Chair Christodoulos was present to answer any questions. All committee members agreed that there needs to be more discussion on this ordinance. Mr. Gilsenan asked if the issue of clear cutting could be addressed in this ordinance. Attorney Semrau stated that he does not feel that issue would fit in this type of ordinance. He added that the Supreme Court is going to hear the Jackson Township case with respect to their tree ordinance. A clear cutting ordinance will be discussed in the future.

Following this discussion, the Township Committee requested clarification regarding Mr. Walsh's question about impact statement and outside of that, everything else seems in order to proceed. The ordinance will go back to the Land Use Board and following their review will return before the Township Committee for further discussion.

DRIVEWAY ORDINANCE

Administrator Alfano stated the Land Use Board sent their revisions to this draft but it was received after the packets were done. She asked that this matter be tabled until the Township Committee has a chance to review the revisions from Attorney Germinario. Attorney Semrau stated he reviewed the comments from the Environmental Commission and found that they really address some of the concerns.

The Township Committee decided that a Worksession should be scheduled for the June 23rd meeting to discuss all the ordinances that are pending. The proposed revision of Chapter 26 is ready for introduction which leaves the remaining for further discussion.

PUBLIC PORTION

Mr. Smith moved to open the public portion, seconded by Mr. Gilsenan and carried unanimously.

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.

Diane Gillespie of 115 Andover-Mohawk Road commented on the constraints ordinance and the concerns on the minor subdivision. She explained that you could have two houses on 100 acres and there could be a good deal of environmentally sensitive areas and because of this is why this ordinance would be fair to everyone monetarily and we want to make sure these homes do not affect their neighbors.

With regard to the code of ethics she questioned 3:95 and 3:94, feeling that these two sections are contradictory. She stated one section deals with accepting gifts on behalf of the township and the other is accepting gifts personally. Attorney Semrau stated that 3-95 relates to the Financial Disclosure Statement in which they want the officer to disclose the source of income, gifts and reimbursement of prepaid expenses from any source, not only to the individual but your immediate family. Regarding 3-94, we can not insert that the immediate family can not accept gifts because we do not know the circumstances. Section 3-95 states if you and your family receive gifts, there is a need to disclose, it is not saying it's permitted, it is the State law.

Mayor Phoebus stated that it appears Ms. Gillespie would like to section 3-94 more stringent regarding the receipt of gifts. Mr. Smith added that in the ordinance it states that the gift has the intention of influencing or coercing the individual.

Fred Gillespie, 115 Andover-Mohawk Road asked what the difference is between an environmental impact statement and a stewardship plan, which is more stringent and in a stewardship plan is the applicant responsible for the stewardship itself or is it an outside agency. Mr. Smith stated he believed they were two different items, the first is to do an assessment on what the impact of the environment is on any particular thing and stewardship is something that takes place afterward. Attorney Semrau stated he will investigate and report back.

Lois de Vries, Chair of Environmental Commission, 85 Lawrence Road stated that the Committee received her comments on the ethics ordinance and she then realized there were other issues that need to be addressed as well such as the Environmental Commission is the only body in the township that can directly accept gifts of money or land without intervention of any other officials and that is by State Statute. She added that it would not be her intent to delegate that authority to the administrator. Under the definition section of the ordinance, there is no mention of what constitutes a meeting and because there is a very active environmental commission in the township. She explained that if a site inspection constitutes a meeting, the commission should not even exist.

She then mentioned that this past summer a very large landowner made a very large donation to one of the volunteer organizations while there was a pending application.

Regarding the constraints ordinance, Ms. de Vries explained that limiting the environmental impact statement to major subdivisions, that does not prevent the Environmental Commission from acting or making a report on a site inspection on any minor application that may have environmental issues.

PUBLIC PORTION (CONTINUED) Hearing nothing more from the public, Mr. Walsh moved to close the public portion, seconded by Mr. Gilsean and carried unanimously.

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 7:51 P.M., seconded by Mayor Phoebus and carried unanimously.

RECESS WAS CALL AT THIS TIME BEFORE THE START OF THE REGULAR MEETING

Respectfully submitted,

Gail Phoebus, Mayor

Vita Thompson, R.M.C.
Municipal Clerk

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

MAY 12, 2008

REGULAR MEETING - 7:30 P.M.

The Regular meeting of the Andover Township Committee was called to order at 7:58 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.

APPROVAL OF AGENDA Mr. Smith asked that the Tax Collector's Monthly Report be removed from the consent agenda along with Resolution #R2008-89, Acceptance of the 2007 Audit Report. Mr. Walsh remarked that Resolution #R2008-91, Corrective Action Plan for the 2007 Audit should also be removed since Acceptance of the Audit is being removed.

APPROVAL OF CONSENT AGENDA Mayor Phoebus asked that the Bills List include KB Little Plumbing in the amount of \$1,147.97. Mr. Gilseman moved the following consent items be approved, as amended, seconded by Mayor Phoebus. Roll call vote:

Mr. Gilseman – yes	Mr. Grotyohann – yes
Mayor Phoebus – yes	Mr. Smith – yes
Mr. Walsh - no	

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT
(See Insert Attached to These Minutes)

APPROVAL OF RAFFLE LICENSE - #R.L. 829 – ANDOVER REGIONAL PTA - TO BE HELD ON JUNE 12, 2008 AT THE LONG POND SCHOOL FROM 6:30 P.M. – 9:00 P.M.

APPROVAL OF RAFFLE LICENSE – R.L. #830 – PASS IT ALONG – TO BE HELD ON JUNE 14, 2008 AT PERONA FARMS FROM 6:30 P.M. TO 11:00 P.M.

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

- #R2008-87 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AWARD AND EXECUTION OF A CONTRACT FOR TELEPHONE SYSTEM SERVICE TO UNITED TELEPHONE COMPANY OF NEW JERSEY, INC. D/B/A EMBARQ CORP.**
- #R2008-88 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING AN INTERLOCAL SERVICE AGREEMENT WITH THE COUNTY OF SUSSEX FOR THE PROVISION OF AN EMPLOYEE ASSISTANCE PROGRAM THROUGH ALLIANCE WORK PARTNERS**
- #R2008-90 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING A NINETY (90) DAY EXTENSION TO THE CURRENT CONTRACT WITH REMAX PLATINUM GROUP FOR REAL ESTATE SERVICES ASSOCIATED WITH THE LEASE OF THE HILLSIDE PARK BARN**
- #R2008-92 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE ANDOVER TOWNSHIP TO PARTICIPATE IN THE SELF-EXAMINATION OF THE 2008 MUNICIPAL BUDGET**
- #R2008-93 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO J. STEVENS & ASSOCIATES, P.C. FOR ARCHITECTURAL SERVICES ASSOCIATED WITH THE REHABILITATION OF ST. PAUL'S ABBEY**

(See Inserts Attached to These Minutes)

OTHER BUSINESS:**ACCEPTANCE OF THE TAX COLLECTOR'S APRIL REPORT - \$1,301,257.13**

Mr. Smith remarked that this report indicates that we are about \$1 million behind in collection as opposed to last year and he wanted to know what the reason may be. Mr. Gilsenan referred to a memo indicated on the bottom of the report that stated last year's tax payment from First America which is over \$1 million was made prior to the end of April causing a great difference in the month end report. Administrator Alfano stated she will ask the Tax Collector about this difference.

RESOLUTIONS:

#R2008-89 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY FOR ACCEPTANCE OF THE 2007 REPORT OF AUDIT

#R2008-91 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE ADDRESSING THE CORRECTIVE ACTION PLAN FOR THE 2007 AUDIT

Mr. Smith stated that these documents are quite awesome and very interesting reading. Township Auditor Ray Sarinelli was present and explained the auditing process and the recommendations made.

Mr. Walsh moved to approve the foregoing resolutions as presented, seconded by Mayor Phoebus and carried unanimously.
(See Inserts Attached to These Minutes)

APPROVAL OF MINUTES:

**APRIL 14, 2008 REGULAR MEETING
APRIL 14, 2008 EXECUTIVE SESSIONS "A" & "B"**

Mr. Walsh moved to approve the minutes as presented, seconded by Mayor Phoebus. Roll call vote:
Mr. Gilsenan – abstain Mr. Grotyohann – abstain
Mayor Phoebus – yes Mr. Smith – yes
Mr. Walsh - yes

MAYORAL APPOINTMENT:

OPEN SPACE COMMITTEE – Appointment of Laura Gilsenan, Alternate No. 1 Member – Term to Expire December 31, 2008

Mayor Phoebus made the foregoing appointment to the Open Space Committee as presented.

REGULAR AGENDA

PUBLIC HEARING FOR THE ADOPTION OF THE 2008 MUNICIPAL BUDGET

Mr. Smith moved to open the public hearing of the 2008 Municipal Budget, seconded by Mr. Gilsenan and carried unanimously.

Mayor Phoebus announced that CFO Day and Township Auditor Sarinelli were present to answer any questions anyone may have on the budget. Hearing no comments from the public, Mr. Walsh moved to close the public hearing, seconded by Mayor Phoebus and carried unanimously.

#R2008-99 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO ADOPT THE 2008 MUNICIPAL BUDGET AS PRESENTED

Mr. Walsh moved to adopt Resolution #R2008-99 as presented, seconded by Mayor Phoebus.

Mr. Grotyohann asked Mr. Smith what it is with the budget that he is not comfortable with. Mr. Smith stated he does not like the 7.5 cent increase and thinks there are things that could have been done better. Following all lengthy discussions, he stated nothing has changed or removed. Mr. Smith further remarked that he has heard Governor Corzine is indicating that he may not withhold funding and we did not take advantage of that in the budget. Mr. Walsh asked Mr. Smith what he would change. Mr. Smith stated he would have thought out of the box a bit, considering closing town hall one day a week on a Friday and consolidate the hours.

Township Auditor Sarinelli stated that Andover Township was cut \$223,000 in state aid by the governor's proposed budget and that budget has yet to be adopted and is still being worked on. The position of the Division of Local Government Services has taken is if a budget has been adopted and sent to the State to set the tax levy which then they normally they certify to the county. He stated that the DLGS will not certify the tax levy to the county until the state budget is finalized. If the state budget is revised and the municipal aid is reinstated, in part or in full, that will be reduced from the tax levy.

Mr. Walsh asked Township Auditor Sarinelli if he felt there was any place in the budget that further cuts could be made. He replied that it is not his place but management policy decision. He added that this township does run a pretty tight budget.

Hearing nothing more from the Township Committee, Mayor Phoebus asked for a roll call vote:

Mr. Gilseman – no	Mr. Grotyohann – yes
Mayor Phoebus – yes	Mr. Smith – no
Mr. Walsh - yes	

The budget passed 3-2.

REPORT FROM THE TRAFFIC SAFETY OFFICER Officer Stephen Murrell was present and he spoke about the speed limit adjustment in Drake Manor stating that the engineer's study was completed and sent to the DOT for their review. A decision should be reached within the next 90 days.

Realizing that budgets are tight, he asked the Township Committee if they are going to consider a traffic study for Skytop Road. He mentioned that he has received numerous complaints regarding the speed on this roadway since the improvements. There was some talk last year about this study and the proposed cost was about \$3,500. Following a short discussion, he and Administrator Alfano will search for grants.

He reminded everyone that the Click It or Ticket Program runs from May 19th through June 1st. He stated that Andover Township received \$4,000 from the State to conduct extra enforcement for this program. He also stated that he received the application for the Aggressive Driving Grant which is obey the signs or pay the fines which will run the entire month of July. He anticipates receiving \$4,000 for this program also.

In closing he announced that it is Motorcycle Safety Awareness Month and asked that everyone look out for the bikes.

REPORT FROM THE FIRE CHIEF Chief Danielson reported that for the month of April there were 3 activated fire alarms, 1 brush fire, 1 carbon monoxide alarm, 1 fast team response, 5 motor vehicle accidents, 2 smoke conditions, 1 standby, out of town, 1 traffic detail, 1 downed power line, 19 reported calls for the month, totaling 322 man hours and to date, 147 calls and 229 man hours.

Chief Danielson apologized for being late and he heard a couple comments using the word "ethics" made towards volunteer organizations receiving money from someone in town. He took the opportunity to answer any questions people might have regarding the receipt of the donation. He added that apparently this was brought up twice during the Worksession and he would like to set the record straight. He stated that the fire department is a volunteer organization that gains from such a donation, which in fact helps the town, the residents and keeps the taxes down. Chief Danielson also stated that a letter was drawn up by legal counsel which indicated that this donation would in no way have anything to do with a pending application. The donation was made of their own free will. He added that it was a matching donation, that once the fire department raised \$10,000, the donation in the same amount would be sent to them.

Fire Department President Melfi was present and he explained that fundraising this year is down about 20% from last year, more than \$7,000. He added that instead of coming to the governing body looking for additional funds, the department conducts various activities to raise monies. He added that earlier this year, the department received a verbal commitment from Mr. Gilsenan that \$1,000 of his stipend would be donated to the fire department and another \$1,000 to the rescue squad. He explained that the \$1,000 donation does not buy the department and commit each member to him because the department is an independent organization.

OPEN TO THE PUBLIC

RULES FOR THE PUBLIC PORTION OF THE MEETING

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

Linda Golonski, 6 Valleyfield Road asked which old DPW dump truck is being replaced with the purchase of a new vehicle. Mr. Walsh explained the truck being replaced is 17 years old and the repair costs are expensive. He added that the older vehicle is being located at the pole barn for minimal use.

Stan Christodlous, 6 Wisteria Drive stated that he contacted the League of Women Voters for the possibility of having a candidate's debate and he tentatively reserved Hillside Park Hall for May 27th and he asked the Township Committee if they were willing to waive the fee for that evening. Following this discussion, Fire Department President offered the firehouse for this debate without charge. All agreed.

Diane Gillespie referred to a comment made earlier this evening by Mr. Grotyohann in response to Mr. Smith's comment about closing the municipal building 1 day a week. She remarked that she does not recall stating that decision was ludicrous. She asked Mr. Grotyohann to search past minutes and find where she made that comment.

OPEN TO THE PUBLIC (CONTINUED) She then provided background on the Jefferson Awards explaining that it began by Jacqueline Kennedy, Senator Robert Taft, Jr. and Sam Beard and they founded the American Institute of Public Service to establish the Noble Prize for Public Community Service – Jefferson Awards. There are national and local award winners. Promotions are run dramatizing local, unsung heroes, individuals making a difference.

She then stated that the Star Ledge ran these ads for 3 weeks looking nominations for people who make your neighbor a better place by volunteering their time, talent and efforts. She sent a letter to the newspaper nominating Lois de Vries. Ms. Gillespie stated she was notified 2 months later that Lois de Vries was chosen for this award. A round of applause followed.

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

ORDINANCE: PUBLIC HEARING

#2008-08 BOND ORDINANCE

“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$581,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$534,450 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”

Mr. Walsh moved to open the public hearing, seconded by Mr. Gilsenan and carried unanimously. Hearing no comments from the public, Mr. Walsh moved to close the public hearing, seconded by Mayor Phoebus 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 April 14, 2008, was advertised according to the law and was brought before the public for final consideration. There being no objections, Mr. Walsh moved the adoption of the above entitled ordinance, seconded by Mr. Smith. Roll call vote:

Mr. Gilsenan – yes	Mr. Grotyohann – yes
Mayor Phoebus – yes	Mr. Smith – yes
Mr. Walsh - yes	

ORDINANCES: INTRODUCTION

#2008-10 AMEND CHAPTER 103 “PARKS AND RECREATIONAL AREAS” SECTION 103-3(K) RULES OF CONDUCT

“AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER AMENDING CHAPTER 103 OF THE REVISED GENERAL CODE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY ENTITLED “PARKS AND RECREATIONAL AREAS”

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2008-10, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on June 09, 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	

RESOLUTIONS**#R2008-94 2008 SALARY RESOLUTION**

Mr. Walsh moved to adopt the foregoing resolution as presented, seconded by Mayor Phoebus, seconded by Mayor Phoebus. Mr. Gilsenan asked that the motion be amended to remove the Mayor and Township Committee members from salary increases due to the fiscal situation. Motion was seconded by Mr. Walsh and carried unanimously.

#R2008-95 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE MUNICIPAL CLERK TO ADVERTISE THE BID FOR ACQUISITION OF A NEW TANKER/PUMPER FOR THE ANDOVER TOWNSHIP VOLUNTEER FIRE DEPARTMENT

Mr. Walsh moved to adopt the foregoing resolution as presented, seconded by Mayor Phoebus and there being no discussion the motion was carried unanimously.

#R2008-96 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE MUNICIPAL CLERK TO ADVERTISE THE BID FOR THE ACQUISITION OF A NEW DEPARTMENT OF PUBLIC WORKS DUMP TRUCK AND PLOW

Mr. Walsh moved to adopt the foregoing resolution as presented, seconded by Mayor Phoebus and there being no discussion the motion was carried unanimously.

#R2008-97 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO THE MORRIS LAND CONSERVANCY FOR OPEN SPACE CONSULTING AND ADVISORY SERVICES

Mr. Smith moved to adopt the foregoing resolution as presented, seconded by Mr. Gilsenan and there being no discussion the motion was carried unanimously.
(See Inserts Attached to These Minutes)

NEW BUSINESS

1. **GYPSY MOTH INFESTATION.** Mayor Phoebus stated that the program begins in the fall and a letter has to be sent to the State requesting an egg mass count survey. Through this survey it will tell how many acres need to be sprayed. This year's cost was \$39.94 per acre. All committee members agreed that the letter should be sent to the State.

OLD BUSINESS

None

OTHER BUSINESS

None

COMMITTEE REPORTS

MR. GROTYOHANN. He reported there is a Board of Health meeting scheduled for next week that he can not attend due to a work commitment. A special hearing was due to be heard but a postponement was requested by the property owner.

He then reported on the Denim Friday campaign conducted by the municipal employees that for the luxury to wear jeans on Fridays a dollar is donated to a fund and at the end of the quarter the money is donated to a local charity, of the employees' choice. Past donations were made to Amelia Aragonda, Den Dodd, Norwescap Food Bank, Project Self-Sufficiency, Lakeland Emergency Squad and Sussex County Women's Forum. Food donations are accepted all year and donated to the Bodhi Monastery on a regular basis. He commended the employees for partaking in this endeavor.

He spoke about the Women's Forum, an organization in which he is involved and organizes their annual run through Kittatinny State Park. He stressed that we love our parks and want them to remain open and keep all services.

He then mentioned that he had come to a meeting from a sixth grade class trip and had to return to the camp. Mr. Grotyohann stated that he really enjoyed being a chaperone on this trip and proceeded to read letters he received from his troop thanking him for his participation.

MR. WALSH. He reported that the new truck was delivered and it's equipped with a liquid calcium adapter on the back and we will try to obtain shared services with Hampton Township because they have the container.

Mr. Walsh reported that all the ball parks are open and a professional inspected the fields and they are all in good shape. They will be conditioned this fall so they are ready for next year. He mentioned that earlier this evening the ordinance to change the fields opening date was introduced at the discretion of the DPW supervisor. Though the fields receive a great deal of traffic over the weekend, if they seed bare spots immediately, it will help the growth because of the shadowing the grass. FEMA funds will be used to take care of the girls' softball field on Goodale Road.

Mr. Walsh then reported on the meeting held with Lois de Vries, DPW Supervisor Dickinson, Administrator Alfano, Engineer Golden and himself to discuss the detention basins. A few meetings will be held to determine how to get this project started. He mentioned that one of the basins will be done by Ms. de Vries and Ms. Gillespie so to witness the process.

He reported that he will attend the next Recreation meeting scheduled for tomorrow evening.

COMMITTEE REPORTS (CONTINUED)

MAYOR PHOEBUS. She stated she and Deputy Mayor Smith were asked by the Sierra Club to attend their meeting/rally at High Point Monument to try to convince Governor Corzine to continue to keep the State Parks opened. It was well attended by a variety of dignitaries from all over the county and state. They all spoke as to why the parks should remain open. She stressed that if the parks are to remain open, the park employees will be relocated to other areas, putting a strain on the police, fire and rescue squads.

She then provided a COAH update stating that she has given the professionals a deadline of July 1st so that the plan can be submitted to Trenton.

She added that on May 31st is the Andover Family Fun Day and invited all to attend.

MR. SMITH. He reported, adding to Mr. Walsh's report on the new fire truck that it has a variable speed spreading device so if the vehicle slows down the sand and gravel adjusts with the speed. Mr. Walsh also stated that if you let off the gas it will brake itself. He then reported on the senior citizens club stating on May 5th celebrated their Senior of the Year with a banquet and Administrator Alfano and he attended. Their next event is scheduled for November which is a one day trip to Atlantic City, which is open to everyone.

He then reported that Family Fun Day is scheduled for May 31st which will include a Talent contest and the annual Lil Miss and Mr. Andover Township contest.

Mr. Smith remarked that he has been campaigning for Saving the Parks and as Mayor Phoebus mentioned they attended a rally at High Point Monument. When he ended his speech that afternoon, he stated that "we are the Garden State, don't close our gardens". He urged everyone to call 609.292.6000 in support of keeping the parks open.

He reported that the Land Use Board met on May 6th and they reviewed the Driveway Ordinance that was discussed earlier this evening and no new applications were presented. The Master Plan Committee met on May 2nd and they finalized recommendations for some rezoning that will be presented to the Township Committee shortly.

Mr. Smith stated that he assisted Administrator Alfano in testing the new email system and provided some information adding that she was here most of the weekend. He reported that he assisted a group of seniors in folding and labeling the newsletters for mailing.

He then reported that Mayor Phoebus contacted him last Friday when she was away about a report of a hazardous material at the Chase Bank and he responded. He stated that it was a pleasure to see the Fire Department and Police Department in action, adding that they do a wonderful job. No hazardous materials were found. He stated that HazMat Unit is something to see.

MR. GILSENAN. He reported on the Water Quality Management meeting on May 8th and discussion was held regarding the Sussex County Wastewater Management Plan. The DEP review of the map showed areas to be removed from future sewer service areas due to environmental constraints, 25 acres or more in size and proposed rules. These constraints include wetlands C-1 Stream buffers, natural heritage priority sites and DEP landscape map with potential habitats for threatened and endangered species. Future sewer service areas should stay in the County and WMP agreed.

COMMITTEE REPORTS (CONTINUED)

MR. GILSENAN. He then reported that on Wednesday he and Administrator Alfano have a meeting with Robert Johnson who is an expert in cell towers and see if there is a way to maximize our revenues.

He asked Ms. de Vries to bring everyone up to date on the detention basins. She reported on her meetings and the discussions surrounding the proposed contract for this project. She mentioned that they are anxious to get started.

REPORT FROM THE TOWNSHIP ADMINISTRATOR She reported that regarding the Energy Audit Report, she stated in speaking with the County, the State may have a program where municipalities could get 75 percent of the cost back for this audit and there is an additional cost of \$5,000 with the State program. She added that the problem is there is only \$1 million available and many interested in this funding. The applications are not ready as yet and the way things are getting cut, the County is concerned that its program will also be cut. The Township has several options one of which is do nothing. The other is going forward with the State or apply through the shared services with the County in which the cost is about \$11,000 fee to conduct the energy audit. What is being recommended is to enter a RFP with the County where it will be less than \$11,000 because several towns will participate and therefore reduce the price.

She then reported that Sparta Township applied for a grant to consolidate 9-1-1 and they named Andover Township as being interested as being absorbed by Sparta. She stated she received a call from Shared Services Coordinator Armstrong and he said that Sparta was successful in receipt of their grant and wanted to meet to discuss the consolidation. Administrator Alfano stated that she was not aware of any application to the State mentioning Andover Township in a consolidation program and asked who authorized such an application without obtaining permission from Andover. Hardyston was also named without permission. Sparta told the two municipalities that they did not have to notify them. All they needed to do was inform the State that they have been discussing this option with the affected municipalities, which they did not do. She added that she is still waiting to hear back from the Sparta manager. Sparta has already received the funds from the State.

Attorney Semrau stated that he read the application which names Andover Township as the beneficiary but also says that Sparta has 60 days to sign an agreement with Andover Township to continue with this grant. He also added that he has never seen one municipality applying for a grant without notifying the other.

RESOLUTION

#R2008-100 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING VERIFICATION OF FUNDS AND ALLOW FOR THE FILING OF THE APPLICATION FOR THE ENERGY AUDIT STATE PROGRAM

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

REPORT FROM THE MUNICIPAL ATTORNEY – INCLUDING DISCUSSION ON THE PROPOSED RESOLUTION FROM THE LEAGUE OF MUNICIPALITIES – PLEDGE TO ASSIST IN THE POSSIBLE COAH 3RD ROUND REGULATIONS CHALLENGE

Attorney Semrau explained the proposed resolution to pledge for the possible challenge to the third round rules which have just become final with some minor modifications. A number of municipalities have pledged \$500 which is what they are suggesting to be part of their effort to oppose this third round obligation.

RESOLUTION

#R2008-101 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING A PLEDGE IN THE AMOUNT OF \$500 TO THE NEW JERSEY LEAGUE OF MUNICIPALITIES TO ASSIST IN THE POSSIBLE CHALLENGE IN COAH'S PROPOSED THIRD ROUND REGULATIONS

Following a short discussion, Mr. Walsh moved to approve the foregoing resolution, seconded by Mayor Phoebus and carried unanimously.
(See Insert Attached to These Minutes)

Mr. Smith voted yes explaining that this is something that the League should be doing for all municipalities anyway and now they are asking for more.

Attorney Semrau stated that there was a question regarding Hudson Farm and a commercial shooting preserve permit that was issued and he explained that he filed an OPRA request to Fish and Game to find out exactly what was proposed and he also wrote the Township Planner and Construction Official/Zoning Officer for input. He added that these inquiries got back to the property owner whose attorney contacted him and they wrote a letter explaining that from their position, this is something they are entitled to obtain without any necessary intervention from a municipality, something between the State and Hudson Farm. They also indicated that there is a suit that was initiated by a number of objectors from Byram Township filed about May 1st challenging the issuance of this permit. If this is solely a State act, it does not matter what the zoning is. Because there is an action pending, he stated that we should not speak further about this matter. He asked that the Mayor and Township Committee be briefed in Executive Session on its status.

In the matter of Mosner vs. Local Finance Board he stated that Mr. Boyce had some questions about this matter. He advised Mr. Boyce that he has the file. He added that this week there was a final agency decision following a delay before the agency signed off. In fact the decision of the Administrative Law Judge was changed and determined that the initial decision and findings were considered a violation of the ethics law, which could be appealed. It was decided that this matter will also be discussed in Executive Session.

Attorney Semrau stated he did review the contract from Fish and Wildlife adding that it is a good contract, with not too many legal issues. He further stated that he met with Ms. de Vries and Engineer Golden about this matter. He asked that this matter be placed on the next agenda for discussion and consideration so he has some direction as to where we go with the agreement. He also asked that the matter of Investigation Regarding a Personnel Matter be placed on the Executive Session for a brief update.

In closing, he remarked that last week he had an opportunity to speak before the Clerk's Association for about two hours. He stated that a lot of municipalities are having a great deal of trouble because their Executive Session minutes are not being released on time, the minutes are not completed on time, and their email is in disarray. The reasons for going into executive sessions are very vague without explanation as to why they are entering into closed session. He stated that many issues that are of concern to a great deal of municipalities are being done properly here because he said it's a credit to the administration and the clerk's office.

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

Personnel Matters:

- 1. ***Investigation Regarding a Personnel Matter***

Contract Negotiations:

- 1. ***St. Paul's Abbey***
- 2. ***Cell Towers***

Attorney-Client Privilege:

- 1. ***Life Care Mews***

Pending Litigation

- 1. ***Mosner vs. Local Finance Board*** was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 9:56 P.M. Mayor Phoebus stated that no action will be taken following executive session.

NEXT SCHEDULED MEETINGS:

**Tuesday, May 27, 2008 6:30 p.m. (Cancelled)
Regular Meeting 7:30 p.m.**

**Monday, June 09, 2008 6:30 p.m. Executive Session
Regular Meeting 7:30 p.m. Regular Meeting**

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 10:15 P.M., seconded by Mr. Smith and carried unanimously.

Respectfully submitted,

Gail Phoebus, Mayor

Vita Thompson, R.M.C.
Municipal Clerk