

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

**BOB SMITH, MAYOR
GAIL PHOEBUS, DEPUTY MAYOR
PHIL BOYCE
ALEX GILSENAN
THOMAS WALSH**

**JANUARY 26, 2009
6:00 P.M.**

REGULAR MEETING BEGINS AT 7:30 P.M.

The regular meeting of the Andover Township Committee was called to order at 6:06 P.M. by Mayor Smith, followed by a salute to the flag.

ROLL CALL: Present: Mr. Boyce, Mr. Walsh,
Ms. Phoebus, Mayor Smith
Also present: Administrator Alfano, Attorney Semrau
Those absent: Mr. Gilsenan arrived at 6:22 P.M.

OPEN PUBLIC MEETING STATEMENT Statement of compliance with Chapter 231, P. L. 1975 was made by Mayor Smith.

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

Personnel Matters:

1. ***D. Dickinson, Supervisor of Public Works***
2. ***2009 Salary Increase for Non Contractual Employees***

Contract Negotiations:

1. ***Shared Services Agreements -
Newton & Hampton
9-1-1 Dispatching Services***

Discussion pertaining to negotiations with the Towns of Newton (Truck Washing Facility) and Hampton (Calcium Chloride Storage) and 911 Dispatching Services.

2. ***St. Paul's Abbey***

There will be discussion regarding the due diligence process.

Attorney-Client Privilege:

1. ***Annual Performance Review & Evaluation Process***

Discussion regarding the legal issues pertaining to the evaluation process.

Pending Litigation

1. ***Szatkiewicz vs. Andover Township***

This matter is pending in Federal District Court. It is a claim against the Township of Andover. Eric Harrison, Esq., who is representing the Township in this matter, will be present to update the Mayor and Township Committee as to the status and strategies of this litigation.

2. ***Roberts Matter - Block 7/Lot 10.01***

Discussion regarding correspondence received regarding this property and the issues surrounding the drainage.

EXECUTIVE SESSION: (CONTINUED)

Attorney-Client Privilege:

Potential Litigation

1. Possible Violation of the Law

A matter involving a potential investigation.

2. Haber Escrow Matter - Block 111/Lot 19.05

There is an outstanding escrow amount for a matter that was before the Land Use Board and the Township will be discussing how to handle the outstanding balance.

3. Dina's, LLC - Block 106/Lot 9

This is a matter that pertains to the failure of this particular property owner to comply with the conditions of their Land Use Board approval. Letters from legal counsel have been sent and there is a potential for litigation which will be discussed.

4. Highland Farms - Block 118/Lot 3 & Lakeview Ridge - Block 71/Lot 9

This pertains to incomplete improvements for the developments and the Township taking action to compel the completion of such improvements.

5. Brezia Court - Block 111/Lot 12.01 Dorset Farm - Phase VI

This pertains to the responsibility of the maintenance of the roadway. There were legal documents that have been located by the Clerk's Office and various options will be discuss on how to proceed.

6. Fees for Copies and Public Records

Mr. Semrau will give the Committee an overview as to some of the case law that has recently been decided pertaining to fees for copies and public records and options that the Committee may explore.

Attorney Semrau stated for the record that the agenda has explanations as to the basis for the Executive Session and the reasons. He asked that the motion be amended to incorporate these reasons as part of the motion. Mr. Walsh moved to amend the motion to reflect those changes, seconded by Ms. Phoebus and carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:06 P.M. Ms. Phoebus moved to adjourn executive session at 7:35 P.M., seconded by Mr. Walsh and carried unanimously.

Mayor Smith announced that at the interest of time, items number 1, 2, 4, and 5 will be carried to the next Executive Session agenda for February 9th.

REGULAR MEETING

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

APPROVAL OF CONSENT AGENDA ITEMS Mr. Walsh asked that Resolution #R2009-33 for further discussion. Mr. Gilsean asked that check #9587 for \$2,953.89 to Link High be removed for further discussion. Ms. Phoebus moved the following consent items be approved, as amended, seconded by Mr. Walsh and carried unanimously except for Mr. Walsh who abstained on PO #09-00110.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT Except for Check #9587 in the amount of \$2,953.89.
(See Inserts Attached to These Minutes)

ACCEPTANCE OF THE TAX COLLECTOR'S DECEMBER REPORT - \$202,771.41

APPROVAL OF RAFFLE LICENSES - ANDOVER REGIONAL PTA - TO BE HELD AT LONG POND SCHOOL ON MARCH 06, 2009 FROM 6:00 P.M. TO 11:00 P.M.

- A) ***R.L. #849 - ON PREMISE 50/50***
- B) ***R.L. #850 - ON PREMISE MERCHANDISE***

ACCEPTANCE OF THE CHIEF FINANCIAL OFFICER'S BUDGET STATUS REPORT - 2008

***RESOLUTIONS:**

#R2009-27 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE RENEWAL OF THE VOLUNTEER ACCIDENT POLICY NUMBER SPS012241 FROM LIFE INSURANCE COMPANY OF NORTH AMERICA AT AN ANNUAL PREMIUM OF \$438.00 FOR THE TERM FEBRUARY 01, 2009 THROUGH FEBRUARY 01, 2010

#R2009-28 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP COUNTY OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE A REFUND IN THE AMOUNT OF \$56.00 TO UP AND ABOVE CONTRACTORS FOR THE WITHDRAWAL OF A BUILDING PERMIT APPLICATION #08-348

#R2009-29 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND TO HERMAN J. GRAMPP IN THE AMOUNT OF \$250.00 FOR AN OVERPAYMENT IN THE FOURTH QUARTER 2008 TAXES FOR BLOCK 130/LOT 5.01

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

#R2009-30 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING AN APPLICATION AND ACCEPTANCE OF FUNDING FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS SHARING AVAILABLE RESOURCES EFFICIENTLY 2009 (SHARE) GRANT FUNDS FOR THE PURPOSE OF PROVIDING STREET SIGN MANUFACTURING SERVICES TO ANDOVER TOWNSHIP BY THE COUNTY OF SUSSEX

#R2009-31 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ADOPTION OF THE 2009 FEE SCHEDULE FOR ROADWAY AND BRUSH SERVICES TO BE PERFORMED BY THE ANDOVER TOWNSHIP DEPARTMENT OF PUBLIC WORKS TO VARIOUS JURISDICTIONS UPON REQUEST

#R2009-32 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE TOWNSHIP OF HAMPTON FOR THE STORAGE OF CALCIUM CHLORIDE

#R2009-34 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING THE TOWNSHIP'S OFFICIAL REQUEST FOR GOVERNMENT RECORDS FORM

#R2009-35 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO DECLARE THE GYPSY MOTH A PUBLIC NUISANCE AND TO AUTHORIZE THAT ALL MEASURES DEEMED NECESSARY, IN COMPLIANCE WITH THE STATE OF NEW JERSEY, DEPARTMENT OF AGRICULTURE ARE TAKEN TO SUPPRESS THIS FOREST AND SHADE TREE PEST

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

#R2009-36 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT ANGELA THIES TO THE POSITION OF CLERK-TYPIST TO PROVIDE SECRETARIAL SERVICES FOR THE OPEN SPACE, RECREATION AND FARMLAND AND HISTORIC PRESERVATION COMMITTEE

#R2009-37 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE EXECUTION OF THE EQUIPMENT LEASE AGREEMENT WITH MUNICIPAL CAPITAL CORPORATION FOR THE LEASE OF SAVIN 9050SPF & C4040SPF COPIERS FOR THE ANDOVER TOWNSHIP MUNICIPAL BUILDING

#R2009-38 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ACCEPT THE APPLICATIONS AND AUTHORIZE THE ISSUANCE OF THE RENEWAL OF LIMOUSINE OWNER'S AND DRIVER'S LICENSE TO OWNER/OPERATOR MARCELLO APOLITO T/A SAFE AND SECURE LIMOUSINE, LLC EFFECTIVE IMMEDIATELY THROUGH DECEMBER 31, 2009

#R2009-39 2008 BUDGET APPROPRIATIONS RESERVE TRANSFER - \$10,100
(See Inserts Attached to These Minutes)

***RELEASE OF APPROVED 2008 EXECUTIVE SESSION MINUTES AS REDACTED:**

OCTOBER 13
OCTOBER 27 "A" & "B"
NOVEMBER 10 "A" & "B"

REGULAR AGENDA

RESOLUTION

#R2009-33 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING AN AGREEMENT WITH THE TOWN OF NEWTON PURSUANT TO THE UNIFORM SHARED SERVICES AND CONSOLIDATION ACT CONCERNING THE PURCHASE, ADMINISTRATION AND MAINTENANCE OF THE TRUCK WASHING FACILITY

REGULAR AGENDA

RESOLUTION - #R2009-33 Truck Washing Facility Contract Attorney Semrau stated that it was originally discussed that this agreement between the Town of Newton and Township of Andover would be that Andover will have the rights of the facility for 10 years. The township has proposed to contribute \$50,000 to the facility and have the right to utilize the facility for the washing of its vehicles.

Following some research, the Administrator has negotiated an additional five years at the same cost. He asked for an amendment to reflect the approval under the condition that it is a 15 year agreement and also there are engineering costs that will be part of the construction of the facility that would be split between both municipalities and with respect to that, the Committee suggested that be capped at \$10,000 and a rate schedule be provided by the Town of Newton anytime the Township of Andover would be charged for the fact a certified officer has to monitor the washing of vehicles at the facility.

Mr. Walsh moved to approve this resolution as amended, reflecting a 15 year term, an amount not to exceed \$10,000 for engineering fees and a rate schedule for the certified officer. This motion was seconded by Ms. Phoebus and carried unanimously.
(See Insert Attached to These Minutes)

APPROVAL OF VOUCHER - CHECK #9587 Mr. Gilsenan requested an explanation for this check to Link High in the amount of \$2,953.89. Ms. Alfano explained that the increase this month was due to the purchase of the Tuff Book Lap Top for the Department of Public Works. This laptop has the diagnostic equipment so they can go out when a car or truck breaks down and plug the computer into the vehicle. The remainder of the bill is for the last two months of maintenance costs.

Mr. Gilsenan stated that we seem to have a great deal of trouble with the email system and he asked Mayor Smith about these issues but because he doesn't handle technology. He mentioned that security seems to be a major issue, with a lot of spam coming through. Mr. Gilsenan remarked that he has emails from the Fire Department that have been blocked by a spam filter. The personal contact directory is not working and the website pages are out of date. The agendas and minutes are out of date. Ms. Alfano explained that all departments are responsible for forwarding their information to her in order for the data to appear on the website. She stated she agrees with the other items and she is dealing with them and letting them know we are not happy with their service. The contract expires the end of May. Mr. Gilsenan stated that it appears the server is more often down than running. She replied that based on her recollection, there was only once and that was last week for about six hours.

Mr. Boyce asked if Agendas and Minutes are posted in a timely fashion. She replied that as soon as she receives them from the department heads, absolutely. Most of them she receives on time. The Township Committee documents are received on time. She explained every Thursday evening we submit to Link High for posting on the website. Mr. Boyce asked if they are prompt and replied that they are. At this time there is a great deal of housekeeping to bring the website up to date but in the next couple of weeks, once the installations are complete, all information should be current.

Mr. Gilsenan asked what the schedule is for getting the email system secured and the spam removed. She stated that there is no schedule she only hopes that the firewall catches these items. She stated that there has been constant contact with Link High and they know we are not happy, but it does seem to be getting a little better.

Mr. Walsh moved to approve check #9487, seconded by Ms. Phoebus and carried unanimously.

APPROVAL OF MINUTES**DECEMBER 08, 2008 REGULAR MEETING
DECEMBER 08, 2008 EXECUTIVE SESSIONS "A" & "B"
DECEMBER 20, 2008 REGULAR MEETING**

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

Mr. Boyce - abstain
Ms. Phoebus - yes
Mr. Walsh- yes

Mr. Gilsenan - yes
Mayor Smith - yes

REPORT FROM THE FIRE CHIEF Chief Garrigan reported that the department responded to 25 calls this month, two activated fire alarms, two appliance fires, two carbon monoxide alarms, one chimney fire, two fundraisers, one liquid propane call, one monthly meeting, two mutual aid calls (out of town), four motor vehicle accidents, three special work drills, one structure fire, two vehicle fires and two down power lines for a total of 750.9 hours for the month and year to date for 2008, 267 calls for 4,058 hours.

Mayor Smith asked about the fundraisers which he explained was Operation Santa. Mayor Smith mentioned the upcoming Installation Dinner for this Saturday. A round of applause followed.

REPORT FROM THE CHIEF OF POLICE Chief Coleman reported for 2008 the total calls for service is 16,464. He stated that this month's report is on the new format and he asked if anyone had any comments to let him know. He stated that with Mayor Smith's help he added graphs to give a visual idea of increases and decreases of all crimes. Mayor Smith stated that they put a lot of effort into this new report and the advantage is that it is a rolling history of activity and the report will tell month by month what the activity is, and there are graphs associated with the text. He stated that there is a tremendous amount of detail on the maintenance of vehicles and he asked the Committee if they really want all this information. Chief Coleman explained that the computer system associated with the fuel pumping generates this report which is in-depth for a reason, breaking down by the mileage providing a very good tracking record. Sgt. Smith does breakdown this information to a one page report. The Township Committee stated that were fine will that amount of detail.

Chief Coleman then read into the record a letter from Dispatcher Jan Ragsdale commending the Andover Township Fire Department, Lakeland Emergency Squad on their professionalism and efficiency of their members during the radio dispatch for the structure fire on Manor Drive on December 1st, 2008. She especially like to congratulate Deputy Chief Jason Garrigan, the Andover Township Fire Department, Deputy Chief Debbie Reidmiller, Lakeland Emergency Squad for a job well done. They both made her job much easier and she looks forward to working with them when they become Chiefs of their departments. A round of applause followed.

REPORT FROM THE RESCUE SQUAD CHIEF She provided the 2008 breakdown of calls. The Squad responded to 1047 calls, 67 for Andover Borough, 443 for Andover Township, 378 for Byram Township and Mutual Aid calls totaled 159 calls. There were 20 Standbys. They requested the paramedics 430 times, 22 Fly outs, one AED application for a total of 4,027 hours, 55 minutes. The mileage tally was 19,629 miles. Their Installation Dinner was two weeks ago and they were fortunate to have Ms. Alfano, Mr. Gilsenan, Ms. Phoebus and Mayor Smith attended. Mayor Smith remarked that it was a great dinner. Mayor Smith asked if 1047 calls for the year was a record. She stated the total had been higher. They are celebrating their 70th year of service. Mr. Boyce asked were the closest trauma center is located, which is Morristown Memorial but there is a helicopter that flies out of Love Lane, Netcong which is used in addition to North Star and South Star.

OPEN TO THE PUBLIC Mr. Walsh moved to open to the public, seconded by Ms. Phoebus and carried unanimously.

Jackie and Jerry Huelbig of 4 Martin Street commented on the Old Business item on the Agenda referring to Martin Street. She stated that they are one of six homeowners which is considered a private road and there are no town services such as maintenance and snow removal. The ix homeowners pay just under \$49,000 in taxes. The homeowners maintain the road and three of the homes have in their deeds a notation that the houses are located on a road which there is no municipal services. The other three deeds have no restriction. The Huelbigs explained that they are the ones who remove the snow and the other homeowners give them a small amount toward fuel expenses. She stated the road is wide enough where two vehicles can pass each other and it is paved. She then mentioned other township roads that receive services that are more substandard than Martin Street. She named Fenner Drive, where trucks have to back down. On Hillside you go around blind turns which are not wide enough for two vehicles. She mentioned Payne Road, Current Drive, Luchetti Way, Kilroy and Ballantine Road. Mrs. Huelbig explained that Martin Street has proper drainage and there has never been an issue with flooding.

In comparison to other roads in town that are receiving municipal services, if the criteria is that the road is not up to standard, it is in their opinion that if the road is in as good a shape as many roads in the town that are receiving services, they feel that residents of Martin Street should be considered. Mr. Huelbig stated that there is one homeowner that refuses to acknowledge the notice to contribute. Mayor Smith asked if all residents of the street are in agreement that the roadway should be accepted. Mrs. Huelbig stated that the three that don't have the deed restriction they do contribute \$15.00 for each plowing contract but they do not want to enter into any type of maintenance agreement.

Mr. Boyce asked who takes the responsibility to make sure the road is plowed. The Huelbigs take that responsibility. Then he asked if they decided not to do that, what would happen. Mrs. Huelbig explained that part of the subdivision agreement was that the road has to be open for emergency services. Attorney Semrau asked if the request is for snow removal maintenance at this time or for the township to take over the road and conduct that maintenance. She always assumed that the only option to get municipal services is for the township to accept the roadway.

Ed Xhudo owner of Casa Bellisima came before the Township Committee to voice his concerns regarding the violation notices sent from the Zoning Officer. He spoke about the letters sent to his attorney and the problems he has been having finding a competent engineer to provide the township with the proper drainage plan design. This situation has been ongoing for over 2 1/2 years. He was notified by the Township to relocate the trash and recycling dumpsters from the rear parking lot and to provide a physical barrier to prevent any use of this rear parking lot. He was advised that a summons to appear in Court for continued violations will be issued for non-compliance with this Notice. There was discussion regarding the use of the rear parking lot even after this Notice was received. He distributed photographs to show the lack of a flooding and drainage situation. He stated he spoke to Ms. Alfano, Engineer Golden, the County of Sussex and Attorney Semrau.

Mayor Smith stated the town has only one interest and that is for him to become compliant and observe the ordinances and do what the township engineer has asked. He stated that the issue between him and his neighbor is no concern to the Township Committee. He added that this issue has gone on for a great length of time and to this point there is a list of items that need to be addressed. Mr. Xhudo stated that he is trying.

Attorney Semrau explained that if the Chairman of the Land Use Board was present this evening he would say that this matter belongs before that Board. He stated that Mr. Xhudo received an approval on October 30, 2006 and with that approval it included the parking lot and there were a number of conditions. One of the conditions was he had to have a drainage plan to the satisfaction of the Township Engineer.

OPEN TO THE PUBLIC (CONTINUED) He added that the Township has tried to work with him for a long time. Attorney Semrau stated he wrote his attorney letters, the engineer corresponded with his engineer this week and a great deal of time was spent trying to make sure there is total understanding of what needs to be done, which is to comply with the Land Use Board resolution. He was also reminded that he never lost the ability to operate his establishment. Mr. Xhudo referenced that the township revoked his liquor license and Attorney Semrau explained that it was never revoked, it was only deferred.

Lois de Vries called for a Point of Order. She stated that this is an open application before the Land Use Board. Mayor Smith stated that there are two separate issues and this is the issue of compliance of a previous application. She further stated there is not another application, only a revision to the existing.

In closing, Attorney Semrau stated that Mr. Xhudo is here tonight for additional time to comply with the approval received on October 30, 2006. He explained the Township Committee does not jurisdiction to do that.

Diane Gillespie of Andover-Mohawk Road questioned the resolution regarding the Gypsy Moth spraying. She asked if the spraying was actually going to take place and Ms. Alfano replied yes. Ms. Gillespie then asked that the sections on the map in the dark gray if they are the spraying areas and Ms. Alfano once again replied yes. Ms. Alfano stated there were only two meetings and Jackie Huelbig from Board of Health and Darren Dickinson, DPW Supervisor attended these meetings and they can provide more detailed information. Ms. Gillespie stated there was an article in the Star Ledger on January 14th, they listed all the towns that were going to be part of the spraying program and Andover Township was not listed. Ms. Alfano stated that the newspaper called her and she informed them that we were participating, not knowing why we were not listed.

Ms. Gillespie read another article in the Star Ledger on January 22nd, referencing a new law in NJ, Energy Savings Improvement Program, and she asked Ms. Alfano if she was aware and she is and the Township will be taking advantage of this opportunity. Ms. Alfano stated that the first part of the application is due next week and CFO Day is working on it. She said there are two separate grants; one is through Walmart and the other is through the State. Andover Township is applying for both.

Ms. Gillespie stated that the latter part of 2008, and due to time constraints, the Committee Reports was waived in the interest of time. She explained her for one enjoys listening to the reports, hearing what each of the Committee has to report, what meetings they attended, what was learned and what is happening. She asked the Committee not to make a habit of waiving the Reports.

In closing she asked whoever is in charge of the newsletter, who she believes is Ms. Hattersley, adding she does a fine job, but under Fiber she recommends that there is a description of the items under Fiber that can be recycled. She wants it to be placed on the website and on the newsletter. She asked Mr. Boyce who is liaison to the Board of Education to go before them at the next meeting to make sure that the students at our schools know about the recycling program because when you educate the children to do the right thing, they will educate their parents. Ms. Alfano stated that Ms. Hattersley does try and she does not tolerate the failure to recycle.

Fred Gillespie of Andover-Mohawk Road directed his comments to Deputy Mayor Phoebus. At the last meeting she said something regarding her dislike of nepotism. He asked if she was specifically pointing that comment to anybody because there are a number of volunteers who are related. They do a great deal of work for the township. Ms. Phoebus stated she has a problem with nepotism when it comes to her own business and she has no issue with putting husbands and wives on committees, but she has witnessed issues in her business with family members in the same department. After looking at this closely with what she had been going through, she needs to look at the issue. She stated that it wasn't directed at anybody.

OPEN TO THE PUBLIC (CONTINUED) Mr. Gillespie then explained his interpretation of nepotism listing several degrees and finding that if a group of volunteers are doing something together for nothing, he does not consider it nepotism.

Vic Capo commented on the municipal computer services stating he is not aware of what the contracts look like or what level of service we are getting, but there are solutions available that may take some dollars but can be very effective in reducing and eliminating spam. He referenced Barracuda and Ms. Alfano stated we do have that program. He then suggested getting more refinement for the items that are filtered.

He then referenced the Committee meeting of mid-December there was an Executive Session item added called "Quarry". Mr. Walsh stated that was the matter he asked be added and it was referred to as Limecrest Quarry. Mr. Walsh received information that the pumping had been started up again and they were lowering it to certain levels. He suggested doing a recording of the highest level of the water table and have that be the historical mark for future development in that area. He believed that funding had been set aside for this purpose. Mr. Boyce felt the idea is a good one because we don't have to worry that this isn't forgotten in years to come.

Mayor Smith stated we noticed some activity as recently as today but we are not in any position to comment on it. It was given to the Municipal Attorney today and following his review he will share what is appropriate.

Lois de Vries, 85 Lawrence Road, Environmental Commission remarked that the highest level of the water was recorded in 2005 by Laura Nicholson of the NJDEP. She stated that the historical data and information is contained in the NRI. The information is also mentioned in the Open Space Plan and it requires someone to remember to look for this information. She added that Engineer Golden sprayed paint in the well opening marking the highest level of water. The following year Ms. de Vries took pictures and it was evident that the water level dropped significantly from the highest level.

She asked if the Township Committee members could bring them up to date on the status of their benefits. Mayor Smith asked Ms. Alfano to comment and she stated to Ms. de Vries that she could ask them all specifically or she would have to look it up. Mayor Smith stated he waived his salary and it was referenced in the newspaper recently. He added that he does not receive benefits. Mr. Gilseman stated he does not take health benefits and his salary is divided between the fire department, environmental commission and rescue squad. Mr. Boyce explained that his benefits situation has changed because of a job change and he will opt to take the benefits that are offered to the Township Committee. He added that his intention was not to take them but because of changes in his job, he needs these benefits. Mr. Walsh stated he also takes the benefits. Ms. Phoebus stated she does not take benefits and takes the salary and uses it for Andover Township Day and various other activities. She commented that she also paid for the Atlantic City Conference.

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

Ms. Phoebus stated for the record that in her opinion that after serving on this Committee, the governing body does a great deal of work. She remarked that she can not even begin to tell how many nights she is out of the house and if she had children at home, she does not know if she could do this job. She stated that it takes a lot of time, she put a lot of hours in, hours away from her own business. She thinks that in certain cases she would not be quick to judge people who do take these benefits. She believes that it is an individual choice of how each one of them feels.

ORDINANCES: INTRODUCTION

#2009-01 SALARY ORDINANCE AMENDMENT
POSITION OF EMERGENCY MANAGEMENT COORDINATOR

"AN ORDINANCE TO AMEND THE 2008 SALARY ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, ORDINANCE #2008-09 TO PROVIDE AND DETERMINE RATES OF COMPENSATION FOR EMPLOYEES OF THE TOWNSHIP"

Mayor Smith explained that the Township Committee is looking to reduce the compensation for this position to a more reasonable amount and in doing so the salary range needs to be amended. Mr. Walsh moved, seconded by Ms. Phoebus. Mr. Walsh stated that by doing this ordinance we are saving about \$2,000. Mayor Smith added that it is more appropriate with what other towns are offering.

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2009-01 entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on February 09, 2009 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. Boyce - yes | Mr. Gilsenan - yes |
| Ms. Phoebus - yes | Mayor Smith - yes |
| Mr. Walsh - yes | |

RESOLUTIONS

None

NEW BUSINESS

ROAD VACATION REQUEST - SQUIRREL ROAD AND WOODLAND DRIVE

Attorney Semrau explained that we have been waiting for additional information and documentation so that a presentation can be made to the governing body. Due to the fact there is no one present on behalf of this request, it was decided to table this matter until such time the requestor can be notified to attend the next meeting.

FEEES FOR COPIES AND PUBLIC RECORDS - REVIEW AND CONSIDERATION OF ORDINANCE AMENDMENT FOR INTRODUCTION

Mayor Smith stated that Attorney Semrau summarized it quite well that these issues are under great scrutiny these days and we want to be compliant with all legislation. We also want to be fair to our citizens. He stated that this Ordinance is adjusting those fees.

ORDINANCES: INTRODUCTION**#2009-02 AMEND AND SUPPLEMENT CHAPTER 125
FEES FOR COPIES AND PUBLIC RECORDS*****"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX
AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING
CHAPTER 125, "RECORDS, PUBLIC", SECTION 125-8, "PROCEDURES
AND FEES FOR PURCHASING COPIES OF PUBLIC RECORDS" OF THE
REVISED GENERAL ORDINANCES"***

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2009-02 entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on February 09, 2009 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. Boyce - yes

Mr. Gilseman - yes

Ms. Phoebus - yes

Mayor Smith - yes

Mr. Walsh - yes

ANNUAL PERFORMANCE REVIEW AND EVALUATION PROCESS

Mayor Phoebus stated that all employees were reviewed except for a few exceptions. He added that this is the first time in recent memory that this process was done. An attempt was given to give a fair evaluation of the people's performance, positive feedback and some constructive criticism where we thought improvement could be used. He commended Ms. Alfano for doing a great job, though not easy. With that said, he stated the police department is the only area that was not included in this process. He also asked if the Township Committee should direct the Chief of Police to review his personnel. Mayor Smith added that he spoke with Chief Coleman regarding this. Mr. Boyce remarked that it is a good idea to follow this process of all employees. He stated that it should be noted that any employee who doesn't agree with their evaluation has the right to appeal it to the Township Committee and should because he can't imagine anyone agreeing with everything in their evaluation. Mayor Smith stated that there are employees that took exceptions and they have the right to discuss it. Ms. Alfano stated that by signing the evaluation does not mean that you agree with it. She added that out of everyone reviewed there were 10 employees who made comments disagreeing with certain parts. Mr. Boyce asked if there is an opportunity through the year to go back and review some of those items with the employee. Ms. Alfano explained that some have requested a six month revisit as to how they are doing. Mayor Smith remarked that he believes that a performance appraisal is an ongoing process and employees have the right to ask if there is improvement.

Attorney Semrau explained that every employee does have the right to respond to their evaluation and review same with their supervisor. He added that going before the Township Committee should be their own department head and administrator.

Mayor Smith said there was a recommendation that for the first time increases would be tied into performance and creates a merit base. Across the board increases have been given in the past. A great deal of discussion was held in drafting a sliding scale. The best rating gives the best increase. The Township Committee decided that for this year the increases will remain across the board. The merit process will be explained to the employees, which will take effect in 2010. For this year the practice will continue as usual. Ms. Alfano thanked the Township Committee for their support during this process.

OLD BUSINESS**BALLANTINE ROAD**

Mayor Smith stated there was a discussion at the last meeting to possibility close a portion of Ballantine Road. The Township Committee was to give feedback to Ms. Phoebus. Mr. Walsh stated that the Byram road is a bit different because they at both ends there was a road in order for them to turn around. Ballantine Road doesn't offer that option. When someone reaches the gates there is no room to turn. Ms. Phoebus stated that before the new construction begins, even tough in their Developer's Agreement it states there can be no left hand turns, people will still do so. She added that the residents will use it and eventually the rest of the roadway will have to be brought up to standards. Ms. Phoebus remarked that the road is very rough for emergency vehicles.

Mr. Gilsean stated that the road can't handle the traffic now and with 24 new homes there has to be upgrades. Mayor Smith asked about legal liability if the roadway is closed. Mr. Walsh remarked that snow plowing the area would also be an issue. Mr. Boyce stated that before doing anything we will hear from the public. He stated that he loves the rural quality in Andover that we all love and he is concerned that if we start closing off some of these beautiful rural roads that it takes something away from our quality of life. He added that he doesn't drive on Ballantine often but he thinks it is the most beautiful stretches of road and would hate to take that away from people.

Mayor Smith asks Ms. Howell your feelings since she lives on Ballantine Road. She stated that twice in the past, since she has lived on Ballantine Road, the issue to vacate, make the road private or gating it has been addressed. Each time it was declined because of the police and fire departments. She added that she was asked by one Committee member of her opinion and at first thought it was a good idea. However, it means she could no longer access that strip of the road. It also means the people who own the property in the middle, who do not live there but want to visit their property, can't. Ms. Howell also added that the portion being considered in the best part of the roadway. In closing, she is not in favor of gating the road.

Chief Coleman stated having patrolled the road for 30 years there could be an issue. The department uses every avenue they can when roadways are closed temporarily. He said people will drive through barricades. Fire Chief Garrigan remarked that in his 13 years there haven't been many calls but they do use that road when they have to detour traffic from Route 613. EMC Danielson stated that efforts need to be coordinated when there is an incident in the middle of the road as when they responded to an overturned vehicle. One agency enters from one way and another from the other end. Ms. Howell added that during the last storm a barricade was put up because of the bad conditions. Lakeland Chief Reidmiller stated that the squad is fortunate that their vehicles have oomph and most times they back into a driveway to exit in the same direction. She then referenced a manual from the State that lists side streets to use in the event of a closure on Route 613 and Ballantine Road is listed.

Mr. Boyce and Mr. Walsh were in favor of not closing Ballantine Road. Mr. Gilsean asked to hear from all residents which weighs heavily on his decision. A consensus was taken and all were in favor of not closing Ballantine Road. Ms. Phoebus hearing comments this evening, she does not want to close the road but asks that everyone take note that in four years when new residents move in, they will want to have improvements done to this road. Mayor Smith stated that all the emergency services are on the same page which weighs heavily in his vote. There will be no action taken on Ballantine Road.

OLD BUSINESS (CONTINUED)**MARTIN STREET**

Mayor Smith explained that this street is a paper road, not maintained by the municipality. There have been recent requests that the township provide salt, snow plow and maintain that road. Attorney Semrau stated if the residents of the roadway agree to improve the road to township standards and then accept the dedication of the roadway, then it can become the township's responsibility. The second option is to leave it in its present relationship where it is the responsibility of the residents. The third option is that the township can under certain limited circumstances; maintain a roadway without accepting it. That is done by ordinance following a State statute. At any time, the township could abandon that responsibility. Each resident needs to understand and acknowledge the township is not responsible for the roadway and they will not be held liable for any damage to the roadway or drainage issues.

Mr. Walsh referenced a letter from former Engineer Guldin listing the work that would need to be done before this road could be accepted. Mr. Boyce asked Ms. Alfano if there is a list of roads similar to Martin Street. She will check with DPW Supervisor Dickinson and if no does not exist, one will be created for the next meeting. Mr. Boyce said that emergency services need to use that roadway in the event of an incident and what if someone in charge of maintaining the roadway decides that no longer want that responsibility. Attorney Semrau stated that in this circumstance the DPW would be sent to take care of the removal services and place the responsibility for reimbursement on those residents which is in line with the snow removal ordinance.

Mayor Smith stated he checked with the Tax Assessor that under these circumstances there may be some type of tax leniency and Mr. Marchione informed him that there is no tax break for those residents on Martin Street. Ms. Alfano will obtain the list of unaccepted roadways in the municipality along with a proposal of what it may cost to bring these roads to standard.

9-1-1 DISPATCHING SERVICES

Mayor Smith stated that it was suggested that it may be economical for the municipality to join a shared services with a neighboring town. The County is not an option at this time but there is a proposal on the table that we consider a shared services agreement with the Town of Newton. Chief Coleman provided background information and his opinion, with what he has received, he is uncomfortable recommending a consolidation at this time. Many questions still remain unanswered. He added that to dissolve the township's dispatching system at this time without a definite path, we may have issues in the near future. Chief Coleman explained that this is a regulation for 9-1-1 calls. Dispatchers do a great deal more than just answer 9-1-1, which is a small part of what a dispatcher does.

Mayor Smith stated when he first heard about the possibility of consolidation, the fact that the township could save a great deal of money sounded attractive. The more he thought, the less he feels this way because some of the other municipalities are not quite ready to handle the situation. He stated that we can not put the safety of our residents in jeopardy. Mayor Smith provided a list of items which makes him uncomfortable with the consolidation and added that he would feel better if we were moving to a County facility. At this time he voted on staying with our own dispatching services. Mr. Boyce agreed with Mayor Smith adding that we have done a great job training these employees and they do know our town. He also is comfortable leaving things as they are. Mr. Walsh, Mr. Gilseman and Ms. Phoebus also agreed on staying in the township.

Ms. Phoebus moved to keep the 9-1-1 dispatching services in Andover Township, seconded by Mr. Walsh and carried unanimously.

OTHER BUSINESS

**APPROVAL OF ON PREMISE MERCHANDISE RAFFLE LICENSE R.L. #851
ST. JOSEPH HOME & SCHOOL ASSOCIATION TO BE HELD ON
FEBRUARY 28, 2009 AT PERONA FARMS FROM 6:30 P.M. - 11:00 P.M.**

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

Mr. Boyce - yes	Mr. Gilsenan - yes
Ms. Phoebus - abstain	Mayor Smith - yes
Mr. Walsh - yes	

**APPROVAL OF RAFFLE LICENSES - HILLTOP COUNTRY DAY SCHOOL
TO BE HELD ON APRIL 3, 2009 AT PERONA FARMS FROM 7:00 P.M. - 11:30 P.M.**

- A) R.L. #852 - CASINO NIGHT**
- B) R.L. #853 - ON PREMISE MERCHANDISE**
- C) R.L. #854 - ON PREMISE 50/50**

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

Mr. Boyce - yes	Mr. Gilsenan - yes
Ms. Phoebus - abstain	Mayor Smith - yes
Mr. Walsh - yes	

**APPROVAL OF OFF PREMISE 50/50 RAFFLE R.L. #855 - CATHOLIC FAMILY &
COMMUNITY SERVICES PARTNERSHIP FOR SOCIAL SERVICES TO BE HELD
ON MAY 13, 2009 AT ROLLING GREENS GOLF CLUB AT 4:00 P.M.**

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

Mr. Boyce - yes	Mr. Gilsenan - yes
Ms. Phoebus - abstain	Mayor Smith - yes
Mr. Walsh - yes	

COMMITTEE REPORTS

MR. GILSEMAN. He wanted to discuss getting a petition started for the Andover Post Office. He stated that it would be a long process, but shouldn't cost a great deal of money to get the process rolling. He asked for a consensus from the Township Committee in order to have Attorney Semrau draft a petition. Ms. Alfano stated that she has left messages for the Senators and Assemblymen and received no call back. Mayor Smith stated that he is in total support of this, living in two different locations in the Township and served by two different post offices. More important, a post office will provide an identity to the municipality and that is what we need. He added that 16 of the 2 municipalities in Sussex County have their own post offices and when was the last time any realignment was done in the postal service. Mr. Boyce agreed that it doesn't hurt to try and the township would definitely benefit. Mr. Walsh and Ms. Phoebus also agreed. Attorney Semrau stated he would draft a resolution endorsing a petition.

COMMITTEE REPORTS (CONTINUED)

MR. BOYCE. He reported that he felt bad about Mr. Xhudo and the problem he faced but he pointed out that these problems go back two and one-half years. The Township has been very patient with him to get these things done. He stated that he is pro-business, wanting people to open businesses and we can do everything we can to pave the way but you can't take away the rules and regulations that our officials have put in place to follow. He voiced his concern that there is another business that will be shutting down, which is a long standing business located on Newton-Sparta Road. He stated that we have to find ways of replacing businesses so that we can keep our ratables up and taxpayers don't carry more of a burden.

With regard to the Board of Education, Mr. Boyce stated that a long time ago he served on his Board of Education. He served as second vice-president and within six months the president and vice were in a recall and lost in the election and he then became president. In his four years, three as president, there was a recall election, two bond issue elections, one failed and two superintendent searches. He stated that he learned quite a bit about how school boards work. He encouraged all to join him in working with the school board and as Ms. Gillespie suggested make certain that the students learn a little about recycling. He then announced a Special Meeting on February 4th at 6:30, at Long Pond School and they are going to establish their goals for the coming year.

He then commended Township Engineer Joe Golden because Andover Township passed its 2008 Stormwater Management inspection and certification with a 100 percent rating and we recently completed the basin management report in accordance with current regulations and while the NJDEP has issued over \$600,000 in fines, Andover Township is 100 percent compliant and has received no fines or warnings.

MR. WALSH. He reported on the Recreation Committee announcing that Ed Burgio is the new chairperson, with Helene Reczka as the vice-chair. While much of the meeting involved reorganization, but they did discuss the new open space property, the Lake Iliff property and he asked if anyone knew when the closing might take place. Attorney Semrau explained that the contracts have been signed but in order to obtain the necessary funding other parties needed to be involved in the process. The Phase I analysis has been completed. There is an issue about vacating a paper street that remains. In order to obtain the full funding, the Morris Land Conservancy and Sandy Urgo had to get other parties into the contract including the County. Attorney Semrau stated that it is moving along, but he would hope by spring this would close.

Mr. Walsh stated that the Recreation Committee discussed Andover Day and we are asking Ms. Phoebus to get involved.

Reporting on the Board of Health, Mr. Walsh missed the meeting due to a conflict for the next two meetings because he coaches basketball. He asked them for a report of that evening. On January 14th the Board of Health reorganized for 2009 with Rachel Nazarian as Chairperson and Maryann Frodella as Vice-Chair. Adoption of the meeting dates resolution was tabled to the next meeting until the secretary can investigate the possibility of changing the meeting day without a conflict. They reported on the Free Rabies Clinic which was held on January 9th. A total of 272 vaccinations were administered, 214 dogs and 58 cats. There were 80 dogs and 23 cats from out of town. Christine Davy reported that Joan Skillan continues to follow up with the ongoing solid waste overflow at the Rolling Hills Condominiums and the association is continuing with their efforts to file permits with the township to get their plans for trash enclosure approved and built. The next court date and Ms. Skillan will give a report to the Board after that.

Andover's Krauzer's has changed ownership and the new owner will apply for his license and certification for food service manager. They have passed all inspections by the health department.

COMMITTEE REPORTS (CONTINUED)

MR. WALSH. There was a short meeting of the Finance Committee where they will be making some cuts and asking the Committee members to go to their committees to see if where we are cutting is the proper place. He stated that the process will be long and arduous year, adding that he has not seen a budget year like this before. Mr. Walsh added that he understands the State is not going to give us as much funding as 2008. With the pension funds, they are allowing the municipalities to pay 50 percent to the State and keep half and put that in an interest bearing account which can help. He and Mr. Boyce will ask input from the entire Committee on this process.

Mr. Walsh stated for the past three years the budget has been cut. Mayor Smith added that it is a tribute to the administration and the town for pulling that off. Mr. Walsh stated that the budget was cut three years ago and cut each year after that.

MAYOR SMITH. He mentioned that he can not locate his written report but will adlib. He stated that the Seniors had their reorganization and Elsie Burdge is the President. He commented that the Seniors do a great job and they sponsor all types of great economical trips. He will provide this information to the municipality because they are open to all.

Mayor Smith reported that at the last Land Use Board meeting there was an application for a steep slopes variance. The matter was turned back to the applicant for other ideas to try and meet township requirements. There was also a discussion on simplifying some minor subdivision procedures.

He reported on the Sussex County League of Municipalities reorganization meeting. He commented on what a great organization it is adding that you can learn a lot at these meetings in addition to meeting fellow Committee members. At that meeting there was acknowledgement to Andover Township and thanked us for our support of the League and defense of some of the newspaper articles that have been circulating. They were appreciative that someone spoke up for them explaining that they are a worthy cause.

Mayor Smith announced that it is a goal to keep everyone informed as possible on all activity taking place in Executive Session. He added that they will continue to strive toward making as much information available to the public as can legally be done without exposing the township to any difficulty. Mayor Smith also stated that it will be their mission to open the doors at 7:30 every meeting.

In an attempt to streamline matter, Mayor Smith explained that agendas will close on Thursday at noon prior to the upcoming meeting. Only exceptions that will be made is if it jeopardizes the township in someway, such as a security issue, financial or legal issue.

MS. PHOEBUS. Regarding the Economic Development Committee, she explained that when she started to take on the responsibility of trying to increase businesses in Andover Township and in doing so increase rates, she spoke to the Clerk and was advised there is an Ordinance on the books. Ms. Phoebus looked at the Ordinance and contacted Mayor Smith and he read it. They then realized the current Ordinance was quite elaborate with a very large budget. In light of that, Attorney Semrau worked very hard in drafting a new Ordinance which is very basic. She added that until the Ordinance is adopted, a Committee can not be formed. Ms. Phoebus stated that her goal is to encourage growth in businesses and find areas accommodating. She also wants to investigate which businesses are interested in locating in Andover Township. She also wants to assist existing businesses.

COMMITTEE REPORTS (CONTINUED)**MS. PHOEBUS.**

Reporting on the COAH Committee she stated that Governor Corzine has made a Committee that he is having someone head the enforcement of the building of COAH. He wants to see these units built. She added that instead of being behind as we have been, we are now in the forefront of many municipalities. There were two meetings earlier this evening. She explained that one meeting is the due diligence on St. Paul's Abbey, looking at the costs to see what is needed to get the project done. The examples given are upgrading the wastewater treatment plant, including the hook up, doing land surveys, engineering costs, the well costs to name a few. When that is all calculated, then the project will go out for bid.

She then reported on the Rannou project which is 33 units and they are ready to begin. This project is at no cost to the town. Eighteen of these units will be senior citizen and the remainder will be mixed use.

Mr. Boyce asked Ms. Phoebus about reading where the Governor is thinking about a one year moratorium on the 2.5 percent builders' fee. She responded correct and she is trying to get an answer from Planner McGroarty which is if they give a waiver for one year, he's not saying that the towns have a waiver for one year. This means that the company comes in and the State waives the 2.5 per cent, it doesn't mean that the town is not responsible to build that COAH. We won't get the funds, but we will have to produce the unit. She added that she rather have the units than the money.

Mayor Smith added he is very excited about Ms. Phoebus taking over the commerce situation because we can not sit here and think people will come to us, we need to be welcoming of businesses and have a good environment. We are pro-business and it helps in terms of ratables but to have more services in our own town.

Mayor Smith added to his report stating that this past Sunday, the Administrator, Ms. Phoebus and he attended the St. Paul's Abbey Obligation of Brother Owen who was elevated to a higher level of Brother in the monkhood. A lovely Korean buffet followed.

He then announced that Lois de Vries was published in a national magazine. She stated that it is on stands now and will be until April 3rd. The name of the magazine is Interest in Gardens, a Better Homes and Gardens special interest magazine. It's an article on invasive plants.

REPORT FROM THE MUNICIPAL ATTORNEY He reported the Mayor Smith suggested we have these descriptions as to the Executive Session. He added to what Ms. Phoebus stated about the Rannou project, stating that there is an agreement where they have the opportunity to come forward as stated, develop what they presented as 33 affordable housing units. After tonight's meeting he will ask the various groups that get involved in the land use process to try to do things in an expedited manner because we are racing the clock before some of wastewater management rules change. By doing this, they can maximize at 33 units and for every unit that they are able to develop, is potentially four or five market units that the township will never have to incur.

He drafted revisions to the Economic Development Committee Ordinance and that will be available for the Township Committee to discuss at the next meeting.

He also stated he received a letter from an advocate for Open Public Meetings and writes municipalities from time to time and he reviews certain activities. He inquired as to whether the Finance Committee should advertise their meetings. Mr. Paff raises a scenario that is worthy of discussion that with a Committee of five you can a sub committee meeting with two members.

REPORT FROM THE MUNICIPAL ATTORNEY(CONTINUED)

But if one member of the Township Committee is not present, or has resigned or is not participating, then in effect there are only four voting members with respect to the budget. Two members have already met outside of a public meeting. The question is was it a quorum that met and discussed the budget.

He stated there are two ways to address this, the first is to continue on and have the meeting with two members, but you have to be certain that when budget or any budgetary issues are acted upon, there is full membership of the governing body. Otherwise, that argument could be valid.

The other thing to do is to simply advertise and have a public meeting with respect to the budget matters. If that was done, there would be minutes and if there was discussion about a personnel type matter that would not be permitted to be before the public. He asked that the Township Committee think about these options for the next meeting.

On St. Paul's Abbey, we have proposals for various engineering services to go through the due diligence process. This evening there was a resolution updating the open public request form, to keep in line with the trend of litigation that is out there. This will help Andover Township stay away from that atmosphere.

REPORT FROM THE TOWNSHIP ADMINISTRATOR She reported that at the last Seniors meeting someone wanted to talk about the emergency vehicles and DPW flying up and down the street. She continued to say her neighbors were complaining about overkill but she remarked it wasn't. She noted she felt very safe that everyone came to her rescue when wires were down.

Ms. Alfano then reported that the Labor Workforce Development representative met with her about a client who lives in Andover Township, who has municipal experience who would like to work for the town. This program pays for everything but the town gets the benefit of the employee for a minimum of 27 months.

She then stated that she and Mr. Walsh have been working on the Cable TV Franchise survey. They will compile the results next week. Many surveys were received, but information needs to be received from the fire department, police department, office of emergency management, and rescue if there is anything they want to talk about, they should let her know.

NEXT SCHEDULED MEETINGS:**Monday, February 09, 2009****Monday, February 23, 2009****Executive Session - 6:30 p.m.****Regular Meeting - 7:30 p.m.**

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 10:12 P.M., seconded by Ms. Phoebus and carried unanimously.

Respectfully submitted,

Robert O. Smith, Mayor

Vita Thompson, R.M.C.
Municipal Clerk

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Andover on the 26th day of January 2009, that:

1. 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. ***Shared Services Agreements - Newton and Hampton
9-1-1 Dispatching Services***
- 2. ***St. Paul's Abbey***

Attorney-Client Privilege:

- 1. ***Performance Review and Evaluation Process***

Pending Litigation

- 1. ***Szatkiewicz vs. Andover Township***
- 2. ***Roberts Matter***

Potential Litigation

- 1. ***Possible Violation of the Law***
- 2. ***Haber Escrow Matter***
- 3. ***Dina's, LLC***
- 4. ***Crepeau Developers***
- 5. ***Highland Farms & Lakeview Ridge***
- 6. ***Fees for Copies and Public Records***

- (X) b. (8) Personnel matters.
 - 1. ***D. Dickinson, Supervisor of Public Works***
 - 2. ***2009 Salary Increases for Non Contractual Employees***
- () b. (9) Deliberations after a public hearing that may result in penalties.
 - 1. 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: January 26, 2009

Moved: Walsh Seconded: Phoebus
Voted Aye: Boyce, Phoebus, Smith, Walsh
Voted Nay: None
Absent: Gilsean arrived at 6:22 p.m.
Resolution adopted. January 26, 2009
