

**ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES**

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

**MARCH 09, 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 6:15 p.m.

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

**EXECUTIVE SESSION:** Attorney Semrau asked that under Attorney-Client Privilege, Mulford Estates be added. On a motion by Mr. Walsh, seconded by Ms. Phoebus, the resolution to go into executive session to discuss

**Personnel Matters:**

1. ***Chief Phil Coleman Review***
2. ***Municipal Clerk Vita Thompson Review***

**Contract Negotiations:**

1. ***St. Paul's Abbey - Field Usage***
2. ***Daughtry Alarm Services***

**Attorney-Client Privilege:**

1. ***PSE&G Intervention***
2. ***Investigation of personnel complaint***
3. ***Sparta Pumped Storage Project***
4. ***Hazardous Roads***
5. ***Mulford Estates***

**Potential Litigation**

1. ***Al Roberts - Wall Removal***
2. ***John Cilo, Jr. - Invoices***
3. ***Hudson Farms***, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:08 P.M. Mr. Walsh moved to adjourn executive session at 7:32 P.M., seconded by Ms. Phoebus and carried unanimously.

**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** Mayor Smith stated that resolutions #R2009-59 and #R2009-60 both relate to the Sparta Pumping Project. These resolutions authorize the Township to felicitate the support of professionals, one a specialist in this area and the other who is a hydrogeologist. Ms. Phoebus moved the following consent items be approved, seconded by Mr. Walsh and carried unanimously.

**\*CONSENT AGENDA:**

**\*OTHER BUSINESS:**

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

**APPROVAL OF TAX COLLECTOR'S FEBRUARY REPORT - \$3,582,184.30**

**ACCEPTANCE OF THE 2008 ANNUAL TAX COLLECTOR'S STATEMENT OF RECEIPTS**

**APPROVAL OF ON PREMISE MERCHANDISE RAFFLE - R. L. 856 - HILLTOP COUNTRY DAY SCHOOL - TO BE HELD ON APRIL 3, 2009, AT PERONA FARMS FROM 7:00 PM TO 11:30 PM.**

**\*RESOLUTIONS:**

**#R2009-56 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TERMINATING ERIC BUDINGER, PART TIME COMMUNICATIONS OPERATOR**

**#R2009-57 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP COUNTY OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY APPOINTING JOSEPH WUNDER TO THE PERMANENT POSITION OF ROAD LABORER FOLLOWING THE NINETY (90) DAY PERFORMANCE REVIEW**

**#R2009-58 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ISSUE A TAX REFUND TO CRUSADER LIEN SERVICES IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE #07-00005 SOLD FOR DELINQUENT TAXES FOR BLOCK 120, LOT 12.03 IN THE AMOUNT OF \$33,494.39**

**#R2009-59 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP COUNTY OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE AWARD OF PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO MATTHEW J. MULHALL, P.G. OF M2 ASSOCIATES, INC. FOR HYDROGEOLOGY SERVICES ASSOCIATED WITH THE SPARTA PUMP STORAGE PROJECT**

**\*CONSENT AGENDA: (CONTINUED)****\*RESOLUTIONS:****#R2009-60 RESOLUTION OF THE TOWNSHIP COMMITTEE 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 WILLIAM J. FRIEDMAN, ESQ. OF WOLFBLOCK, LLP FOR LEGAL SERVICES ASSOCIATED WITH THE OPPOSITION TO THE SPARTA PUMP STORAGE PROJECT**

*(See Inserts Attached to These Minutes)*

**REGULAR AGENDA**

**REPORT FROM THE FIRE CHIEF** Fire Chief Garrigan reported for the month of February there were 13 reported calls, three activated alarms, one carbon monoxide alarm, one fast team response, one liquid propane gas incident, two regular monthly drills, one landing zone, one regular monthly meeting, one motor vehicle accident, one special work drill and one downed power lines. There were a total of 183.6 hours, 72 calls and 1,335 hours year to date.

President Rick Melfi announced that on Friday March 6<sup>th</sup> the Andover Township Volunteer Fire Department was officially notified of an award from FEMA and Department of Homeland Security, under the 2008 Assistance to Firefighters an amount of \$104,734.00. He stated that the department has been applying for federal grants for over 10 years to no avail. The last five years, member Eric Danielson, has taken this responsibility for the department even when they were continually past over. The meaning of this grant comes on the heels of the department having to maintain current standards for the self contained breathing apparatus equipment. This will also help the department with their mutual aid capabilities. A round of applause followed.

**REPORT FROM THE RESCUE SQUAD CHIEF** Rork Day, Sergeant for Lakeland reported for February they had 91 calls, five for Andover Borough, 33 in Andover Township, 25 in Byram Township and they ran 28 mutual aid calls. There was one training drill, 44 requests for medics, 26 of those treated, 11 were cancelled, five were releases and two were refusals. There were three fly outs, no AED applications, one stork visit. There was a total of 246 hours and 1774 miles. Year to date totals are 210 calls.

**REPORT FROM THE CHIEF OF POLICE** He reported a total of 2,502 calls handled by the dispatch, 205 for Andover Township, two additional for Andover Borough, 107 additional in Hamburg, nine additional in Green Township. The department underwent an OSHA inspection and they passed with no safety hazards or violations. He stated he received documentation regarding the COPS grant application which they will be sending in.

**OPEN TO THE PUBLIC** Mayor Smith stated that no one is more concerned about the Sparta Pumped Storage Facility project than the Township Committee. He stated that the preliminary permit was submitted in January 2009. The permit was to do a feasibility study. On January 28<sup>th</sup> 2009, a letter of deficiency was returned by FERC asking for specifications. Riverbank Power responded on February 11<sup>th</sup>. FERC has not yet responded to that but they will, either deeming it complete or they will ask additional questions. At that time there is typically an additional 30 to 60 days comment period. Mayor Smith stated two resolutions were adopted this evening appointing professionals in this area. He then stated that the Environmental Commission headed by Lois de Vries has done a wonderful job assessing the project and making comments. He then read some highlights from the report submitted by the Commission.

**OPEN TO THE PUBLIC (CONTINUED)** Mayor Smith stated that the Township Committee is discussing this report and following its full review the Committee will consider its acceptance as the Township's definite position.

He then stated that this morning the township reached out to Sparta and expressed to them our concerns. An invitation was extended to them and they accepted it and Mayor Brady did come to a meeting with the hydrogeologist, Deputy Mayor Phoebus and himself. His objective was to establish communication and a dialogue, sharing concerns. Mayor Smith stated that Riverbank representatives stated that this is only a proposal and he responded that there were no alternates presented. There was then discussion on why this proposal was chosen. He stated that he informed them that the township would like to other options, the best being running lines from the quarry to the Jefferson station through Sparta. Mayor Smith stated that Riverbank will address this issue first. Ms. Phoebus thanked everyone for coming out tonight.

Mr. Boyce stated that he was happy that Sparta attended the meeting today and provide information which he stated is a positive sign concerning the attitude he found when he attended the Sparta Township February 24<sup>th</sup> meeting. He stated he went to the meeting because Riverbank project was on the agenda and he was hoping to gather some information. He received a general feeling that evening from the Town Council that they would not be forth coming.

Mr. Walsh moved to open the public portion of the meeting, seconded by Mr. Boyce and carried unanimously.

Anthony Massaro of Current Drive voiced his concerns regarding the township's water resources and the movement of the water could cause erosion and dangerous sink holes. He then stated that the lines could also go underground. Mayor Smith stated that Riverbank did ask about underground lines and he replied that he thought the people's feelings would still be negative.

Bob Dole of Southdown Drive spoke on behalf of his neighbors and association members and thanked the Township Committee for their support against this project. He then cited their reasons for their opposition. Mr. Boyce commented that Sparta wants to be a good neighbor but we have to look at them as if they were a major developer.

Lois de Vries, Environmental Commission Chair referenced page four of the Riverbank application they state that the transmission line would be a double circuit of 500 kw. She reminded everyone to visit the FERC website and enter your comments. As of this date there are only three objections listed. She urged everyone to add their own. Mr. Boyce stated that the Sparta Council took issue with the document distributed from the Environmental Commission two weeks ago. He stated that they took issue with the number of 658,000 truckloads of rock. She then explained how she arrived at that figure. She stated that her report lists her sources which available to anyone online. She then stated that where everyone needs to go is to the Sparta Township Council meetings and let them know how much you care.

Mayor Smith stated that in defense of Sparta, they are in no position to answer some of our questions which was made clear at today's meeting. He again stated how important it is to establish a dialogue with Sparta and Riverbank and find the vulnerability.

Various residents spoke on their concerns and how this project would affect them. Scott Frauenpreis, Caitlin Court stated he provided a comment on the FERC website. He then stated that some of the residents have been somewhat confused between this project and PSE&G Susquehanna-Roseland project. He wants to be able to notify township residents of these projects, making all well aware of what the impact can be. Mayor Smith pointed to reporters present from the NJ Herald and Township Journal.

**OPEN TO THE PUBLIC (CONTINUED)** Mr. Frauenpreis stated there are many Sparta residents who are upset with this project. Mayor Smith stated that in his mind these are two separate issues except the pumping station compounds the first issue. Mr. Frauenpreis stated he and other residents will contact legislators to make them aware of residents' concerns.

Mr. Boyce stated that we need as many residents as possible to be present at Sparta Council meetings. He added that Mayor Brady was present at the Township Committee meeting two weeks ago and chose not to stand and address this project. Ms. Phoebus stated that this afternoon Scott Garrett's office did call and tonight there is representative from his office.

Resident Matthew Lally of Cambridge Road and he heard this project is being positioned a "green" project and he understands it to be a time shift project where energy is brought in at night and turning it into energy through hydroelectric and making a profit. If they are burning coal in Pennsylvania during the evening, it is far from "green". Mayor Smith stated he made the same statement at the last meeting.

Mr. Casella from Limecrest Road stated that this project is not 500 kw, but 730 kw. To add another 500 kw is unheard of. He stated there isn't a line in New Jersey over 500 kw. Health concerns were also discussed. Ms. Phoebus stated that they are looking at the railroad to remove what needs to be removed from this site.

Dan Moore of Jefferson Township stated there is an association between the Susquehanna-Roseland project and the Riverbank project. He asked everyone that if they put this enthusiasm into defeating the PSE&G project, they may take care of both projects. The lines are going to the Jefferson switching station. One is dependent on the other. Mayor Smith questioned the dependency.

Sparta resident, Jesse Wolosky stated that he was the organizer of the trash referendum project and because so many residents attended, Sparta had to postpone their meeting to the high school. He stated 300 people spoke for two days against it, but still the Council proceeded with what they wanted to do. He stated that the Council used taxpayers dollars to fight the grassroots activity. Mr. Wolosky also mentioned that a year ago Sparta Township Administrator Underhill filed a document for 9-1-1 grant application where he stated that Andover Township is a part of their service. He recalled that Seth Augenstein of the NJ Herald wrote an article about it. Mr. Wolosky presented this action to the county prosecutor stating that it was a fourth degree crime, but nothing happened except Sparta received \$199,000 grant.

Mr. Wolosky then informed the Township Committee that about a year ago, Mulvihill and the Sparta Council were arguing and now they are on the same side, asking how this company from Toronto showed up in Sparta. He then stated that 10 minutes ago Councilman Spekhardt was standing in the back corner. Mr. Wolosky talked about his experiences dealing with Sparta Township Councilmen and the Township Administrator. In closing, Mr. Wolosky stated that the Andover Township Committee is a council for the people.

The representative from Garrett's office stated she is here to gather information as what is being done and what it is that needs to be done. Mayor Smith asked that Holly relay to her office that many people are present this evening because this is our number one concern.

Tom Hill from Stop the Lines thanked the Township for joining the Coalition of Concerned Municipalities regarding the Susquehanna-Roseland Project. The Riverbank project is hand in hand with the Roseland project is linking the lines to the proposed Jefferson switching station. He stated that if that doesn't exist, it cannot exist. He urged everyone to visit "Stophelines.com". He then stated that the Senate Energy Committee is hearing is this and next week testimony on proposed "green" siting of transmission lines.

Lois de Vries reviewed the FERC online comment procedures once again for the public.

**OPEN TO THE PUBLIC (CONTINUED)** Bob Alpaugh of Dorset Farms asked what Sparta actually approved. Mayor Smith replied that they approved nothing, FERC does the approving. Riverbank made the application. Mr. Alpaugh asked if this project was brought before the Township Committee, do they have the authority to not let them proceed to FERC. Mayor Smith stated that Sparta approved Riverbank as their representative and as part of Riverbank's due diligence; they filed the application before FERC.

Attorney Semrau stated that the Township needs to know how this got started and based on some comments and information this evening, he asked the Township Committee to permit him to take a look at the litigation between Sparta and Mulvihill's corporation. He added that there is question as to whether or not that litigation has been concluded. He stated that it is not clear when this was authorized by Sparta. There is representation made by Sparta that there is a lease and he does not know what the basis would be at this point to lease a power station for a long period of time and he does not know where the public purpose comes from. The status of the litigation of the quarry, how there is a lease, what are the arrangements, who did authorize someone to make application are a few of the questions which would have to take place at public meetings. The first time Andover Township was made aware of this project was when served with the actual application. The Township Committee agreed to this direction.

Jesse Wolosky informed everyone that the purchase of this property was in August of 2007 but they stated it was purchased in November of 2007. They paid \$2.5 million, used some of the Open Space funds and bonded some. He added that Mr. Mulvihill owns about 200 acres next to this site. The property they purchased was part Sparta and part Lafayette. Attorney Semrau stated that this needs to be further investigated.

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

**RECESS CALLED AT 9:07 P.M.**

**MEETING RESUMED AT 9:22 P.M.**

**ORDINANCES: PUBLIC HEARING**

**#2009-04 TO AMEND CHAPTER 190 - ZONING, ARTICLE VII**  
**"PARKING AND LOADING REQUIREMENTS"**

***"AN ORDINANCE TO AMEND CHAPTER 190, ZONING, ARTICLE VII,  
PARKING AND LOADING REQUIREMENTS, SECTION 190-57,  
COMMERCIAL USES, PARAGRAPH A, OF GENERAL ORDINANCES  
OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE  
OF NEW JERSEY"***

Mayor Smith opened the public hearing. Hearing no comments, Mayor Smith closed the public hearing.

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 February 09, 2009, 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 Ms. Phoebus. Roll call vote:

Mr. Boyce - yes

Mr. Gilsenan - yes

Ms. Phoebus - yes

Mr. Walsh - yes

Mayor Smith - yes

**ORDINANCES: PUBLIC HEARING (CONTINUED)**

**#2009-05 TO AMEND BOND ORDINANCE #2005-17**

***"BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 2005-17 OF THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX, NEW JERSEY FINALLY ADOPTED JULY 27, 2005 IN ORDER TO AMEND THE DESCRIPTIONS OF THE PROJECTS"***

Mayor Smith opened the public hearing. Hearing no comments, Mayor Smith closed the public hearing.

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 February 09, 2009, 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 Ms. Phoebus. Roll call vote:

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

**ORDINANCES: INTRODUCTION**

**#2009-09 TO AMEND AND SUPPLEMENT CHAPTER 167, "TOWING AND STORAGE FEES SCHEDULE"**

***"AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 167, "TOWING AND STORAGE", SECTION 167-16, "TOWING AND STORAGE FEES SCHEDULE" OF THE REVISED GENERAL ORDINANCES***

**BE IT RESOLVED** by the Mayor and Committee of the Township of Andover, that Ordinance #2009-09, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on March 23, 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 | Mr. Walsh - yes    |
| Mayor Smith - yes |                    |

**#2009-10 TO AMEND THE REVISED GENERAL ORDINANCES BY THE CREATION OF A NEW CHAPTER 68, ENTITLED "DRIVEWAYS"**

***"AN ORDINANCE TO AMEND THE GENERAL ORDINANCES OF THE THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY, BY THE CREATION OF A NEW CHAPTER 68, ENTITLED "DRIVEWAYS"***

**BE IT RESOLVED** by the Mayor and Committee of the Township of Andover, that Ordinance #2009-10, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on April 13, 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 | Mr. Walsh - yes    |
| Mayor Smith - yes |                    |

**ORDINANCES: INTRODUCTION (CONTINUED)**

**#2009-11 TO AMEND CHAPTER 74, LAND USE PROCEDURES, SECTION 74-56; SECTION 74-57, CHAPTER 136, SECTION 136-11; CHAPTER 140, , SECTION 140-11, CHAPTER 155 SECTION 155-2, SECTION 155-3, CHAPTER 159 ,SECTION 159.8 SECTION 159-10 CHAPTER 190 ZONING, SECTION 190-28**

**"AN ORDINANCE TO AMEND CHAPTER 74, LAND USE PROCEDURES, SECTION 74-56, PROFESSIONAL REVIEW AND EXPERT WITNESS FEES AND SECTION 74-57, FEE SCHEDULE; CHAPTER 136, SOIL EROSION, SECTION 136-11, FEES, CHAPTER 140, SOIL REMOVAL, SECTION 140-11, APPLICATION AND INSPECTION FEES; CHAPTER 155, STREETS AND SIDEWALKS, SECTION 155-2, APPLICATION DEPOSIT AND FEE, AND SECTION 155-3, AMOUNT OF DEPOSIT; CHAPTER 159, SUBDIVISION OF LAND, SECTION 159.8 SUBMISSION OF PLAT AND APPLICATION, MAJOR SUBDIVISION, APPROVAL, AND SECTION 159-10, SUBMISSION OF FINAL PLAT OF MAJOR SUBDIVISION; AND CHAPTER 190, ZONING, SECTION 190-28, PEAT HARVESTING OPERATIONS, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY"**

**BE IT RESOLVED** by the Mayor and Committee of the Township of Andover, that Ordinance #2009-11, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on April 13, 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 | Mr. Walsh - yes    |
| Mayor Smith - yes |                    |

**#2009-12 TO PROVIDE FOR VARIOUS ROAD IMPROVEMENTS, OVERLAYS & EQUIPMENT AND TO PROVIDE FOR THE FUNDING THEREOF**

**"AN ORDINANCE TO PROVIDE FOR VARIOUS IMPROVEMENTS TO STICKLES POND ROAD AND ROAD IMPROVEMENTS & OVERLAYS FOR THE TOWNSHIP OF ANDOVER AND TO PROVIDE FOR THE FUNDING THEREOF"**

**BE IT RESOLVED** by the Mayor and Committee of the Township of Andover, that Ordinance #2009-12, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on March 23, 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 | Mr. Walsh - yes    |
| Mayor Smith - yes |                    |



**RESOLUTIONS****#R2009-61 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY ENDORSING THE FINDINGS OF THE TOWNSHIP ENGINEER REGARDING THE PERFORMANCE OF IMPROVEMENTS AT THE HIGHLAND FARMS AT ANDOVER SUBDIVISION, BLOCK 118, LOT 3**

Mr. Boyce moved to adopt the foregoing resolution as presented, seconded by Ms. Phoebus and carried unanimously.

(See Insert Attached to These Minutes)

**#R2009-62 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY SUPPORTING START EAGLE DEVELOPMENT CORP.'S APPLICATION FOR OBTAINING FUNDS FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS, NEIGHBORHOOD PRESERVATION BALANCED HOUSING PROGRAM FOR THE PURPOSE OF DEVELOPING 8 UNITS OF AFFORDABLE HOUSING ON MULFORD ROAD, BLOCK 117, LOT 33**

Mayor Smith asked that the foregoing Resolution be tabled at this time. Mr. Walsh moved to table, seconded by Mr. Gilsenan and carried unanimously.

**NEW BUSINESS****POSSIBLE CREATION OF PERSONNEL COMMITTEE**

Mayor Smith stated that in the past the Township had such a committee, protocol and process for handling various personnel issues. He asked for discussion as to whether or not we should do the same. Mayor Smith stated this committee would be used in situations where any personnel reached a point where they were not satisfied with the resolution as presented to the administrator, they would then reach out to the personnel committee. Currently, after meeting with the administrator, the next level would be to come before the Township Committee. Mr. Walsh stated that in his years there has always been a personnel committee. He had that the personnel committee is also instrumental in adopting and keeping current the policy and procedures manual. With that said Mr. Walsh recommended that this personnel committee be reinstated. Ms. Phoebus and Mr. Gilsenan all agreed.

Following further discussion it was decided that Mr. Boyce and Mayor Smith serve on this committee. Mayor Smith stated that if an individual had an issue they would see their immediate supervisor. If not satisfied they would see the administrator. If still dissatisfied, they would ask to see the personnel committee. There was discussion as to whether or not the administrator should sit on this committee. It was decided that Mr. Boyce and Mayor Smith will discuss this option, make a recommendation and bring it back to the Township Committee.

Attorney Semrau added that employees under a collective bargaining unit, this procedure would not necessarily apply. This procedure is for all non-contractual employees.

**OLD BUSINESS*****DISCUSSION RE PROPOSED ORDINANCE #2009-08 TO VACATE A PORTION OF THE PAPER STREETS KNOWN AS SQUIRREL ROAD AND WOODLAND DRIVE, ADJACENT TO BLOCK 90, LOT 1, BLOCK 91, LOTS 3 AND 4 AND BLOCK 92, LOTS 1 AND 4 ON THE TAX MAP, SHEET NO. 42 OF THE TOWNSHIP OF ANDOVER***

Administrator Alfano asked if this matter be tabled until the next meeting due to the fact that Engineer Golden has issues with this request. She stated she had asked him to be present and he was unavailable this evening. Mayor Smith asked Ms. Alfano to direct Engineer Golden to prepare a written document outlining his issues. Mr. Walsh suggested that we make certain the requested escrow fees have been received before anything more is done on this matter.

***PSE & G COALITION DISCUSSION*** Attorney Semrau explained that the PSE&G application is before the Board of Public Utilities and at this point until April 1<sup>st</sup> if any parties that are interested in taking part in this process can file a Motion to Intervene. He stated this matter was discussed in Executive Session and it is his recommendation that the Township may want to that this action. At a minimum this action gives the township a voice and an opportunity to be heard if any issues come up. He added that it is his understanding that Public Service will not oppose a municipality who seeks to intervene.

Mayor Smith stated that we have also joined the Coalition of Concerned Municipalities and it seems we are fighting this on two different fronts. He added that it may appear to be somewhat of duplication but under the circumstances it may be a wise move by exercising all options. Attorney Semrau stated that if overlap was found than he would come back to the Township Committee for direction as to which effort should be vacated.

Mr. Walsh moved and Ms. Phoebus seconded the motion to direct Attorney Semrau to proceed with filing a Motion to Intervene in the PSE&G matter before the Board of Public Utilities. The motion carried unanimously.

**OTHER BUSINESS*****APPROVAL OF OFF PREMISE 50/50 RAFFLE - R. L. 857 - OUR LADY OF CONSOLATION CHURCH - TO BE HELD ON MAY 14, 2009 AT FARMSTEAD GOLF AND COUNTRY CLUB AT 8:00 PM.***

Mr. Walsh moved to approve the foregoing raffle license application, seconded by Mr. Boyce. Roll call vote:

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

Mr. Gilsenan - yes  
Mr. Walsh - yes

**COMMITTEE REPORTS:**

**MR. GILSENAN.** He reported that he attended the Highlands Council meeting on February 26<sup>th</sup> where PSE&G gave a presentation on the new proposed power lines. He stated that the entire project is being driven by the Federal government because of the massive power grid blackout in mid-western United States and Ontario in 2003. NERC was given the authority over the power grid and their mission is to ensure the reliability of the bulk power system in North America. The power grid in New Jersey has to meet certain mandatory standards and since New Jersey's grid was built in 1927, the grid failed many of these tests.

**COMMITTEE REPORTS: (CONTINUED)**

**MR. GILSENAN.** He recommended that they consider running these lines along super highways as they do in many states. He stated he questioned PSE&G on the situation at Aeroflex in reference to the new power lines being placed in the flight path. Their response was that the FAA application has not yet been filed.

He then reported on the Environmental Commission stating that they approved the Tree and Shrub Summaries for the Native Plant Project. The subcommittee will review the herbaceous plants list and report back to Diane Gillespie at the next meeting. At the project's conclusion the Commission will post of list on the Township's website. Mr. Gilsenan also stated there was extensive discussion regarding the Sparta Pumped Storage Facility including a report made to the Township Committee on February 23<sup>rd</sup> by the Commission's Chair. The Commission reviewed its final report and approved that it be forwarded to the Township Committee. Members voiced their concerns over health and safety issues, as well disruption to their properties by proposed transmission lines.

Mr. Gilsenan then announced that the petitions for a Andover Township Post Office needs additional information before it can be distributed. The coordinated date for collection will be Tuesday, May 26, 2009 will be added and they will ready for distribution after the next township committee meeting.

**MS. PHOEBUS.** She began her report by commending the Fire Department and especially ex-Chief Eric Danielson for getting the grant. She then thanked them all for the fabulous job they do for Andover Township.

Ms. Phoebus then provided a COAH update advising that Andover Township's plan was deemed complete by the State. She reported this evening the COAH Committee held a meeting with Homeless Solutions. The plans for St. Paul's Abbey are moving along and hopefully completed by November.

**MR. BOYCE.** He reported that he and Lois de Vries have a meeting scheduled with the School Board President on March 19<sup>th</sup> to talk about Open Space and how the schools would like to participate.

**MR. WALSH.** He reported the Recreation meeting is scheduled for March 10<sup>th</sup> which he would like to skip in order to go to the Sparta Township Council meeting. He stated there was an issue with the skating rink over the weekend. People jumped the fence the gate was locked. There was skating on the new surface and damaged the surface. They will continue to lock it until April 1<sup>st</sup>. The claim will be presented to JIF. The Recreation Committee will discuss a proper use schedule for the rink. He then reported that he will be negotiating with St. Paul's Abbey for the use of additional athletic fields. A draft agreement will be presented to them for consideration.

Mr. Walsh then reported that the budget should be ready for introduction at the next meeting. Governor Corzine will be announcing the State Budget tomorrow. Because of the very tight budget, Andover Township will be cancelled this year.

**MAYOR SMITH.** He reported that the Seniors will meet again next week.

He participated in the Read Across America Program at the school and read the Cat in the Hat to the first graders.

**REPORT FROM THE TOWNSHIP ADMINISTRATOR** She asked the Township Committee to discuss the Open Space Tax and whether or not it should be suspended for one year because of the economic times. If this was done it would save the budget one point. Some municipalities and the County have been struggling with this option in order to keep taxes down. She stated that in the packets they will find information from Dan Freed, Open Space Chair who is requesting that this tax not be suspended. Following a short discussion it was decided to continue this conversation at the next meeting.

**REPORT FROM THE TOWNSHIP ADMINISTRATOR (CONTINUED)** Ms. Alfano then reported that the other budget issue is Ballantine Road. She stated that Engineer Golden provided a proposal of about \$40,000 for drainage improvements. She asked if it is still the intention of the governing body to move forward on this item. Mr. Walsh stated that this funding is not included in the budget at this time. Mayor Smith stated that the Developer's Agreement is contingent on what action the Township is going to take on this roadway.

**REPORT FROM THE TOWNSHIP ATTORNEY** He asked if the Ray's Inn matter be listed for the next Executive Session agenda. With respect to the two professionals appointed this evening, he explained that Attorney Friedman is the individual who opposed a project in Rockaway Township about 10 years ago and Mr. Mulhall has a familiarity with Andover Township understanding the issues.

**EXECUTIVE SESSION:** On a motion by Ms. Phoebus, seconded by Mr. Walsh, the resolution to go into executive session to discuss the following with no action to be taken.

**Potential Litigation**

1. *Al Roberts - Wall Removal*
3. *Hudson Farms*, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 10:02 P.M. Mr. Walsh moved to adjourn executive session at 10:29 P.M., seconded by Ms. Phoebus and carried unanimously.

**REGULAR MEETING RESUMED**

**NEXT SCHEDULED MEETINGS:**

**Monday, March 23, 2009**  
**Monday, April 13, 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 10:29 P.M., seconded by Ms. Phoebus and carried unanimously.

Respectfully submitted,

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**Robert O. Smith, Mayor**

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