

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

**BOB SMITH, MAYOR
GAIL PHOEBUS, DEPUTY MAYOR
PHIL BOYCE
MICHAEL LENSAK
THOMAS WALSH**

NOVEMBER 09, 2009

6:30 P.M.

REGULAR MEETING BEGINS AT 7:30 P.M.

The regular meeting of the Andover Township Committee was called to order at 6:33 P.M. by Mayor Smith, followed by a salute to the flag.

ROLL CALL: Present: Mr. Boyce, Mr. Lensak (arrived at 6:44)
Mr. Walsh, Ms. Phoebus, Mayor Smith
Also present: Attorney Semrau

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

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

Personnel Matters:

Contract Negotiations:

1. ***St. Paul's Abbey - Agreement Extension***
2. ***Old Creamery Road Negotiations***

Attorney-Client Privilege:

1. ***Tax Appeals***

Attorney Semrau will provide a status report regarding the three pending tax appeals.

2. ***Personnel Legal Research***

Potential Litigation

Pending Litigation

, was carried unanimously.
(See Insert Attached to These Minutes)

The Committee went into executive session at 6:33 P.M. Mr. Walsh moved to adjourn executive session at 7:16 P.M., seconded by Mr. Boyce and carried unanimously.

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

Personnel Matters:

1. ***Court Hours & Scheduling***

The Committee went into executive session at 7:17 P.M. Ms. Phoebus moved to adjourn executive session at 7:29 P.M., seconded by Mr. Walsh and carried unanimously.

Attorney Semrau explained the Township Committee discussed the St. Paul's Abbey agreement in which there is a due diligence. The Township is seeking additional time from the Abbey in order to complete more investigation relevant to the property. There was also a COAH meeting earlier this evening to discuss the fact that there are a number of tasks that would be necessary to make sure what the costs would be for the project.

There was also discussion relevant to the Old Creamery property which is subject to a tax foreclosure and the status of the foreclosure. There was also discussion regarding a request by PSE&G to access the property. There will be action to that respect at the next meeting.

There was discussion regarding the pending tax appeals against the Township, issues regarding the potential hiring of experts and an update to the Township Committee as to the status of that matter. He also mentioned discussion regarding a question raised for legal research for personnel. Attorney Semrau stated that the Township Committee went back into Executive Session to discuss Court hours and various legal issues pertaining to the establishment of court hours.

REGULAR MEETING

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

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

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Insert Attached to These Minutes)

ACCEPTANCE OF TAX COLLECTOR'S OCTOBER REPORT - \$1,576,811.54

***RESOLUTIONS:**

#R2009-176 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ACCEPTANCE OF THE 2009 FEDERAL RECREATIONAL TRAILS PROGRAM GRANT IN THE AMOUNT OF \$25,000

#R2009-177 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY APPROVING OF LAKELAND EMERGENCY SQUAD TO RECEIVE FINANCIAL ASSISTANCE FROM THE COUNTY OF SUSSEX AS PER THE CERTIFICATION FOR RESCUE SQUAD CONTRIBUTION ATTACHED HERETO

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

#R2009-178 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE NON-UNION EMPLOYEES TO USE THE ELECTION DAY FLOATING HOLIDAY ON THURSDAY, DECEMBER 24, 2009 AS THE OFFICIAL HOLIDAY AND AUTHORIZE THE CLOSING OF THE MUNICIPAL BUILDING

#R2009-179 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WITH REGARD TO THE 2009 BUDGET APPROPRIATION TRANSFER - \$17,005.55

#R2009-180 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY AWARDING THE CONTRACT FOR VARIOUS DRAINAGE IMPROVEMENTS ON MOUNTAINSIDE DRIVE TO MITSCHLE EXCAVATING

#R2009-181 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY AWARDING THE CONTRACT FOR INSTALLATION OF A STANDPIPE AT HILLSIDE PARK TO WILLIAM WROBLESKI, LLC

(See Inserts Attached to These Minutes)

***APPROVAL OF MINUTES**

OCTOBER 26, 2009 REGULAR MEETING

REPORT FROM THE FIRE CHIEF Chief Garrigan reported for the month of October there were five activated fire alarms, one special firematic drill, three fundraising drills, two regular monthly drills, two assist for EMS, one regular monthly meeting, four motor vehicle accidents, one memorial parade participation, one search for lost individual, four power lines down for a total of 24 calls and 245 man hours. Year to date totals are 63 calls and 4,236.2 man hours. He then reported on the Rib Fest and its success. The department also did fire prevention at the Lutheran Redeemer School and FMB School. One fire fighter graduated from Firefighter Two Academy.

REPORT FROM THE RESCUE SQUAD CHIEF Captain Allenspach reported on the Chief's behalf stating for the month of October there 88 total calls, 44 in Andover Township, 31 in Byram, four in Andover Borough and nine mutual aid calls. There was one fly out for a total of 256 hours and nine minutes and traveled 2,089 miles. Year to date totals are 966 calls, 395 in Andover Township and 3,154 hours and 20,000 miles traveled.

REPORT FROM THE CHIEF OF POLICE Chief Coleman reported to date dispatch has handled 13,693 calls. He stated there was mandatory training for domestic violence which is done annually. Each officer is trained. He remarked that the CADD system is operating fully and he thanked Detective Danielson for the implementation of this system. He installed the hardware and software and also provided the training setup. He added that he is a great asset. The CADD system is now operable from the patrol cars. Mayor Smith asked for the department's reaction to the new system. Chief Coleman stated they like it.

He then mentioned a series of burglaries in the township and there was a press release that there were two residences broken into and in a short period of time the officers were able to obtain information that led to arrests and recovery to about 90% of what was stolen. A handgun was also recovered. He applauded the Detective Bureau for their efforts. Mayor Smith stated he understands the new CADD system will replace the current reporting system. Chief Coleman stated that are still in a transition phase of gathering of the reports. All the old information will be tallied through the new system. He added that the old report will continue for a short while and then they will implement the new one and do a comparison. Mayor Smith noticed a dramatic decline in criminal activity. Chief Coleman can't attribute this to anything he can think of.

**REPORT FROM THE ECONOMIC DEVELOPMENT
ADVISORY COMMITTEE CHAIR**

Chair Rick Melfi reported from their last meeting. He mentioned the work being done at the former D'Angelo's Farms location. Lentini's plans are to open in the Spring with a Farmer's Market styled after Beringer's Farms outside of Hackettstown. He referenced new business coming into town along Newton-Sparta Road. He stated that the Committee decided to make a request for a proposal for setting up a website which would be linked to the Township's site. This website would be used to highlight features and support new businesses. There would also be a spot for local businesses to communicate with other businesses.

Chair Melfi also stated that the Committee is looking to host a Chamber Breakfast at Perona Farms using March as a tentative date. At that time they could then show the Chamber what is going on with the Advisory Committee with Andover Township businesses.

He then stated that the Committee continues to support the Ordinance change to the north side of Newton-Sparta Road to include retail business use. He asked that the Committee be involved in this process at the beginning of the year. He also stated that will bring other business owners to the Worksession in order to show their support of this Ordinance change.

Chair Melfi stated the Committee is in the process of bringing ideas to the Township Committee for proposals for one or more economic development zones to be identified within the Township. These zones would allow for new or existing businesses to come into planned commercial zones. They will look to see what they could recommend for incentives in order to concentrate in these zones.

They will also look into the area slated for the new light rail station which will hook Andover Township to New York City. They will look to that area to determine what businesses would be a good fit by the station. It will be a smaller scale of the one in Mt. Arlington. Even though the economy is still struggling it looks like there is some resurgence in small business and Andover Township is open for business.

Mr. Boyce then spoke about another large ratable of \$7 million for Hardyston Township. He asked Mr. Melfi if Andover Township had a chance to pitch this municipality as a possible location. Mr. Melfi replied we didn't have a chance because this ratable was part of their Town Center. Mr. Melfi added that much of this has to be done at the County level with the Chamber of Commerce. Now that there is open dialogue with them we have better opportunities in the future.

REPORT FROM THE ECONOMIC DEVELOPMENT**ADVISORY COMMITTEE CHAIR (CONTINUED)**

Mayor Smith mentioned Sparta's new website with regard to Economic Development. Mr. Melfi stated that he has seen it and they will model Andover's on this one. Mayor Smith spoke about the rental signs at Cumberland Farms. Mr. Melfi stated at one point they were not looking at leasing out those locations and now they are available. He stated the Economic Development Advisory Committee will be looking to do what they can to fill those spaces. Mr. Melfi also mentioned that some of our possibilities are also making their way into Andover Borough.

MAYORAL APPOINTMENTS**ENVIRONMENTAL COMMISSION****REASSIGNMENT OF KATHRYN RICHARDSON FROM ALTERNATE NO.1
TO ALTERNATE NO. 2 - TERM TO EXPIRE 12/31/2010**

Mayor Smith made the foregoing appointment change for the record.

REGULAR AGENDA**OPEN TO THE PUBLIC**

Stan Christodoulos of 6 Wisteria Road remarked that last meeting the Committee requested a Joint meeting with the Land Use Board which is on their agenda for tomorrow evening for discussion. He stated he needs to know the purpose of this meeting. Mr. Walsh stated most of the reason has to do with budgeting, some to do with the Master Plan with regard to how much more funding is required to complete this task. He also mentioned how much money would be necessary for the required Ordinances that would follow the Master Plan. Mr. Christodoulos asked with regard to the tabled bills, is there is a question as to where these invoices should be charged. Mr. Walsh replied there is no question as to where they should be charged.

Mr. Christodoulos stated the Master Plan is exclusively the province of the Planning Board and discussion with the Township Committee regarding this matter would be highly inappropriate. Mr. Walsh replied that is not true. Mr. Christodoulos argued that the Planning Board exclusively authorizes and exercises power with regard to the adoption of the Master Plan. Mr. Walsh stated he does not disagree with that statement but the funding is under the province of the Township Committee. Mr. Walsh stated the Township Committee has the right to ensure that the funds are being responsibly spent.

Mr. Christodoulos stated that the responsibility of the Planning Board is to stay within the limits of two contracts with Banisch Associates and as long as we are within those contracts the Township Committee has no say in the matter. There was then discussion regarding what contracts may be pending with the Township and Banisch Associates. Ms. Phoebus then spoke about her research of this matter with the Chief Financial Officer. In addition to reviewing the contracts they also researched the amount of money budgeted and spent on the Master Plan project.

Attorney Semrau stated that if the Township Committee wants to ask questions about the finances and budgeting that is within their purview. He then stated he was under the impression there was a contract with the Planner in 2006 to complete the Master Plan.

OPEN TO THE PUBLIC (CONTINUED) Attorney Semrau stated Mr. McGroarty has done a wonderful job for the Township and he has been extremely concerned about the fact that has been a lot of questions regarding his bills. He then recollected the Committee asking that when there is a draft of the Master Plan and before it is adopted, they asked for someone to come and present this plan to the Township Committee.

Following this discussion it was decided that a copy of the contract will be provided to all members of the Township Committee. Ms. Phoebus then explained what was explained to her by the Chief Financial Officer regarding the budgeting of the Master Plan.

Mr. Boyce asked who is on the Master Plan Committee. Mr. Christodlous stated the Planning Board Attorney, Mayor Smith, the Special Planner and himself. Mr. Lensak stated that according to the Master Plan make up there is no provision for an attorney to be part of this subcommittee. Mr. Lensak remarked to Mr. Christodlous that he agrees Banisch is a good company. Mr. Lensak then read into the record information he found regarding steps to a Master Plan review in which he mentioned public review is required in order for municipalities to incorporate citizens input into planning for the community. He asked Mr. Christodlous how many citizens are on the Master Plan subcommittee. Mr. Christodlous explained that the public planning is for the public meeting that will be held. Mr. Lensak said this article says public input should be part of the subcommittee. Mr. Christodlous disagreed. Following a dialogue of disagreement, Mayor Smith suggested that this conversation should be addressed at a Joint meeting with the Land Use Board. Mr. Christodlous stated the issue of having a Joint Meeting will be discussed at tomorrow's Land Use Board meeting and they will decide.

Mr. Walsh explained that first of all we need to make sure the funding is available. He added that they also want to make sure we can afford in the coming year the required ordinances following the Master Plan amendments. Mr. Walsh asked for some idea of how many and what type of ordinances can be expected in order to properly budget for 2010. Mr. Christodlous stated he and no one on the Land Use Board knows how many ordinances are necessary but Planner McGroarty may know. He agrees it is an important point but doesn't feel it is a topic for discussion at a Joint Meeting. Ms. Phoebus suggested we review the contract because there seems to be misinformation that either she received or a problem with the contract. Mayor Smith stated it was agreed that everyone would like to see a copy of the contract.

Attorney Semrau suggested that at that Joint meeting, in order to answer the financial questions perhaps the CFO should be present. There have been a great deal of adjustments made that we have all reviewed. There was no objection. Mr. Christodlous added that he felt the Master Plan Committee is not that far along and he doesn't know at this time what the zoning changes would be. He will ask Attorney Germinario if he has any idea regarding the ordinances involved in the amendment. He added that he doesn't believe it will happen this year because the Planner doesn't want to continue to work on this plan. Mr. Christodlous stated that he believes this is an interference of the Master Plan process.

Lois de Vries proceeded to explain the Master Plan process to the Township Committee referring to the conglomeration of chapters which are referred to as elements and each addresses a certain aspect of the overall Master Plan. She then provided examples, referring to the NRI and its public input, and the Open Space Plan and its public input to name a few. She stated there has been public input all along the way. She stated it is up to the Land Use Board to give direction to the Special Planner to develop that information for presentation for the Land Use Board and ultimately for the public hearings. At the end of the process after making whatever modifications necessary, the Master Plan is then adopted by the Land Use Board and presented to the Township Committee.

OPEN TO THE PUBLIC (CONTINUED) Rick Melfi, 6 Park View Road asked how long has the Master Plan process been working. Ms. Phoebus replied it has been worked on since June 2006. Attorney Semrau stated that quite a bit of the Master Plan was deferred until the Third Round COAH obligation was addressed. He also stated that the Master Plan is something that is statutorily required to be updated every six years. The last plan was in 2005 so the deadline is 2011. Mr. Melfi asked how much has been spent on this Plan thus far. Mayor Smith suggested he come to the Joint Meeting in order to receive this information because no one here could answer that at this time. Mr. Walsh agreed that no one has full knowledge of the exact amount at this time.

Mr. Boyce stated to Mr. Melfi what he is asking are good questions and it is why we are trying to get a handle on this situation. Mr. Christodlous argued that there is a number and he could provide it in the morning. Mr. Walsh stated there seems to be some misunderstandings within the Finance Office regarding how much it actually is.

Ms. de Vries remarked that Attorney Semrau stated that last Master Plan was done in 2005 and she said that was not correct, the last full plan adopted was in 1989. Attorney Semrau stated the last Land Use Plan Element was adopted in 2005. The other reports aren't necessarily updated routinely with the Plan. Some Elements aren't as distinctive as the others and take some time to address.

Seeing no further comments, Mayor Smith closed the public portion of the meeting.

NEW BUSINESS

CONSIDERATION OF MONTHLY TOWNSHIP COMMITTEE MEETINGS FOR 2010

Mayor Smith asked to hear from the Township Committee with thoughts concerning revision of next year's meeting schedule to one meeting per month. There is a savings to do this. Following a short discussion, Clerk Thompson was directed to conduct a survey of the County to determine from each municipality, how many meetings they have per month, per year. This matter was tabled until the next meeting.

OTHER BUSINESS

APPROVAL FOR RELEASE OF SOIL EROSION & SEDIMENT CONTROL CASH BOND FOR IAN KUNESCH AT BLOCK 73/LOT 6.01 IN THE AMOUNT OF \$3,000 - ESCROW #T-13-56-717-184

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

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

COMMITTEE REPORTS:

MR. LENSAK. He began by commending Ms. Phoebus for her phenomenal job achieving COAH Substantive Certification.

He then reported on receipt of a check from the State with regard to the recycling grant in the amount of \$13,904.32. He stated we have 47% of our tonnage going to recycling. He mentioned some municipalities who are in the 70 percent ratio.

Reporting on Stop the Lines, there is a great video available at www.opposethetowers.com. There is a link to a letter that will be sent to the governor. He urged everyone to hit the link and send a notice in hopes he will do the right thing.

He reported on the Environmental Commission, stating there was a notice in the paper saying that this Committee is not responsive to the environment. He stated he sent an email to the Commission, referencing specifically the Carbonate Rock Ordinance, saying he would like a side by side comparison because there is such an Ordinance on both the State and County levels. He stated he received no response to his request. Following receipt of this comparison he feels the Township Committee would be better suited to say if the expense is warranted or perhaps such a robust ordinance may not be necessary. Mayor Smith requested that the Environmental Commission response to this email and provide the information requested.

MS. PHOEBUS. She stated that she will be going to the League Conference in Atlantic City and she will be paying her own way. She said she likes to go in order to keep current on the Affordable Housing component and they do have many seminars on this topic.

She then reported on the County Planning Board meeting in which she sits as an Alternate member. On this particular application regarding Cambridge Paving she was recused and sat in the audience. Attorney Semrau stated she can report on this matter. She stated the County Planning Board has some issues with that being a county road and the amount of traffic of trucks. Their biggest issue is trucks getting up to speed. Cambridge assured the County they have no contracts where these trucks would be coming on Limecrest towards Newton-Sparta Road. All their contracts at this point will be going towards Route 15. They also informed the County that there is approximately during peak times, one truck for every four minutes. Cambridge also informed the County they are not sure if the aggregate will necessarily come from limestone. They have to have a certain type of granite which has to be a certain color for their product. Some may need to be shipped in. The Susquehanna Rail Line option will not work because there is too much wetlands so they can't connect at this location.

The County felt they needed more information so they wanted to be able to walk the site where the two entrances would be. They will meet again after this inspection the first meeting in December.

She reported on the successful Rib Fest dinner hosted by the Fire Department.

Ms. Phoebus provided a COAH update and she commented that one of the reasons this Master Plan has taken so long is because we needed to address COAH's Round I and Round II before finalizing the Master Plan. The due diligence is moving along with St. Paul's Abbey, remarking that they have met with one non-profit. She then stated we will need to go out with another RFP, fine tuning it in order to generate more interest.

COMMITTEE REPORTS: (CONTINUED)

MR. BOYCE. He announced that he will not be able to attend the December 14th meeting and he asked if the Township Committee would consider cancelling it.

He spoke about Elizabethtown Gas Company laying pipe on Limecrest Road and he felt that adequate notice was not given to the residents that this would be taking place. Apparently they are laying a gas pipe from here to Hackettstown. Mayor Smith stated he will cover this issue in his report.

M. Boyce then spoke about ratables. He stated that looking at the 2010 budget has him very concerned. He stated some expenses we have control over and some we do not and we are doing the best job we can in managing those expenses. He then spoke about revenue and we have some control over that but not very much. There is revenue coming in from the State, ratables and property taxes.

He stated ratables are something we do have some control over. He stated he spoke with Tax Collector Cashin in order to obtain information regarding ratables. He stated that a piece of property is a ratable whether there is a thriving business on it or not. Every piece of property, unless owned by a public entity is a ratable but it is not rated the same as a piece of property that has a viable business on it. He obtained specific examples of businesses over the past several years that have built on certain pieces of property. He read that 269 Newton-Sparta Road, formally the Cork N Bottle paid taxes of \$8,479. As Casa Bellissima it became \$12,855. 69 Stickles Pond Road, Thor Labs new construction. As vacant land it was being assessed at \$2,559. Once it became a viable business taxes increased to \$20,445. 31 Newton-Sparta Road, former Mesa Luna restaurant which burned down, the property became a \$6,579 ratable as vacant land. Now, with an office building taxes are now \$22,405. Then he spoke about First Hope Bank and as vacant land taxes were \$8,314. and today it is \$56,558. Adding these four properties together the total tax increase is \$86,000 because these properties chose to build and develop in Andover Township.

He stated he appreciates so much what Rick Melfi and his Economic Development Committee is doing in trying to make this municipality business friendly. He added that we have to look everywhere we can to bring revenue into the town. He stated it will be a tough budget year but we will do everything we can and we are already doing some things that are intelligent to find cost savings. Mr. Boyce commented that these revenues can assist in paying salaries for some of our employees. Mayor Smith remarked to this comment by saying that only 25% of that tax dollar comes to the municipality and of that 25% only a small percentage goes towards salaries. Mr. Boyce argued that the statement was not misleading because if we don't have taxes how do we pay salaries. Mayor Smith reiterated that only 25% of that comes to the municipal budget and a piece of that goes to salaries. Mr. Boyce then stated of the \$86,000 increase in taxes, 25% of that comes to the municipality and helps pay for the salaries.

MR. WALSH. He stated the Recreation Committee meeting is tomorrow night, but the Teen Dance is scheduled for November 13th at the Barn, the New York City Bus Trip is December 5th, the Children's' Holiday Party is December 6th and the Adult Holiday Party is December 11th at the Barn. There is nothing to report from the Board of Health but there are some Eagle Scout candidates working at the police station around the flag pole. There are three more candidates who will be doing three indoor projects this winter in order to spruce up some of the buildings around town.

With regard to the Finance Committee he thanked Mr. Lensak who gave him a call, took the time and found out what we are doing with our bank investments. He found much better rates at a different bank and by doing so will make Andover Township an extra \$25,000 this year in interest.

COMMITTEE REPORTS: (CONTINUED)

MR. WALSH. Mr. Lensak explained he met with CFO Day with regard to what appeared to be missing payments with the cell phone towers leases. We should receive \$190,000 but only received \$162,000, a difference of \$28,000. Following a review of the contracts this issue was rectified. While in this meeting he found out the Township had an average account balance of \$4.4 million and receiving only 0.5% interest on that money. He stated he literally walked across the street and spoke with First Hope Bank and they guaranteed the Township a minimum of 1.05% on that \$4.4 million which equates to about \$24,000 difference. They will also give us the ability to have checks scanned for deposits as opposed to physically deposit same in the account. They will be doing payroll as well. Mr. Lensak added that 100% of that money does stay in the municipality.

MAYOR SMITH. He reported on Elizabethtown Gas stating they did come to us several months ago saying their intention of extending the pipeline. He said most of this is on the County road and so it is more of a courtesy when they advise us of what is happening. However, he mentioned he was disappointed there was no advance notice before the major construction. He stated he called them in an attempt to obtain the details of the construction. The pipeline will pick up at Mulford and O'Brien and down Limecrest Road. It will continue all the way south to and through the Borough and to Hackettstown. The purpose is to increase their services to the existing customers and allows new customers to hook up to the utility. The project will take about 60 working days but that is dependent on the weather. The trench will run along the east side of Limecrest Road and it will be 2 feet wide by four feet deep. Property owners will be informed when they approach because their driveway will be closed for a maximum of one day. The police activity is paid for by Elizabethtown Gas as an Off Duty Contract.

There is going to be a helicopter flyover by JCP&L. They will be doing some observations. They have begun and will continue through the end of November. They are inspecting their lines.

Oppose the Towers website is available and he stressed everyone to view the video because it does drive the point home. Mayor Smith added it gives information on how to comment to the State. The comment period does end on November 16. He asked everyone to participate before that time because this is the last opportunity.

The Township Clerk/Interim Administrator was an honored guest at the launching of the new ship USS New York and we look forward to her comments on this experience.

As Mr. Walsh mentioned, the Teen Dance is this Friday the 13th. Mayor Smith added that the Cub Scouts are hosting a Pasta Dinner on November 14th from 4:30 to 7:30 at the Firehouse on Limecrest Road. It is \$8.00 for adults and children under 12 is \$5.00 with takeouts available.

He then mentioned that Wednesday is Veterans' Day and once called Armistice Day celebrating the ending of hostilities in World War I. Mayor Smith stated Applebee's is giving a special offer to Veterans giving everyone a free entrée on Wednesday. He stated he will take advantage of this offer and every Veteran should do the same.

REPORT FROM THE CLERK/INTERIM ADMINISTRATOR She reported that at the last meeting Alex Dunlop came before the Township Committee with his mother concerned about his roadway vacation and his ability to keep his horse on his property.

REPORT FROM THE CLERK/INTERIM ADMINISTRATOR (CONTINUED) She stated she met with Mrs. Dunlop the morning after the last meeting and spoke about an hour reviewing the punch list that Attorney Semrau stated there was giving reasons why the road vacation has not yet been done.

There were items on the punch list that need to be address, one of the items being a land survey. Her greatest concern was if the horse was removed from the property could it return once the variance was granted by the Land Use Board. In speaking with Construction Official Cutler he assured her in writing that the horse could return if and when the road vacation and variance were granted. The horse is currently safely boarded at another location until the issues are remedied.

On December 14th there will be a public hearing with regard to the Service Electric Cable Television Franchise renewal. Copies of the application are available in the Clerk's office for review by the public.

REPORT FROM THE MUNICIPAL ATTORNEY He reported that the Township closed on the Lake Iliff acquisition last Thursday and the purpose is to provide access for the Township and its residents to Lake Iliff for potential fishing and a dock, canoeing and kayaking. The closing took two years because a number of sources assisted in the process. The Township adopted its Open Space Trust Fund in 2006 and that assisted in creating an Open Space Committee. The Township Committee adopted a resolution to acquire this property based on that recommendation. The Morris Land Conservancy offered to contribute funds to this acquisition and then the Land Conservancy found additional monies from the County of Sussex, who found additional money from the State of New Jersey. He added that this acquisition was for \$68,000 and realized in the end the Township did not have to fund any money in this transaction. A press release was drafted and copies will be made available to the public.

With respect to Ray's Inn there was a conference call with Judge Karisegi from the Office of Administrative Law and he set a court date to their challenge to the conditions imposed for the Township for October 2010. The license is now inactive and the Ray's Inn attorney indicated that he wasn't sure where they will be at that time relevant to other pending charges. There may be dramatic changes before we reach trial.

Obchinetz vs. Maple Shade, etal is a case where an individual was arrested for public intoxication and received a nominal charge from the Court challenged the fact that public intoxication is declared by legislature as a disease and something that you should not be penalized for. His attorney started a Class Action Suit and Andover Township was named because this ordinance is active on the books. The Township submitted its discovery with the help of the Clerk and Court Administrator and last Thursday a Federal District Court Judge threw out the case because it is not a Federal issue. It's one that may someday find its way in State Court.

Related to COAH, Attorney Semrau mentioned earlier he had a conversation with Planner McGroarty and Planner McGroarty had asked him and Deputy Mayor Phoebus with respect to his task for COAH items that he would have direction from either of them to work on various projects. All agreed.

NEXT SCHEDULED MEETINGS: **November 23, 2009**
 December 14, 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 9:02 P.M., seconded by Mr. Boyce and carried unanimously.

Respectfully submitted,

Robert O. Smith, Mayor

Vita Thompson, R.M.C.
Municipal Clerk

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION "A"

BE IT RESOLVED by the Township Committee of the Township of Andover on the 09th day of November, 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. St. Paul's Abbey - Agreement Extension**
- 2. Old Creamery Road Negotiations**

Attorney-Client Privilege:

- 1. Tax Appeals**
- 2. Personnel Legal Research**

Potential Litigation

Pending Litigation

(X) a. (8) Personnel matters.

- () 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: November 09, 2009

Moved: Phoebus Seconded: Walsh
Voted Aye: Boyce, Phoebus, Walsh, Smith (Lensak arrived at 6:44)
Voted Nay: None
Abstained: None
Resolution adopted. November 09, 2009

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION "B"

BE IT RESOLVED by the Township Committee of the Township of Andover on the 09th day of November, 2009, that:

2. Prior to the commencement of this Regular Meeting, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):

- () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
- () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
- () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
- () b. (4) A collective bargaining agreement including negotiations.
- () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.

Contract Negotiations:

Attorney-Client Privilege:

Potential Litigation

Pending Litigation

1.

2.

- (X) a. (8) Personnel matters.

1. **Court Hours & Scheduling**

- () b. (9) Deliberations after a public hearing that may result in penalties.

2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: November 09, 2009

Moved: Walsh Seconded: Boyce
Voted Aye: Boyce, Lensak, Phoebus, Walsh, Smith
Voted Nay: None
Abstained: None
Resolution adopted. November 09, 2009
