

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

APRIL 13, 2009

EXECUTIVE SESSION - 6:00 P.M.

REGULAR MEETING - 7:30 P.M.

The regular meeting of the Andover Township Committee was called to order at 6:09 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

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. L. Paolucci, Land Use Board Secretary**
- 2. Non-Contractual Salary Increases**

Discussion regarding the procedure for the 2010 increases as related to the evaluation process.

Contract Negotiations:

- 1. St. Paul's Abbey - Use of Fields**
- 2. Shared Services - Police Dispatch**

Discussion regarding the possibility of providing services to other municipalities.

Attorney-Client Privilege:

- 1. Sparta Pumped Storage Project**

Discussion regarding a status report on this matter.

- 2. Proposed Tree Policy**

There will be continued discussion regarding the need for a tree policy.

Potential Litigation

Pending Litigation

- 1. Ballantine Road**

There will be discussion regarding proposed modifications to the Ballantine Woods Developer's Agreement.

- 2. Leenstra vs. Andover Township**

There will be a status report from legal counsel on the Tort Claim Notice was carried unanimously. (See Insert Attached to These Minutes)

The Committee went into executive session at 6:09 P.M. Mr. Walsh moved to adjourn executive session at 7:35 P.M., seconded by Mr. Boyce 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 Mr. Walsh moved the following consent items be approved, seconded by Ms. Phoebus and carried unanimously. Mr. Smith stated that Resolution #R2009-73 is amended by adding "subject to attorney review".

APPROVAL OF CONSENT AGENDA All items listed with an asterisk (*) are considered to be routine and non-controversial by the Committee and will be approved by one motion. There will be no separate discussion of these items unless a citizen or Committee member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

CONSENT AGENDA:**OTHER BUSINESS:*****Approval of Vouchers for Payment***

***Acceptance of the Tax Collector's March Report - \$138,188.42
Year to Date Total - \$4,661,405.42***

***RESOLUTIONS:**

#R2009-66 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE THE FILING OF AN ANJEC GRANT APPLICATION

#R2009-67 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE THE PROMOTION OF ADELE PIERAGOWSKI TO SENIOR CLERK-TYPIST, PERMANENT STATUS, EFFECTIVE IMMEDIATELY

#R2009-68 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE THE PROMOTION OF KAREN REED TO SENIOR CLERK-TYPIST, PERMANENT STATUS, EFFECTIVE IMMEDIATELY

#R2009-69 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE THE PROMOTION OF ROBYN HATTERSLEY TO SENIOR CLERK-TYPIST, PERMANENT STATUS, EFFECTIVE IMMEDIATELY

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

#R2009-70 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE THE PROMOTION OF T. LINDA PAOLUCCI TO SENIOR CLERK-TYPIST, PERMANENT STATUS, EFFECTIVE IMMEDIATELY

#R2009-71 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE FINAL PAYMENT TO JOHN CILO, P.E.

#R2009-72 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY ENDORSING THE SUBMISSION OF THE 2008 RECYCLING TONNAGE GRANT APPLICATION TO THE NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

#R2009-73 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE THE AMENDMENT OF THE BALLANTINE WOODS LLC DEVELOPER'S AGREEMENT APPROVED BY THE ANDOVER TOWNSHIP LAND USE BOARD

(See Inserts Attached to These Minutes)

APPROVAL OF MINUTES*FEBRUARY 23, 2009 REGULAR MEETING**

At this time Attorney Semrau provided an overview of the Executive Session beginning with the Personnel Matter, adding that they are confidential. The Non-Contractual Salary Increases pertain to 2010 and there was discussion as to how the Township Committee would address those increases next year with respect to the evaluation process. He stated that Contract Negotiations regarding St. Paul's Abbey with the use of fields and there was discussion as to the status of those negotiations which the Administrator briefed the Township Committee on. Shared Services for Police Dispatch had to do with the possibility of services to be provided to other communities. Mayor Smith will provide an update on the Sparta Pumped Storage Project before the public portion. He stated he briefed the Township Committee on matters affecting the legal application which will be before FERC. On the Proposed Tree Policy, there was discussion regarding the adoption of a policy for those trees that are in the right-of-way which is technically township owned but the trees are on property of the homeowners. There was discussion regarding the Ballantine Road Developer's Agreement which there was a resolution on the agenda. There will be some modifications to this resolution from a legal prospective. On the Leenstra Matter, this is a pending litigation whereby a Tort Claim Notice was filed and there was a briefing regarding this matter with the Chief of Police.

PROCLAMATION

SILVER STAR BANNER DAY - MAY 1, 2009 Mayor Smith read this Proclamation into the record.

REPORT FROM THE FIRE CHIEF Fire Chief Garrigan reported two carbon monoxide alarms, one special drill, one liquid propane/gas incident, one regular monthly drill, one regular monthly meeting, one mutual aid drill, six motor vehicle accidents, one motor vehicle accident with entrapment, one memorial parade participation, and three special work drills. There were a total of 508.8 hours and 19 reported calls. Year to date totals are 91 calls for 1,844.1 hours.

Chief Garrigan then reported that he met with the turn out gear manufacturer and he informed the department that four sets of gear are non-serviceable. Turn out gear has a 10 year shelf life and some sets are at the 12 year mark. He asked if the PEOSH line item could be released so that an order could be placed before the rates increase May 1st by 15 per cent. CFO Day was present and stated that the resolution to amend the Temporary Budget is on the agenda for consideration. If adopted, there will be funds available to cover this purchase.

There was also a short discussion regarding the Fire Department's request to have the municipality sign over a truck to the department in order for them to sell. Attorney Semrau asked that he review the process and report back to the Township Committee with a resolution.

REPORT FROM THE RESCUE SQUAD CHIEF Rourke Day was present in the Chief's absence and he reported 94 calls, four in Andover Borough, 39 in Andover Township-, 35 in Byram Township, 16 mutual aid calls for a year to date total of 304. Compared to last month the numbers are about the same and compared to last year a great increase. Attorney Semrau asked Mr. Day to forward a copy of Lakeland's bylaws to the Township Administrator.

REPORT FROM THE CHIEF OF POLICE Chief Coleman reported that dispatch has handled 4,021 calls, a slight decrease from 2008. He then read a letter from Joyce Covalence, dispatcher of her intent to retire. Mayor Smith noted that the number of accidents decreased dramatically from January to February but on the other hand, number of summonses increased.

PRESENTATION - JULIA SOMERS - NEW JERSEY HIGHLANDS COALITION

Ms. Somers distributed brochures to the Township Committee. She stated she is the Executive Director of the NJ Highlands Coalition and she introduced her colleague Mark Zakutansky who is the campaign coordinator. She stated that we share concerns spoken by many Andover Township residents about the Limecrest Quarry being proposed by River bank and the Township of Sparta to create this hydropower project. She stated that concerns include the huge new utility easements that would be required to allow the 500 kv lines which are on 200 foot poles which will be running through the Highlands so the impact is unavoidable. These lines have to get to the switching station in Jefferson Township. She then stated that this project will require huge, new utility easement clearings. There is a theory that this project will just join in with the PSE&G easement if that is approved and that is not correct. That easement barely has room for what is proposed by PSE&G. This project line will run parallel to it but it will increase the easement, which will be an entirely new one, which will require new condemnation. She then discussed the possible need of a Highlands exemption or a Highlands Preservation Area approval which is a DEP permit for activities in the preservation area.

Mr. Somers stated that the FERC proposal comment period ends in early June and the Highlands Coalition will be submitting their comments. The applicant will have to do geologic borings and tasks to try to gauge what the consequences of this mining activity would be. She stated that the Highlands Coalition is very concerned about the potential loss of forest cover, critical habitat, threatened and endangered species, destruction of steep slopes and 200 foot poles.

PRESENTATION - JULIA SOMERS - NEW JERSEY HIGHLANDS COALITION (CONTINUED)

She stated that all this for a project that will produce less power than it takes to generate it. She then mentioned the huge increases in truck traffic that will be generated over the lifetime of the actual mining to remove the stone from this site. Ms. Somers stated that she has colleagues who believe that this isn't actually about hydropower but only about mining.

Ms. Somers concluded by saying the New Jersey Highlands Coalition would like to be able to reach out to all Andover Township residents to explain their concerns about this proposal and how they might be best able to help. She then talked about obtaining a Township mailing list so they can annotate a mailing to residents to explain the project and what can be done to help.

REGULAR AGENDA

OPEN TO THE PUBLIC Mayor Smith began by discussing the Stop the Lines issue discussing the municipal coalition effort. He stated that the coalition had advised that they want each municipality to file separate motions to intervene which was done and filed on March 27th. Subsequent to that there was notification that a second document regarding the escrow funding was required before the end of day, which was done.

Regarding the Riverbank Project, the Township is in the process of trying to refine the intervention statement. It should be completed shortly and submitted. Mayor Smith stated he was in contact with John Douglas from Riverbank. Mayor Smith then read the email he received from Mr. Douglas. Regarding the alternative route, Riverbank has identified two alternative routes that will avoid Andover Township altogether. Preliminary engineering has been completed and both routes appear feasible. They have contracted one of the three right of way owners and this owner indicated a willingness to accommodate our request and has sent Riverbank a draft access agreement which lawyers are reviewing. Mr. Douglas stated that he hopes to meet with the second right of way owner soon. He then addressed the issue of drilling and he said that they have completed a competitive process for the drilling contractor who has been hired subject to hiring a New Jersey licensed driller. They will commence once they receive the required permit. This process could take up to eight weeks. Then regarding access to the site, Mr. Douglas wrote, that under the agreement with land owner, Riverbank does not have the right or the insurance to offer anyone other than the contractor/consultant access to the site to complete testing. He suggested that the Township contact the owner of the quarry to gain access to the site. Mayor Smith stated that the Township is waiting to hear back from Matt Mulhall as to the value of witnessing the drilling process.

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

Diane Gillespie 115 Andover-Mohawk Road asked about the resolution amending the Ballantine Woods Developer's Agreement. She stated that she believed what was written was going to be the final agreement. Attorney Semrau explained that Developer's Agreements memorialize terms and conditions that are already approved by the Land Use Board. In this case there were changes made with respect to the Developer's Agreement and the adjustments that are going to be made to a portion of Ballantine Road. There is no additional relief or terms from the original approval that was granted to the developer. This amendment is only to address a portion of the roadway itself and some legal issues surrounding the road. This amendment does not change any of the terms and conditions. He added that this resolution was adopted subject to attorney review. He stated that he felt certain terms were not spelled out and this needs to be addressed in order to protect the township.

OPEN TO THE PUBLIC (CONTINUED) Ms. Gillespie then questioned the resolution approving the ANJEC grant application. She asked if these monies will be used for future ordinances. Attorney Semrau explained that the funds will be used for various land use type of planning documents such as the Master Plan.

Ms. Gillespie presented a poster consisting of a timeline of municipal land use activity beginning with the 1989 Master Plan goals and objectives. Since that time, she stated that there have been amendments and additional ordinances added to the timeline. Referencing the chart, she noted items #1 and #2, stating that the Environmental Commission has already done the leg work for these; the only thing left is the Ordinance. For items #3, #4, and #5, she stated nothing has been done. Regarding item #6, Discourage development on steep slopes, has been addressed. Item #7, Encourage the Retention to natural runoff, she stated that the municipality did nothing but it was addressed by the State. Ms. Gillespie stated concerning items #9 and #10, the Environmental Commission has done the leg work on these, presented ordinances and nothing has been done. She continued until #14 which was addressed by the County and the State. She stressed that the Township Committee pursue the goals and objectives as outlined in the Master Plan.

Ms. Phoebus remarked that one issue is that the COAH was never addressed and she understood that the COAH needed to be addressed before continuing with the Master Plan. She then referenced the Visioning Process which is something new the State and Office of Smart Growth has now decided that all of the municipalities have to follow this process.

Ms. Gillespie stated that this is the Township Committee's responsibility along with the Land Use Board and Environmental Commission. She asked when will all three boards going to get together and prepare a timeline as to how to approach this. Mayor Smith stated there is a Master Plan Committee deliberating on its revisions and they should think about taking some appropriate action.

Attorney Semrau explained that the Master Plan does have goals and it should be reviewed every six years. Many of these goals are carried forward and the next step is how they will be implemented and met. He stated that he does not know if meeting all goals in the Plan would have kept Andover Township out of the Riverbank project because this is a Sparta issue.

Lois de Vries, Environmental Commission stated that because Riverbank project is in Sparta, it does not mean that the portions that affect Andover Township would not be subjected to a Tree Canopy Protection Ordinance if we had one. She added that it also does not mean that the applicant would not have to come forward and abide by an ordinance for protection of carbonate rock in the limestone valley or habitat. She stated these are all ordinances that the Environmental Commission has tried to move through the Township since 2004. She stated that this has nothing to do with the Office of Smart Growth.

Mr. Walsh asked if the Jackson Township Tree Ordinance litigation has been concluded. Attorney Semrau replied he knows the case was argued before the Supreme Court in the fall but he does not believe there has been a decision. Mr. Walsh stated that we are waiving on this ruling in order to proceed with the Tree Protection Ordinance as recommended by legal counsel.

There was a brief discussion regarding the history behind the Carbonate Rock Ordinance. She then provided a distinction between the Tree Protection Ordinance versus the Tree Canopy Ordinance explaining though they started with a protection type ordinance we finished with a canopy ordinance which is very different to Jackson Township's version. She stated that the reason Jackson Township ordinance failed was that they failed to adequately explain the basis for their ordinance. She further stated that Andover Township has maps that were done by the DEP as a special project along with all the corresponding data and five different GIS maps.

Mayor Smith asked Land Use Bond Chair Christodlous if he would address these outstanding issues at the upcoming Land Use Board meetings.

OPEN TO THE PUBLIC (CONTINUED) John Carafello of 10 Eileen's Way stated that when he served on the Planning Board and Township Committee there were certain goals placed into the Master Plan which were unique to Andover Township. There were other goals and objectives in order to develop a community with the least adverse effect on any. He stated that the then Planning Board was very cognizant of property rights. Trying to put all this together with everything that transpired from 1989 to the present day, the Master Plan had the respect of certain rights people have under the Constitution. He stated that they looked at every piece of property within the township and asked what can be done. One of the directions was to have a sense of community. He stated he does not believe this should change especially at this time.

Sally Tronotti of 7 Southdown Drive stated she was happy to hear that Riverbank has identified two alternate routes for the transmission lines. She asked where these alternate routes are and if there was also an agreement with the Andover Township right of way routes that are in the FERC application. Mayor Smith replied he did not know but found it to be irrelevant because we are interested in where it is going to go. She stated that in the event these two alternate routes prove not to be ideal routes and they fall back on the initial plan, she would like to have these questions answered.

Lou Coppolino of Andover Township mentioned the health issues surrounding the digging of these shafts down 2000 feet. He asked what would be done with the aggregate from this digging. He mentioned years ago there were problems with cracking foundations, dust, noise and asbestos in the air from the limestone quarry. He also mentioned a potential impact to our drinking water and possible sink holes.

Mayor Smith addressed Michael Lensak, Vice Chair of the Land Use Board. He had attended a Stop the Lines meeting on behalf of Andover Township. Mr. Lensak reported he attended this meeting in Hanover Township on March 25th. Representatives from Byram, Fredon, East Hanover and Montville were present. The April 1st deadline to file an Intervention was met. He stated that PSE&G may be putting up \$200,000 for escrow for municipal utilization. He stated that all municipalities can file separately and then they have the option to file a substitution of attorney where all can utilize the services of one law firm from Parsippany. Once the case is in trial, any municipality can opt out once their needs are satisfied. Mr. Lensak stated that talked about how the monopolies have been found to be less safe than originally thought.

They talked about how PSE&G are buying property especially in this reduced market value time but the problem being how does the municipality handle the lower home values and tax revenue. There was some discussion regarding the burying of lines along some of the major highways but once they reach the populated areas the lines need to go overhead. He stated that East Hanover has one substation which will be located within 50 feet of two neighborhoods and they also have the largest natural gas pipeline located in the vicinity of these lines.

Julia Somers, NJ Highlands Coalition stated the Coalition joined with the Sierra Club of NJ and three other statewide groups and they have also intervened before BPU. She also stated that no matter which alternative is used for the lines, everyone of them will go through the Highlands.

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

ORDINANCES: PUBLIC HEARING

**#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"**

Mr. Walsh moved to open the public hearing, seconded by Mr. Boyce and carried unanimously.

Mayor Smith stated this Ordinance was introduced at the March 09th meeting for public hearing this evening. The Land Use Board adopted a Resolution for Master Plan consistency.

Linda Golonski asked for a summarization of what this ordinance means. Mayor Smith explained that the purpose is to attempt to avoid any type of unnatural runoff, erosion and any interference with public areas from the installation of a driveway.

Mayor Smith stated that the Township Committee received a written comment regarding this ordinance and that person is not present this evening in order to discuss his concerns further. Mayor Smith stated he did review these comments with the Land Use Board Chairman and they found no major issues.

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

An ordinance of which the foregoing is the title was introduced and passed on first reading at the regular meeting of the Andover Township Committee on March 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 Mr. Boyce. Roll call vote:

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

**#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**

ORDINANCES: PUBLIC HEARING (CONTINUED)

#2009-11 TO AMEND CHAPTER 74, LAND USE PROCEDURES,

"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"

Mr. Walsh moved to open the public hearing, seconded by Ms. Phoebus and carried unanimously.

Mayor Smith stated this Ordinance was introduced at the March 09th meeting for public hearing this evening. The Land Use Board adopted a Resolution for Master Plan consistency.

Hearing no comments from the public, Mr. Walsh moved to close the public hearing, seconded by Mr. Boyce and carried unanimously.

An ordinance of which the foregoing is the title was introduced and passed on first reading at the regular meeting of the Andover Township Committee on March 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 Mr. Boyce. Roll call vote:

- | | |
|-------------------|-----------------------|
| Mr. Boyce - yes | Mr. Gilseman - absent |
| Ms. Phoebus - yes | Mr. Walsh - yes |
| Mayor Smith - yes | |

#2009-13 EXCEED CAP BANK FOR 2009

"AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR THE CALENDAR YEAR 2009 PURSUANT TO N.J.S.A. 40A:4-45.14"

Mr. Walsh moved to open the public hearing, seconded by Mr. Boyce and carried unanimously. Hearing nothing further from the public, Mr. Walsh moved to close the public hearing, seconded by Ms. Phoebus and carried unanimously.

An ordinance of which the foregoing is the title was introduced and passed on first reading at the regular meeting of the Andover Township Committee on March 23, 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 Mr. Boyce. Roll call vote:

- | | |
|-------------------|-----------------------|
| Mr. Boyce - yes | Mr. Gilseman - absent |
| Ms. Phoebus - yes | Mr. Walsh - yes |
| Mayor Smith - yes | |

ORDINANCES: INTRODUCTION**#2009-14 BOND ORDINANCE**

"BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF ANDOVER IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$769,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$552,050 BOND OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF"

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2009-14, 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 27, 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 - absent
Ms. Phoebus - yes	Mr. Walsh - yes
Mayor Smith - yes	

#2009-15 TO AMEND CHAPTER 190 "ZONING" SECTION 190-36

"AN ORDINANCE TO AMEND THE GENERAL ORDINANCES OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, CHAPTER 190 "ZONING" SECTION 190-36 "PRIVATE HOUSING OF EQUINE ANIMALS"

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2009-15, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on May 11, 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 - absent
Ms. Phoebus - yes	Mr. Walsh - yes
Mayor Smith - yes	

RESOLUTIONS**#R2009-74 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO DECLARE MAY 2009 AS SERVICE OF COMMUNITY MONTH**

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

#R2009-75 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE AN EMERGENCY TEMPORARY APPROPRIATION TO THE 2009 TEMPORARY BUDGET

Mr. Boyce moved to adopt the foregoing resolution as presented, seconded by Mr. Walsh and carried unanimously.
(See Inserts Attached to These Minutes)

OLD BUSINESS**PERSONNEL COMMITTEE DISCUSSION**

Mayor Smith stated a committee was established to handle various personnel matters and there were conversations concerning this committee. Attorney Semrau provided his input and he drafted several options outlining formation and rules of that committee.

Attorney Semrau explained he, at the Committee's direction, put together three different versions as to potential personnel committee authority. Version One is where the Township Committee oversees all personnel matters of the township which would mean addressing disciplinary matters, personnel policy, staffing. First the employee would see their immediate supervisor, if dissatisfied they would go to the Personnel Committee and ask for an appointment. The Administrator would not be part of this version.

Version Two is the Personnel Committee would serve as a Liaison between the Township Committee and the Administrator to address concerns would otherwise be brought to the governing body. If the matter involved the administrator it would go directly to the Personnel Committee.

The third alternative is the Personnel Committee would have specific functions but they would be limited to interviewing, screening process, personnel action such as unresolved matters between the administrator and the employees.

Mr. Boyce stated there are two things he hopes to accomplish if we decide to do this. One is opening a line of communication with employees so they do feel their needs and issues are being heard. The idea of having an appeal process above the administrator without requiring an employee to go to the entire Executive Session is probably a good thing. It could solve issues and the personnel committee could then report back to the Committee as a whole. He added that he thinks it's very important that we not be seen as usurping the authority of the administrator. He stated that Proposal Two was his preference. Mayor Smith totally agreed and felt the Township Committee should not be in a position to undermine the administrator. On the other hand, he thinks there should be an appeal somewhat. He stated his concerns over No. 2 because it seems to him it gets a little convoluted and confusing and subject to interpretation. He stated he would like to see if a bit more cut and dry. His preference is to say the Personnel Committee simply would be an appeals board, where any employee had the right to request to be heard before that group. That group would hear the employee's concerns and address it with the Township Committee. He added that No. 2 gets to be a bit too involved.

Mr. Boyce stated that he doesn't see this committee getting called into any kind of action very often. From time to time there may be a call for it.

Attorney Semrau stated he will modify this based on these comments, simplifying it. Added was that this process does not pertain to any contracted employee.

NEW BUSINESS

None

OTHER BUSINESS**APPROVAL OF RAFFLE LICENSES**

- A. **R.L. #861** - WASHINGTON ELEMENTARY HOME & SCHOOL ASSOCIATION
ON PREMISE MERCHANDISE TO BE HELD ON MAY 18, 2009 AT THE
FARMSTEAD GOLF & COUNTRY CLUB FROM 8:00 A.M. TO 4:00 P.M.
- B. **R.L. #862** - LAFAYETTE AMATEUR ATHLETICS, INC.
ON PREMISE 50/50 TO BE HELD ON MAY 28, 2009 AT THE FARMSTEAD
GOLF & COUNTRY CLUB FROM 7:00 A.M. TO 3:00 P.M.
- C. **R.L. #863** - SENIOR QUALITY OF LIFE FOUNDATION, INC.
OFF PREMISE 50/50 TO BE HELD ON SEPTEMBER 27, 2009 AT THE
FARMSTEAD GOLF & COUNTRY CLUB FROM 3:00 P.M. TO 6:00 P.M.
- D. **R.L. #864** - HILLTOP COUNTRY DAY SCHOOL
ON PREMISE 50/50 TO BE HELD ON MAY 15, 2009 AT THE
NEWTON COUNTRY CLUB FROM 8:00 A.M. TO 4:00 P.M.

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

Mr. Boyce - yes

Ms. Phoebus - abstain

Mayor Smith

Mr. Gilseman - absent

Mr. Walsh - yes

COMMITTEE REPORTS

MS. PHOEBUS. She reported on the COAH meeting held earlier this evening and she stated the meeting went extremely well noting the Rannou project has been scheduled for June 16th. She stated Mr. Rannou provided an architectural drawing of what these units will look like. There was discussion regarding the Abbey project and Ms. Phoebus stated that Special Engineer Pellow and Associates was present. They provided an update as to where we are in the feasibility and due diligence phases. There was also discussion regarding the wastewater treatment plant and it can significantly handle the gallonage produced by the Abbey. They are now going to review the exact cost of this.

Ms. Phoebus explained that Pellow Engineering will return in one month with a report as to where we will be and that will help determine how to proceed.

She then reported that COAH has accepted and deemed Andover Township's plan complete which is a huge undertaking at this point. She did state that with the Rannou project, the plans need to be submitted to the Land Use Board for approvals.

Ms. Phoebus reported on the Fire Department's venison dinner which was a huge success.

She then stated at the next meeting action will be taken to approve members of the new Economic Development Advisory Committee meeting.

COMMITTEE REPORTS (CONTINUED)

MR. BOYCE. He reported the 208 Water Quality Advisory Committee will meet this Thursday at 7:30 at the Freeholder's meeting room. He will attend and provide them with an update on the Riverbank-Sparta project.

Mr. Boyce stated he attended one of the two School Board budget hearings. There was some public comment and the School Board did vote unanimously to approve the budget. It will be voted on by the public on April 21st and the polls are open from 2:00 to 9:00.

He then reported that he and Lois de Vries met with the School Board President Linda Gianni and the Superintendent Bernie Baggs to discuss the possibility of creating a hiking trail along the railroad bed using Open Space funds. The plan is to connect the two schools. They were receptive to the idea and they did see any serious issues and thought it to be a useful project for students. Mr. Boyce stated that he heard from them later that the State is considering do away with of that tunnel and lowering the highway. He suggested checking with the State before any more time is spent on this project.

Mr. Boyce then stated he would like to address an attack in the newspaper. He stated he would like to correct some statements made in error. Mr. Christodlous asked if he could respond. Following a short discussion, Mr. Boyce stated he has no objection to Mr. Christodlous responding, in fact he encourages it. He then recommended there be a conversation rather than an argument.

Mr. Boyce addressed each item in the Letter to the Editor regarding his campaign promises. Mr. Boyce commented on each item and rebutted the statements. Following comments made by Mr. Boyce, Mayor Smith stated he would like to offer Mr. Christodlous a chance to respond. Attorney Semrau requested there be consensus of the Township Committee before this discussion continues. The Township Committee agreed. Mr. Christodlous then provided his comments to the statements made by Mr. Boyce.

MR. WALSH. He reported on the Easter Egg held on April 4th. He stated that the Recreation Committee discussed several options to replace Andover Township Day. Mr. Walsh stated that the Recreation Committee would like to continue to stress the feel of community. He added that the ball fields are open, and groomed and ready for the season. He then mentioned the need for more fields. He referenced that the negotiations with the Abbey for the fields did fall through. The DPW are going to try and install spickets by the fields in order to wet them down before they are raked. This will keep the playing surface in better condition. New clay has been laid on the girls' softball field.

The Board of Health meeting is scheduled for next Wednesday.

MAYOR SMITH. He reported that the Board of Education sponsored a breakfast for the Seniors on March 19th and the students performed during the meal. He added that Superintendent Baggs has requested a presentation to be given to the Senior Citizens on Monday, April 20th. Several Seniors assisted with folding and addressing the newsletters.

He then reported that Green/Cleaner Andover Day is scheduled for April 25th beginning at 9:00 a.m. Groups will be assigned various routes. Lunch will be served at noon.

Mayor Smith reported that the FOP sponsored the annual Corned Beef Dinner on March 17th.

COMMITTEE REPORTS (CONTINUED)

MAYOR SMITH. On March 18th he volunteered for Meals on Wheels, delivering meals to township residents. While delivering lunch to a certain resident she informed him that the Andover Township police do a wonderful job. She commended Officer Brian Kern did a great investigative job and eventually solved the crime. Officer Kithcart and Detective also assisted.

In speaking with Chief Coleman, Mayor Smith announced there were some developments with Ray's Inn and because of Chief Coleman's efforts, the Board of Health did an investigation. Following this, the establishment voluntarily closed until a satisfactory inspection can be done.

Mayor Smith also reported that Chief Coleman is making application to the COPS FAST Grant for two additional police officers for a three year period at no cost to the township. He also mentioned that several municipalities have approached Chief Coleman in terms of shared services for dispatching. He stated that this would be a great opportunity for the township and the Township Committee did authorize Chief Coleman to proceed with discussions with the various municipalities.

He then stated that a letter was received from Vernon Township thanking Andover Township for providing public works assistance during the winter storms.

Regarding the Open Space Grant, he read a letter from the Department of Environmental Protection announcing that Andover Township's application was approved for a Green Acres Matching Grant of \$500,000.

Mayor Smith then reported on the issue of municipal court staffing, stating they will proceed on these discussions.

On March 17th, the Land Use Board conducted a closed session regarding the Wawa application. A Steep Slopes Variance was heard for completeness. He also reported that an amended Major Subdivision Plan was heard. Five resolutions were adopted, one for a lot line adjustment, two for site plan waivers, one for steep slope variance and one deeming Constraints Ordinance consistent with the Master Plan. There were no applications heard at the April 7th meeting but the Driveway Ordinance was deemed consistent with the Master Plan.

Mayor Smith stated that the rumors circulating regarding his opposition to the proposed budget are true. He further stated that he attended the Board of Education budget review and was extremely disappointed in the turn out. He stated that for a portion of the tax bill that constitutes 50 percent of the bill, there is very little interest in this process. What is being proposed is a 6.5 cent increase.

Mayor Smith stated he is very concerned with the municipal budget, mentioning the Finance Committee did an excellent job and they worked really hard to get to the point without making sacrificial changes. With that said, with all the issues in the township the number one issue is taxes. He then asked the Township Committee to have the Finance Committee review the budget once again and he mentioned some specific suggestions. Some examples he provided were to change to a four day work week, which will allow longer hours, eliminating Recreation budget items, free rabies clinic, League of Municipalities Conference, better control with contacting municipal professionals, review the capital budget again and overtime hours. Mayor Smith stated he spoke to the Seniors and they are willing to reduce their annual stipend by 50 percent.

Mayor Smith then mentioned over municipalities that have presented their budgets with no increases, Frankford for one. Sussex County has also done the same. He stated that if they can do it, perhaps we can also.

REPORT FROM THE TOWNSHIP ADMINISTRATOR She began by saying that CFO Day is here this evening in the event anyone would like him to comment on what was just presented.

CFO Day explained that if there is a decision to change anything in the budget that has already been introduced it will require an amendment be filed with the State prior to the adoption. Advertising and accounting costs need to be considered which will mean several hundred dollars more.

CFO Day explained that the Finance Committee has trimmed this budget everywhere possible. There are three pending labor contracts. The biggest item affecting this budget is decrease in revenues. He stated that there is \$22,645.00 lost in State Aid, bringing the total to approximately \$185,000 since 2007. This equates to almost three tax points. The single most reduced revenue is earnings, interest down \$65,000 which is a bit more than one tax point. What was explained are four of the five tax points. The two larger items are the pension contributions and health insurance which equates 1.5 cents.

CFO Day stated he spoke to some of the municipalities that kept a flat budget rate and they do not provide trash removal service or police service. These two municipalities just had a revaluation of taxes so in reality taxes did increase for property owners. CFO Day stated that Frankford's budget for 2009 is approximately \$3.5 million of which they get \$624,000 in State Aid. Wantage Township's budget is proposed at \$6.5 million and they received over \$1 million in State Aid.

There was then discussion regarding the lower level of the Hillside Park Hall. Ms. Alfano explained that because the State has strict rules regarding day care centers and that is the only interest at this point.

Ms. Alfano stated that one of the biggest line items is health benefits and she has been talking to Frank Covelli regarding the possibility of saving money. She asked if Mr. Covelli could do a presentation at the May 11th meeting about the Health Insurance Fund. There is a \$500 application fee to HIF and there is also a \$2,500 fee required in order to do a history check. It was decided to hear the presentation.

Ms. Alfano reported that Shelley Casper has been working in the building providing assistance to every department. She stated that she has requested proposals for computer services because Link High's contract will expire in May. She then reported there is a Recycling Poetry contest sponsored by the DEP for the schools' 4th, 5th and 6th grade students. For additional information contact Ms. Hattersley.

REPORT FROM THE MUNICIPAL ATTORNEY Attorney Semrau reported there was a conference call regarding the vacation of Squirrel Road. Mayor Smith, Engineer Golden, Administrator Alfano and Zoning Officer Cutler were in attendance. He found the conference to be productive. He asked if this matter could be listed for the next agenda for discussion and possible action.

He reported that the Motion to Intervene in the PSE&G matter. He also mentioned that they have been working on the Riverbank-Sparta issue, dealing with the FERC attorney. Attorney Semrau stated he also received documentation from Sparta by way of an OPRA request regarding the actual arrangement between Riverbank and Sparta. He forwarded that information to the Township Clerk's office in the event anyway had any questions regarding that documentation.

Attorney Semrau remarked on the Constraints Ordinance asking if perhaps the Committee that spent time on this ordinance convened and there was an effort to have Mr. Boyce participate and meet with this subcommittee in order to go over the issues and questions that were raised. Mr. Christodlous asked if Mr. Boyce, Engineer Golden and he could meet to discuss the issues. Mr. Walsh asked to be a part of this. Mayor Smith stated his concerns over spending any more money on this matter if there is no assurance that there is some possibility of passing. The Township Committee agreed that such a meeting be scheduled.

NEXT SCHEDULED MEETINGS: Monday, April 27, 2009
 Monday, May 11, 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 10:08 P.M., seconded by Mr. Boyce and carried unanimously.

Respectfully submitted,

Robert O. Smith, Mayor

Vita Thompson, R.M.C.
Municipal Clerk