

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

MAY 11, 2009

EXECUTIVE SESSION - 6:30 P.M.

REGULAR MEETING - 7:30 P.M.

The regular meeting of the Andover Township Committee was called to order at 6:39 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. Gilseman (excused)

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

EXECUTIVE SESSION: Mayor Smith asked that the Executive Session be amended by adding under Attorney-Client Privilege: 4. Roberts vs. Andover Township. On a motion by Mr. Walsh, seconded by Mr. Boyce, the resolution to go into executive session to discuss

Personnel Matters:

1. **S. Tillotson, Temporary Clerk-Typist**

This temporary appointment will expire June 2nd. There will be discussion regarding the current staffing in the Municipal Court Office.

Contract Negotiations:

1. **Computer Services Proposals**

The current contract will expire shortly and there will be discussion regarding the proposals received for this service.

2. **Potential Land Acquisition**

Attorney-Client Privilege:

1. **Sparta Pumped Storage Project**

Discussion regarding a status report on this matter.

2. **Martin Street**

There will be discussion regarding a report filed by the DPW Supervisor regarding this roadway.

3. **Transfer of Vehicle to Lakeland Emergency Squad**

4. **Roberts vs. Andover Township**

Potential Litigation

Pending Litigation

1. **Tax Appeals**, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:41 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 THE GENERAL AGENDA Mr. Walsh asked that Ordinance No. 2009-22, Road Vacation. Following a short discussion, Mr. Walsh rescinded this action. Mr. Walsh moved to approve the agenda as presented, seconded by Mr. Boyce and carried unanimously.

APPROVAL OF CONSENT AGENDA Mayor Smith stated there is one modification to the Consent Agenda under #R2009-78, to add the vendor MSI Services, Inc. Mr. Walsh moved the following consent items be approved, seconded by Mr. Boyce and carried unanimously.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Inserts Attached To These Minutes)

ACCEPTANCE OF TAX COLLECTOR'S APRIL REPORT - \$1,303,858.65

***RESOLUTIONS:**

#R2009-78 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AWARD THE CONTRACT FOR COMPUTER HARDWARE, SOFTWARE, COMPUTER SYSTEM SERVICE AND WEB HOSTING (VENDOR & TERMS TO BE DETERMINED)

#R2009-79 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY SUPPORTING THE CLICK IT OR TICKET MOBILIZATION OF MAY 18 - MAY 31, 2009

#R2009-80 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE THE ISSUANCE OF A FIREWORKS DISPLAY PERMIT TO APPLICANT "CELEBRATION FIREWORKS" OF EMMAUS PENNSYLVANIA ON THE PERONA FARMS PROPERTY FOR FRIDAY, JUNE 26, 2009 WITH A RAIN DATE OF SATURDAY, JUNE 27, 2009

#R2009-81 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR THE PUBLIC DEFENDER TRUST FUND

#R2009-82 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR SMOKE DETECTOR INSPECTION FEES

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

#R2009-83 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO CANCEL RESERVE FOR DELORENZO TREE THEFT

#R2009-84 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE MUNICIPAL CLERK TO ADVERTISE THE BID FOR ONE NEW FREIGHTLINER M-2 106 V DIESEL CHASSIS WITH CENTRAL HYDRAULIC SYSTEM, ALL SEASON BODY AND PLOW FOR THE DEPARTMENT OF PUBLIC WORKS

#R2009-85 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ESTABLISH A POLICY AS TO THE USE OF TOWNSHIP POSTAGE METER

#R2009-86 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ESTABLISHMENT OF A PERSONNEL COMMITTEE FOR THE TOWNSHIP OF ANDOVER

(See Inserts Attached to These Minutes)

PRESENTATION

FRANK COVELLI, PIA ASSOCIATES - HEALTH INSURANCE DISCUSSION Due to a family emergency, Mr. Covelli was not able to attend and this presentation will be scheduled for the June 8, 2009 meeting.

REGULAR AGENDA

REPORT FROM THE FIRE CHIEF Chief Garrigan reported for the month of April there were 22 reported calls, six activated fire alarms, one chimney fire, two fund raising drills, one liquid propane/gas incident, one assist for EMS, two regular monthly meetings, one mutual aid drill, three motor vehicle accidents, one rescue/extrication drill, one special work drill, one smoke condition and two structure fires. There were 22 reported calls and 424.7 hours. Year to date there were 113 calls for 2,268.8 hours.

REPORT FROM THE RESCUE SQUAD CHIEF Chief Reidmiller reported 140 calls for the month, 50 in Andover Township. She reported two flyouts and a total of 488 hours, 15 minutes for the month. They traveled 2,798 miles. Chief Reidmiller stated that the department received a FEMA Grant in December \$142,500 to purchase a new ambulance and with that Lakeland Emergency Squad must match it with \$7,500 which they will be doing. They met with the Committee and they have two vehicles picked and they are waiting for the finalization of the paperwork. They also sponsored their annual Easter Egg Hunt with approximately 200 children in attendance.

REPORT FROM THE RESCUE SQUAD CHIEF (CONTINUED) She also mentioned that one of their members, a high school student and a resident of Andover Township was awarded the NJ State Scholarship in the amount of \$500.

Chief Reidmiller reported that to date the squad reported to 445 calls, logging in 1,428 hours and 31 minutes and traveled 9,386 miles.

Mayor Smith at this time reminded everyone that the Cub Scouts will have their spaghetti dinner this Saturday night.

REPORT FROM THE CHIEF OF POLICE Officer Murrell reported for Chief Coleman who is out of town. Officer Murrell reported 272 calls for service in Andover Township, 5,259 calls for this year. The Department is applying for the Body Armor Replacement grant. He also reported on the Click It or Ticket program in which they received \$4,000. The program begins next Monday.

Officer Murrell stated he has been in contact with the County in reference to the speed limit changes on Newton-Sparta Road. They are waiting for the Freeholders for their approval. The changes should be taking place sometime in the next two weeks.

OPEN TO THE PUBLIC Mayor Smith reported on the Riverbank-Sparta status stating that the subcommittee met and they are in the process of refining the Intervention Statement. They have registered as Intervenors and now they have to list specific points. They decided on three major areas which are the lines issues, the hydrogeology issues and the third is environmental issues. A sub portion affects on daily living and activities within the township. They are in the process of scheduling a telephone conference for May 22nd with the subcommittee and professionals to review the information and finalize it. The comment period ends on May 27th.

Mayor Smith then read an email from John Douglas from Riverbank which stated the drilling contract is almost finalized and they are now in receipt of a NJ State Drilling Permit. They should be in a position to drill in the next couple of weeks. He will let us know before drilling starts. He also plans to be in NJ next week for a variety of meetings with State agencies including the owners of rights-of-way.

Mayor Smith also mentioned that Deputy Mayor Phoebus contacted the owner of the property to seek approval to have observers on premise which she did. He added that now there is some controversy as to who has jurisdiction. Attorney Semrau will pursue this matter and make the necessary arrangements.

Mr. Boyce stated that there had been some discussion in the past that a small portion of the quarry is in Andover Township and he asked if that has been confirmed. Mayor Smith stated there are several lots and he believes it is. It does not give Andover Township more authority to go on the property where the drilling is taking place. He then stated that Riverbank never provided an answer to the question, what are they going to do with the 9 million cubic feet of rock being excavated from the ground. He asked if that has ever come up in any discussion with Mr. Douglas. Mayor Smith replied no but it is a good point and the subcommittee will pursue that.

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

Lois de Vries, Chair of Environmental Commission and member of the Riverbank subcommittee. She brought the Township Committee up to date on what she has been doing regarding this issue. She mentioned that through the DEP she was able to expedite the Threatened and Endangered Species Determination and she is providing written documentation to accompany this report.

OPEN TO THE PUBLIC (CONTINUED) Ms. de Vries stated is also working on the other aspects of the construction phase. She added that she did not want to disclose all information that would be part of the township's strategy. She is also working on other issues related to the transmission lines.

Carla Kostelnik, 50 Greendale Road asked if Riverbank needs a new water withdrawal permit from the DEP. Attorney Semrau needs to review this matter. She then stated that she did some research and found that this is a businessman who creates companies and flips them for a profit. Her understanding of this is when you buy electricity on the grid, you must buy the cheapest electricity which is usually not green, but coal. With that said, she said that this product is questionable as to whether it will be cheaper because they are spending more to make it.

She urged everyone to make public noise against this project. Mayor Smith replied there are many residents who are making a great deal of noise against this project.

David White, 525 Limecrest Road asked about the rights-of-way mentioned in the Douglas email and Mayor Smith stated that was in reference to the alternate route negotiations. He added that he believes there are two alternates but he does not know the specifics. Mr. White stated he was told that there was one owner they were negotiating with and he was told it was impossible because there is no owner that owns a 200 swath anywhere through Sparta. Mayor Smith answered that he believes they have to negotiate with multiple property owners. Mr. White stated he heard there was only one, which he found ridiculous. He then spoke about those individuals who are looking at him to spearhead this opposition and they are also questioning each move every step of the way. Mr. Boyce stated there will always be backseat drivers questioning what is being done and it is never enough. Mayor Smith stressed the township is doing everything they can with Mr. White's interest at heart.

Diana Boyce, Victoria Pines Lane asked if anyone knows what the hours of drilling will be. Mayor Smith stated that from what he understands it will be a 24 hour operation. Ms. Boyce then referenced the noise ordinance. Ms. Alfano stated she will check the ordinances are contact Ms. Boyce for an answer.

Bob Phoebus, 88 Lawrence Road informed the Township Committee that the quarry is pumping again so there is no surprise when Howell's Pond goes dry. They have a DEP permit for this activity and the township has no control over this pumping.

Dan Freed, 85 Lawrence Road stated the County has been working on the Newton-Sparta Road scoping project. In discussing various Open Space projects, one discussion is the rail-trail access under Newton-Sparta and part of scoping project is to level it. He stated that he believes there is a number of ways to accommodate that but he asked that as a Committee go to the County that when they get to the point of considering this again that they understand that we would like to means of access across that. He suggested correspondence to the County with options concerning this point in the road.

Tom Hill, 223 Willows Road, Fredon with Stop the Lines and he thanked the Committee for doing what they have done with this project. On the Susquehanna-Roseland Project is proceeding and the BPU has said that all groups are allowed to be fully involved as Intervenors. He stated that he has become aware of some issues that PSE&G is concerned about, the Highlands for one. There is a subproject of a switching station in the Highlands and in order to appease the Highlands Council they are looking to move this substation and so it has to move back towards the Delaware and the only municipality not in the Highlands in this area is Andover Township. He stated that we should be aware of any large tracts of land that PSE&G could be surveying at this time. Mayor Smith stated that the Township Committee is aware of this.

He then stated that Fredon is having their Environmental Commission look at the project and they are having a public meeting and inviting other municipalities on the Susquehanna-Roseland on June 22nd.

OPEN TO THE PUBLIC (CONTINUED) Michael Lensak, 66 Skytop Road, Vice-Chair of the Land Use Board stated that he received a political flyer for the de Vries website and he visited this site. He then quoted from this site with regard to Integrity - Lois Can't Be Brought. He continued to read a statement into the record regarding her being offered a bribe from a developer on her first site inspection for the Township. Mr. Lensak stated that he feels this brings up some very serious issues. He stated his concerns that such a statement can cast a very negative view on honest Committee and Land Use members. He further stated that as Vice-Chair of the Land Use Board he took major exception to this statement.

Mayor Smith stated that if this statement made is involving political issues, he did not feel the Township Committee should respond. Mr. Boyce asked if this is something that Attorney Semrau should investigate because this is a serious allegation. Attorney Semrau recommended gathering information without casting any light on anyone, to bring this information back to the Township Committee to decide if there are any follow-up questions regarding this incident. Mr. Boyce stated that he believes this is an allegation of a potential violation of the law and brought the their attention at a public meeting. He feels it should be looked into further.

Mayor Smith asked for a consensus to review this matter further. Three members replied yes. Attorney Semrau stated that it would be from a factual stand point.

Hearing nothing more at this time, Mr. Walsh moved to close the public potion, seconded by Mr. Boyce and carried unanimously.

ORDINANCES: PUBLIC HEARING

NO. 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"***

Ms. Phoebus moved to open the public hearing on this Ordinance, seconded by Mr. Boyce and carried unanimously.

Ms. de Vries asked about this Ordinance. Mayor Smith explained that horses are allowed on three acres but there is a separate table in the Ordinances and inadvertently the table shows horses are an accepted use on half acre which is not the case. Attorney Semrau stated that this is not a policy change as much as a correction.

Hearing no further comment at this time, 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 April 13, 2009, was advertised according to the law and was brought before the public for final consideration. There being no objections, Mr. Boyce moved the adoption of the above entitled ordinance, seconded by Mr. Walsh. Roll call vote:

Mr. Boyce - yes

Mr. Gilsenan - absent

Ms. Phoebus - yes

Mr. Walsh - yes

Mayor Smith - yes

ORDINANCES: PUBLIC HEARING (CONTINUED)

**NO. 2009-16 TO AMEND CHAPTER 190 "ZONING"
SECTION 190-32.2 "DEVELOPMENT FEES"**

**"AN ORDINANCE OF THE GENERAL CODE OF THE TOWNSHIP OF
ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO
AMEND CHAPTER 190 "ZONING"/ARTICLE III, GENERAL REGULATIONS
§ 190-32.2 DEVELOPMENT FEES"**

Mr. Walsh moved to open the public hearing on this Ordinance, seconded by Mr. Boyce and carried unanimously. Hearing no comment at this time, Ms. Phoebus moved to close the public hearing, seconded by Mr. Walsh and carried unanimously.

An ordinance of which the foregoing is the title was introduced and passed on first reading at the regular meeting of the Andover Township Committee, on April 27, 2009, was advertised according to the law and was brought before the public for final consideration. There being no objections, Mr. Boyce moved the adoption of the above entitled ordinance, seconded by Ms. Phoebus. Roll call vote:

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

**NO. 2009-17 TO AMEND CHAPTER 148 "STORM SEWER SYSTEM"
"REFUSE CONTAINERS/DUMPSTERS"**

**"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX,
AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER
148, STORM SEWER SYSTEM, OF THE REVISED GENERAL ORDINANCES
WITH THE CREATION OF ARTICLE IV, REFUSE CONTAINERS/DUMPSTERS"**

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

Ms. Kostelnik questioned this Ordinance and how it affects the roadways which make a connection to the C-1 Streams and their buffer zones. She asked if this Ordinance will require that all stormwater runoff remain close to where it runs off before it gets to the streams. If so, the farmers would not have to provide a cleansing buffer for runoff. Attorney Semrau stated this Ordinance is limited to make sure there is coverage on these containers and dumpsters to comply with DEP regulations.

Hearing no further comment at this time, 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 April 27, 2009, was advertised according to the law and was brought before the public for final consideration. There being no objections, Ms. Phoebus moved the adoption of the above entitled ordinance, seconded by Mr. Walsh. Roll call vote:

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

ORDINANCES: PUBLIC HEARING (CONTINUED)

**NO. 2009-18 TO AMEND CHAPTER 148 "STORM SEWER SYSTEM"
"RETROFITTING OF PRIVATE STORM DRAIN INLETS"**

**"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX,
AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER
148, STORM SEWER SYSTEM, OF THE REVISED GENERAL ORDINANCES
WITH THE CREATION OF ARTICLE III, RETROFITTING OF PRIVATE STORM
DRAIN INLETS"**

Ms. Phoebus moved to open the public hearing on this Ordinance, seconded by Mr. Boyce and carried unanimously. Hearing no comment at this time, Ms. Phoebus moved to close the public hearing, seconded by Mr. Walsh and carried unanimously.

An ordinance of which the foregoing is the title was introduced and passed on first reading at the regular meeting of the Andover Township Committee, on April 27, 2009, was advertised according to the law and was brought before the public for final consideration. There being no objections, Mr. Boyce moved the adoption of the above entitled ordinance, seconded by Ms. Phoebus. Roll call vote:

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

Mr. Walsh asked the Township Committee at either this time or at the end of the Regular meeting this evening to go into Executive Session and invite Ms. de Vries to discuss what was brought up by Mr. Lensak earlier. Attorney Semrau asked for a few moments to think about this request. The Committee continued with the agenda.

ORDINANCES: INTRODUCTION

NO. 2009-19 TO AMEND ORDINANCE NO. 2007-06

**"AN ORDINANCE TO AMEND ORDINANCE #2007-06 PROVIDING FOR
VARIOUS RECREATION IMPROVEMENTS AND PURCHASES FOR THE
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 #2009-19, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on June 8, 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	

ORDINANCES: INTRODUCTION (CONTINUED)**NO. 2009-20 TO AMEND CHAPTER 3 - SECTION 3-11**
"REGULAR AND SPECIAL MEETINGS"

"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 3, "ADMINISTRATION OF GOVERNMENT", ARTICLE IV, "TOWNSHIP COMMITTEE", SECTION 3-11, "REGULAR AND SPECIAL MEETINGS" OF THE REVISED GENERAL ORDINANCES"

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2009-20, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on June 8, 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	

NO. 2009-21 TO AMEND CHAPTER 3 - SECTION 3-13
"TOWNSHIP COMMITTEE CONFERENCES"

"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY REPEALING CHAPTER 3, "ADMINISTRATION OF GOVERNMENT", ARTICLE IV, "TOWNSHIP COMMITTEE CONFERENCES" OF THE REVISED GENERAL ORDINANCES"

Mayor Smith left the meeting at 8:41 p.m. and asked Deputy Mayor Phoebus to preside.

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2009-20, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on June 8, 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 - absent	

NO. 2009-22 LAKE ILIFF ACCESS - ROAD VACATION

"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO RELEASE, VACATE AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO A CERTAIN PORTION OF LAKE SHORE DRIVE IN THE TOWNSHIP OF ANDOVER KNOWN AS BLOCK 74/LOT 22.02"

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2009-20, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on June 8, 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 - absent	

Mayor Smith returned to the meeting at 8:42 p.m.

OLD BUSINESS

DISCUSSION REGARDING 2009 MUNICIPAL BUDGET

Mayor Smith stated that the 2009 Municipal Budget public hearing was heard at the last meeting and the Budget was defeated with a 3-2 vote. The Budget is back in the hands of the Finance Committee for further work. The defeated Budget was somewhere in the area of five points.

Mr. Walsh stated that the Budget presented was at 4.9 points. CFO Day explained that the Finance Committee has reviewed this Budget over the past two weeks looking for areas to cut. Because we are further into the year, there have been some other line items that will now require some increases which will offset the attempts made to reduce. One of the line items that will increase will be Legals which is one of the largest items.

Mr. Walsh added that it is very difficult to cut a Budget that was very tight to begin with. Mayor Smith stated that the last version he saw was down to 4.5 cents. The version before that one was lower. CFO Day said that previous one came in at 3.6 cents. That included voluntary furloughs, suspension of the Committee's wages and numerous others that made up that percentage. That number was derived of suggestions from various employees.

Mayor Smith stated he had suggested a four day work week and policy on professional fees requiring better control and regulation. There was a short discussion regarding the street lights and the safety concern if they were turned off. Regarding the four day work week, Mr. Walsh stated that we would not know until the end of the year if doing so would work therefore it would be impossible to budget for this item.

There was continued discussion regarding the reduced amount of revenue versus the increases in overall expenses. There was also discussion regarding how Andover Township has compared to other Sussex County municipalities and their budget increases.

Following tonight's discussion it was decided that an Amended Budget will be prepared for Introduction at the June 8th meeting.

NEW BUSINESS

THE LAND CONSERVANCY OF NEW JERSEY GREEN ACRES SIGN-ON LETTER TO ANDOVER TOWNSHIP'S OPEN SPACE AND RECREATION PLAN

Mayor Smith explained that the Land Conservancy is asking the Township for permission for them to give the Township funding for Open Space. The Township Committee all agreed to have a letter prepared and sent as directed.

MASTER PLAN UPDATE

Mayor Smith stated that the Master Plan Committee was scheduled to meet this afternoon and because of some conflicts it has been rescheduled on Wednesday at 3:30. Chairman Christodlous will have a report for the next Township Committee meeting on June 8, 2009.

NEW BUSINESS (CONTINUED)**MUNICIPAL COURT STAFFING**

Mayor Smith stated a study was conducted as to proper staffing in the Court office. There are currently two part time employees, one is a temporary employee. The discussion was regarding whether or not to release the temporary employee. The study determined that the case load in the first three months of 2009 as compared to 2008 has increased by about 41%. Revenues in this office have also been increasing. He stated he has had extensive meetings with the Judge and he explained the effects on the Court and following discussion of this item in Executive Session, the Township Committee came to the conclusion to keep the temporary position.

Mayor Smith asked for a motion to extend the temporary employee status of Shauna Tillotson through August 31, 2009. At that time there will be subsequent action pending with the Department of Personnel to establish permanent status. Mr. Walsh moved and Mr. Boyce seconded this motion and same was carried unanimously.

OTHER BUSINESS**APPROVAL OF RAFFLE LICENSES - TO BE HELD AT FARMSTEAD GOLF & COUNTRY CLUB**

**BLESSED KATERI TEKAKWITHA PARISH - TO BE HELD ON OCTOBER 05, 2009
AT 7:00 P.M.**

A. R.L. #873 - OFF-PREMISE 50/50

UNITED WAY OF SUSSEX COUNTY - TO BE HELD ON SEPTEMBER 14, 2009 AT 2:00 P.M.

A. R.L. #874 - OFF-PREMISE 50/50

AMERICAN RED CROSS OF NORTHERN NJ - TO BE HELD ON JULY 9, 2009 AT 9:00 P.M.

A. R.L. #875 - ON-PREMISE MERCHANDISE

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 - yes

Mr. Gilseman - absent
Mr. Walsh - yes

COMMITTEE REPORTS

MS. PHOEBUS. She began her report with the Economic Development Advisory Committee and introduced Rick Melfi as the Chair for this newly formed Committee. The first meeting was held this past Friday. Mr. Melfi spoke before the Committee and informed them that Hardyston Township has an established Economic Development Committee and in speaking with them, they are proud of the fact that municipality has managed to keep a flat tax this year due to this Committee. They are very active in working with current businesses and potential businesses. Mr. Boyce stated that he had heard it has been years since they actually raised their taxes. Ms. Phoebus added their Committee has been active for over 20 years and one of the best in the State.

COMMITTEE REPORTS (CONTINUED)

MS. PHOEBUS. Mr. Melfi stated that two members of the Economic Development Advisory Committee will be scheduling a meeting with representatives in Hardyston in order to share some of their best practices to see what can be brought back to benefit Andover Township's EDAC Committee.

Mr. Melfi reported on the first meeting and they would like to be referred to as the Economic Planning Advisory Committee. They are in the process of putting together an Inventory list of available commercial and business properties for municipal use and to share with the County's Economic Development Commissioner. When meeting with the County Commissioner, she was not aware of available property in Andover Township except for one. She was not aware of any rental property as well.

In one short week they have begun to make some impact and they continue to do so. Mr. Melfi asked that this Advisory Committee be given a tab on the website. He also mentioned to addition of one more member and the Ordinance does allow from seven to nine members.

The EDAC's first official recommendation to the Township Committee is for the Committee to start to formulate a plan to develop a municipal run farmers' market, which can provide an economic benefit to the township. He continued to explain how to proceed with this endeavor. The Township Committee thought this to be a great idea.

Ms. Phoebus then reported on COAH providing an update on a new plan that Pellow and Associates designed for the Abbey. COAH advised that the township would received certification if we can give them a great deal of information sometime in June and one item they are requesting is that pieces of COAH that are in the plan, they want to know how we are going to build these units, where is the funding coming from and when will the projects begin.

MR. BOYCE. He reported on the Water Quality Management meeting on May 16th. He gave the County an update on the Sparta pumping project and they asked him to keep them apprised on this project. Mr. Boyce added that there is a Freeholder's meeting May 27th at 10:00 a.m. They have invited local municipalities to talk about areas of concern. He stated his disappointment that the Freeholders have not been more active in getting involved in the Sparta pumping project. He encouraged anyone to attend this meeting and raise that concern so they are aware. Mayor Smith stated he has accepted the invitation.

MR. WALSH. He reported that the Recreation meeting is scheduled for tomorrow night. They are trying to find a field for girls' softball. He stated he asked Dan Freed earlier if the new property acquisition at Lake Iliff has ample space for such a field. It was determined that this location is quite environmentally sensitive.

He added that the Miss Andover Township and Little Miss/Mr. contests will be held on June 7th at 1:00 and the talent search will follow at 4:00.

Mr. Walsh also stated that the Finance Committee will be meeting over the next few weeks to work on the Municipal Budget.

COMMITTEE REPORTS (CONTINUED)

MAYOR SMITH. He reported on the Seniors, stating that the Senior of the Year Luncheon was held on May 4th at the Senior Center and Irene Borneo was chosen. She will represent Andover Township at the State Fair in August. Chief Coleman and Administrator Alfano attended the meeting and Chief Coleman spoke about various frauds.

On the Police Department, Chief Coleman informed him that he has been educated on the swine flu pandemic and finding out what needs to be done to protect the town.

Mayor Smith stated a number of people approached him about starting an E-Newsletter from the Mayor informing the public of weekly bulletins. He stated the initial letter was sent today to about 100 addresses. If asked that if anyone wants to be on this list, to send him an email.

Mayor Smith reported that Mayor Brady from Sparta contacted him about shared services and requested a meeting to discuss this topic further. They will be meeting on Thursday, May 14th to see if there are any opportunities.

The Land Use Board met on May 5th and passed a resolution deeming the Fees Ordinance consistent with the Master Plan. The next meeting is Tuesday, May 19th with a special meeting scheduled for June 10th.

He then reported on a meeting with the Coalition of Concerned Municipalities regarding the PSE&G project. The current issue is how this coalition should work. Attorney Semrau stated that the discussion about the escrow is ongoing. It has been requested that Public Service fund this escrow and have the municipalities hire their own experts to review/challenge this application. The parties are discussing ways to resolve this and have the escrow provided for the communities. A suggestion from Andover Township was to have one attorney spearhead this coalition and attend status conferences.

Mr. Gilseman had been appointed point person for this project and he recently indicated to Mayor Smith he can no longer dedicate the time. Mayor Smith asked the Township Committee to consider a replacement.

REPORT FROM THE TOWNSHIP ADMINISTRATOR She provided information in the Committee packets with regard to ambulance services. There has been discussion amongst municipalities with volunteer services addressing the slow response time. They are reviewing possibilities to offset services they currently have, when most volunteers are working and have difficulty responding. The cost of this service is billed directly to the insurance company.

She then reported on the E-JIF for energy purchase and there will be a meeting this Wednesday before the regular monthly JIF meeting. There is a possibility of a one time \$600 fee per municipality.

REPORT FROM THE MUNICIPAL ATTORNEY He stated he spoke with Ms. de Vries about Executive Session and she respectfully declined.

With respect to the authority to go out for bid for the Skid Steer Loader, a question was raised regarding performance bond requirement upon award. He explained that because this project that comes with a warranty, the performance bond can be waived. The cost of the bond is passed on to the municipality. Attorney Semrau recommends this requirement be waived if the Township Committee agrees. All agreed.

REPORT FROM THE MUNICIPAL ATTORNEY (CONTINUED) Attorney Semrau then spoke of the municipality's email policy established a few years ago. He stated this policy was designed to protect elected officials, employees and volunteers from anyone making OPRA requests to anyone's personal accounts. With respect to correspondence with professionals, the unwritten rule was that you correspond from your township email account so there is a public record, to the professionals own business account. After further discussion, it was suggested this practice be brought back in the form of a policy so that everyone adheres to this without objection.

Regarding the Lake Iliff property acquisition, the project continues to move forward and to ensure there is no money expended at the closing, the property will be transferred or assigned from the County to the Township. A resolution will be provided at the next meeting in order to take such action. With the abandonment of the right-of-way and survey work closing on this property should take much longer.

Regarding COAH, Attorney Semrau stated that one of the items requested by them was whether the township is in the position to have started to seek developers for the St. Paul's Abbey project. Now that the township has the report from Pellow Engineering with respect to infrastructure, there was discussion amongst the Committee to at a minimum draft a Request for Proposals for this purpose. He suggested a draft be done and sent to COAH because Planner McGroarty has a deadline of this Friday to get this information to them. It would not go out for actual proposal request at this time. The Township Committee was all in agreement.

Attorney Semrau then reported that at the last meeting Lakeland Emergency Squad asked about a donation of an ambulance in anticipation of purchase of a new vehicle, Administrator Alfano received a proposal on May 9th which was shared in Executive Session. He stated that the old ambulance will be donated to the Squad from the Township providing that Byram Township will do the same. This will be part of the proposal. Andover and Byram will donate the titles of the old vehicles to Lakeland. The two municipalities will both join and become involved in the purchase of the new ambulance. A shared service type of agreement will be drafted to create an understanding between the two municipalities.

NEXT SCHEDULED MEETINGS: **Monday, June 08, 2009**
 Monday, June 22, 2009

Executive Session - 6:30 p.m.
 Regular Meeting - 7:30 p.m.

ADJOURNMENT No further business appearing before the Committee at this time, Ms. Phoebus moved the meeting be adjourned at 9:39 P.M., seconded by Mr. Walsh and carried unanimously.

Respectfully submitted,

Robert O. Smith, Mayor

Vita Thompson, R.M.C.
Municipal Clerk