

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

**SPECIAL MEETING
MAY 27, 2009**

5:00 P.M.

CALL TO ORDER The regular meeting of the Andover Township Committee was called to order at 5:13 P.M. by Mayor Smith, followed by a salute to the flag.

ROLL CALL: Present: Mr. Boyce, Mr. Gilsenan, Mr. Walsh,
Ms. Phoebus, Mayor Smith
Also present: Administrator Alfano, Attorney Semrau

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

APPROVAL OF AGENDA Mr. Walsh moved to have the agenda amended by moving the Public Comments Session prior to going into Executive Session. Hearing no objections this motion was carried unanimously.

Attorney Semrau asked if the Executive Session would be amended to include discussion regarding Riverbank-Sparta Project under Attorney-Client Privilege. There was no objection.

Mr. Walsh moved to approve the agenda as amended, seconded by Mr. Boyce and carried unanimously.

APPROVAL OF VOUCHERS FOR PAYMENT Mr. Walsh moved to approve the bills list as presented, seconded by Mr. Boyce and carried unanimously.
(See Insert Attached to These Minutes)

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

John Carafello of 10 Eileen's Way remarked that there were statements made by a candidate running for municipal office. He stated that we deal with very good people in this town and there have never been bribes, he has never heard of any bribes and he stated he will help in any way to resolve this issue. He added that such a statement puts a black cloud on everyone who does business in this municipality.

He then stated that a statement was made that this town routinely did business in a dishonest fashion. He then spoke of prior Committees stating that they were never dishonest. When he hears these comments to him it means that the township inspectors, municipal staff, people who sat on the Planning Board, Board of Adjustment and all volunteers were not acting responsibly. He stated he never even heard a rumor of any bribe in any way being taken.

PUBLIC COMMENTS (CONTINUED) Phil Deacon, builder/developer in Andover Township and throughout Sussex County agrees with the statements made by Mr. Carafello. He stated that such a remark does put a black cloud over every builder and developer in this community, making it sound like they are dishonest. He stated that something needs to be done to get to the bottom of this matter. He stressed that we need to find out who did, when and why they did it, if in fact there is someone who did something wrong,

Mike Morel of 12 Hidden Valley Way is a resident and also a builder/developer. He also serves on a number of boards for the township. He stated he believes the same as the last two speakers, the question being was an illegal act committed by a developer, whether it was brought forward to the proper authorities at the time for appropriate action. He further stated that he is proud of the work he does and any developer that has committed an illegal act should be held accountable for that. He then stated that he is happy that Township Committee is moving forward in investigating this further.

Wendell Anderson of 220 Current Drive stated he is new to the Township and he is unclear as to what the prior speakers are talking about. He asked about these allegations. Mayor Smith stated that an investigation is taking place this evening and following the public session, the Township Committee will go into Executive Session to discuss these issues further. Following Executive Session, the Township Committee will share with the public anything that has transpired during this session.

Attorney Semrau explained that he has a copy of what is being discussed and provided Mr. Anderson with this copy. He added that based on this the Township Committee had asked him to investigate this issue.

Gerald Huelbig, 11 Martin Street and a member of the Land Use Board for five years stated he is very concerned about the allegations made and supports the investigation because these comments do cast a cloud over this municipality.

Hearing nothing further Mr. Walsh moved to close the public portion, 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

L. de Vries, Environmental Commission

CONTRACT NEGOTIATIONS

PSE&G

ATTORNEY-CLIENT PRIVILEGE

RIVERBANK-SPARTA PROJECT

POTENTIAL LITIGATION

Ballantine Road was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 5:24 P.M. Mr. Walsh moved to adjourn executive session at 7:05 P.M., seconded by Mr. Boyce and carried unanimously.

REGULAR MEETING RESUMED

Attorney Semrau stated that the Township Committee met and performed a fact finding mission. The Township Committee has determined that even though an incident did occur, it did not meet the legal definition of a bribe. He added, Ms. de Vries has been asked to remove the statement from her website and she has agreed to do so.

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 7:09 P.M., seconded by Mr. Boyce and carried unanimously.

Respectfully submitted,

Robert O. Smith, Mayor

Vita Thompson, R.M.C.
Municipal Clerk