

**ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES**

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

**JUNE 08, 2009**

**REGULAR MEETING - 7:30 P.M.**

The regular meeting of the Andover Township Committee was called to order at 7:40 P.M. by Mayor Smith, followed by a salute to the flag.

**ROLL CALL:** Present: Mr. Walsh, Ms. Phoebus, Mayor Smith  
Also present: Attorney Di Yanni, Attorney Semrau (arrived at 8:40)  
Those absent: Mr. Boyce, Mr. Gilsenan  
Administrator Alfano

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

**REGULAR MEETING**

**APPROVAL OF GENERAL AGENDA** Mayor Smith explained that there are several matters that need to be moved from this evening's agenda due to the lack of sufficient voting quorum. He listed the following: all liquor license renewals, Resolutions #R2009-94 through #R2009-103. Discussion on the Budget will also be tabled. He also mentioned the February 9<sup>th</sup> Meeting Minutes will also be tabled. Mr. Walsh asked that Ordinance No. 2009-27 for Introduction will be removed and tabled for a later date because it requires additional information.

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

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

**\*CONSENT AGENDA:**

**\*OTHER BUSINESS:**

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

**ACCEPTANCE OF TAX COLLECTOR'S MAY REPORT - \$3,199,555.48**

**\*RESOLUTIONS:**

**#R2009-87 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY  
ACCEPTING THE INTENT TO RETIRE FILED BY JOYCE COVALENCE  
PUBLIC SAFETY TELECOMMUNICATOR**

**\*CONSENT AGENDA: (CONTINUED)**

**\*RESOLUTIONS: (CONTINUED)**

**#R2009-88 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO APPOINT KYLE T. WILSON, JONATHAN E. ARLT AND JAMES HOLMES TO THE POSITION OF PART-TIME PUBLIC SAFETY TELECOMMUNICATOR TRAINEE FOR THE ANDOVER TOWNSHIP POLICE DEPARTMENT**

**#R2009-89 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP FOR THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY FOR ACCEPTANCE OF THE 2008 REPORT OF AUDIT**

**#R2009-90 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO APPOINT PUBLIC SAFETY TELECOMMUNICATOR JESSICA CASELLA FROM PART-TIME TO FULL TIME STATUS**

(See Inserts Attached to These Minutes)

**\*APPROVAL OF MINUTES**

**FEBRUARY 23, 2009 EXECUTIVE SESSIONS "A" & "B"  
MARCH 09, 2009 EXECUTIVE SESSIONS "A" & "B"  
MARCH 23, 2009 EXECUTIVE SESSION**

**APPROVAL OF MINUTES**

**FEBRUARY 09, 2009 EXECUTIVE SESSION** - These minutes are tabled until the next Regular meeting.

**APRIL 13, 2009 REGULAR MEETING  
APRIL 13, 2009 EXECUTIVE SESSION**

Ms. Phoebus moved to approve the foregoing minutes as presented, seconded by Mr. Walsh and carried unanimously.

**REPORT FROM THE FIRE CHIEF** President Rick Melfi was present for Chief Garrigan. He reported for the month of May there were 19 reported calls, five active fire alarms, one electrical fire, one special drill, one monthly drill, one monthly meeting, two motor vehicle accidents, two parade participations, one special work drill, one smoke condition, one vehicle fire rescue and three downed power lines. There are a total of 277 man hours and 132 calls year to date.

President Melfi announced that the new tanker truck is in New Jersey at Fire Safety and delivery is expected this week. The Wetdown is scheduled for July 11<sup>th</sup>. As soon as the delivery date is confirmed the Township Committee and employees will be invited for cake and coffee.

**REPORT FROM THE RESCUE SQUAD CHIEF** Chief Reidmiller reported for the month of May 92 reported calls, 46 in Andover Township. There were four community service drills, request for medics totaled 37 and they treated 27 times. There were two flyouts. There were 269 hours and traveled 1700 miles. Year to date there were 537 calls, 217 to Andover Township for 1700 hours and 11,000 miles.

**REPORT FROM THE CHIEF OF POLICE** Chief Coleman reported that dispatch handled 6,926 calls as of June 7<sup>th</sup>. Officer Murrell attended work zone safety training. Officer Kern attended Crash Scene Investigation One Training. He then reported on a recent missing persons call and he commended the actions of the police department, fire department and first aid squad as well as those departments who contributed in mutual aid assistance. The individual was found unharmed.

Mayor Smith noticed a sharp rise in criminal action and summonses in April. Chief Coleman explained that the department has been rather busy and he anticipates being even busier in the coming months. He explained the summonses are a result of the Click It or Ticket Program, almost 300 issued. The criminal activity is a direct result of the economy.

## **PRESENTATION**

### **FRANK COVELLI, PIA ASSOCIATES - HEALTH INSURANCE DISCUSSION**

Mr. Covelli explained the HIF organization which was derived from the JIF beginning in the 1980's.

He stated that HIF approached Andover Township two-three years ago with a proposal for employee dental coverage, moving for a direct contract with Delta Dental through the HIF rather than an insurance agency. Municipalities own and operate the Fund.

He spoke several months ago with Mayor Smith and they were discussing if the Township should be looking at the HIF for medical and prescription benefits. Since their conversation, there has been more information available from the State and a recent article in the Star Ledger on the status of the State Health Benefits Plan. He stated that the State changed the plan design in 2008 making predictions on what the cost would be. As a result of poor forecasting, the program is running a deficient. They are talking about double digit increases for 2010, approximately 17 percent increase for municipalities. Mr. Walsh read 10 percent for municipalities and 20 percent for schools.

Mayor Smith stated benefits are the township's largest costs, second to salaries. It is always wise to investigate options to the current plan. He added that the one thing that is extremely important is that you must offer equal or better coverage to employees.

Mr. Covelli said when looking at Andover Township when reviewing the dental coverage, a quick look was given to the medical and prescription. The claims experience was ordered by the State by paying \$2,000 for this service. The data at that time was reviewed by the HIF and it was recommended that Andover Township stay with the State Health Benefits Plan. He added that the history log would be revisited in the next couple of years. Again, the State still requires the \$2.00 fee to obtain this data. The HIF \$500 deposit is refundable. If the entity were to join, this amount is credited to the account.

There was some discussion regarding some large, adverse claims as it was three years ago. Mr. Covelli explained what the actuary reviews regarding the claims data. Following further explanation of this process, Mayor Smith opened the questioning to the public.

**PRESENTATION (CONTINUED)****FRANK COVELLI, PIA ASSOCIATES - HEALTH INSURANCE DISCUSSION**

Stan Christodlous asked how much money is owed for deferrals. Mr. Walsh replied that when he spoke to Auditor Sarinelli he believes we are in the neighborhood of owing \$120,000 to \$130,000. Mr. Covelli stated that the State Health Benefit Plan can also provide this information. Mr. Christodlous stated that \$2,000 should be viewed as an investment and an opportunity to save money over the long haul.

Carla Kostelnik asked about the carriers that are provided under the HIF. Mr. Covelli said the HIF would duplicate the current level of benefits using their network. They utilize either the United or the Aetna networks, finding Aetna to be the stronger of the two. The HIF retains these companies to provide a network and to adjudicate and process the claims. The insurance comes from the HIF which premium is based on the dollars collected and the reinsurance that is in place.

Michael Lensak asked if Mr. Covelli is acting as a consultant or as an agent. Mr. Covelli stated he is retained by the municipality as a consultant. He does not work for the HIF but for the municipality. Mr. Lensak asked if there is any commission in this product. Mr. Covelli replied yes, his firm receives this commission. Mr. Lensak stated he believes there is a bit of a conflict because Mr. Covelli is professing one plan is better than the other and in fact he receives a commission from one of these plans. Mr. Covelli stated he does not get paid by the State Health Benefits Program but he would be paid under the HIF.

Mayor Smith closed the public questioning session on this topic.

Mr. Walsh made a recommendation that at the time the budget is reintroduced that this issue be tabled until such time. He stated he needs some time to digest all that was presented this evening. Ms. Phoebus also recommended that the Township look at some current claims that are pending and how they would affect our claims history analysis. Mr. Walsh stated the additional time can also be used to determine exactly how much money we would owe the State Health Benefits Plan.

Mayor Smith agreed with these recommendations and this matter will be scheduled for the next meeting of the Township Committee.

**REGULAR AGENDA**

**RESOLUTION TO AMEND THE 2009 MUNICIPAL BUDGET** This matter was tabled for the next meeting of the Township Committee.

**OPEN TO THE PUBLIC** Mayor Smith began this session by addressing the status of the Riverbank-Sparta Project. Last week there were two meetings, one hosted by Sparta and the other held at this building. The purpose was to understand the process of this application. A FERC representative did attend these meetings and it was confirmed that this is a very long process. The intervention has been filed and comments have also been filed. At this time Mayor Smith showed his four minute digital presentation which was played at these two meetings. A round of applause followed.

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

**OPEN TO THE PUBLIC (CONTINUED)** Lois de Vries, 85 Lawrence Road, questioned Resolution #R2009-104 stating that there is liability attached to this property. She understands why we would want to collect the taxes that have accumulated over the years but asked why we would foreclose and create a liability exposure for the township. Attorney Semrau explained there is a significant tax liability so the Township Committee wants to go forward in the hopes that the individual will redeem the taxes. If they don't, the Township may in fact proceed to foreclose. There are certain laws that do not alleviate the responsibility to the property owner for the cleanup.

Seeing no further comment, Ms. Phoebus moved to close the public portion, seconded by Mr. Walsh and carried unanimously.

**ORDINANCES: PUBLIC HEARING**

**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 TOWNSHIP OF ANDOVER AND TO PROVIDE FOR THE FUNDING THEREOF"***

Mr. Walsh moved to open the public hearing on this Ordinance, seconded by Ms. Phoebus and carried unanimously. Seeing no comment, 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 May 11, 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 - absent	Mr. Gilseman - absent
Ms. Phoebus - yes	Mr. Walsh - yes
Mayor Smith - yes	

**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"***

Ms. Phoebus moved to open the public hearing on this Ordinance, seconded by Mr. Walsh and carried unanimously. Mr. Christodlous asked for an explanation and Mayor Smith stated that this amendment is to comply with the Open Public Meetings Act. Seeing no further comment, 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 May 11, 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 - absent	Mr. Gilseman - absent
Ms. Phoebus - yes	Mr. Walsh - yes
Mayor Smith - yes	

**ORDINANCES: PUBLIC HEARING (CONTINUED)****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"**

Ms. Phoebus moved to open the public hearing on this Ordinance, seconded by Mr. Walsh and carried unanimously. Seeing no comment, 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 May 11, 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 - absent	Mr. Gilseman - absent
Ms. Phoebus - yes	Mr. Walsh - yes
Mayor Smith - yes	

**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"**

Ms. Phoebus moved to open the public hearing on this Ordinance, seconded by Mr. Walsh and carried unanimously. Seeing no comment, 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 May 11, 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 - absent	Mr. Gilseman - absent
Ms. Phoebus - yes	Mr. Walsh - yes
Mayor Smith - yes	

**ORDINANCES: INTRODUCTION****NO. 2009-23 VACATION OF CERTAIN RIGHTS-OF-WAY**  
**BALLANTINE ROAD AND BALLANTINE WOODS WAY**

**"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AUTHORIZING THE VACATION OF CERTAIN RIGHTS-OF-WAY"**



**ORDINANCES: INTRODUCTION (CONTINUED)****NO. 2009-26 TO AMEND CHAPTER 190 "ZONING" ARTICLE V  
"USE AND BULK REGULATIONS" - SECTION 190-34**

**"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING CHAPTER 190, "ZONING", ARTICLE V, "USE AND BULK REGULATIONS", SECTION 190-34, "TABLES", TABLE 1, "USES PERMITTED IN RESIDENTIAL ZONES" OF THE REVISED ORDINANCES OF THE TOWNSHIP OF ANDOVER"**

**BE IT RESOLVED** by the Mayor and Committee of the Township of Andover, that Ordinance #2009-26, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on July 13, 2009 at 7:30 P.M. local prevailing time, or as soon thereafter as the matter can be reached in the Municipal Building, 134 Newton-Sparta Road, Roll call vote:

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

**NO. 2009-27 TO AMEND CHAPTER 190 "ZONING" ARTICLE V  
"USE AND BULK REGULATIONS" - SECTION 190-74**

**"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING CHAPTER 190 "ZONING" ARTICLE V, "USE AND BULK REGULATIONS", SECTION 190-40, PRC PLANNED RETIREMENT COMMUNITY ZONE" AND ARTICLE IX "ZONE MAP", SECTION 190-74 "ZONE BOUNDARIES" OF THE REVISED ORDINANCES OF THE TOWNSHIP OF ANDOVER"**

Mayor Smith announced earlier in the meeting and reiterated that this Ordinance is tabled for a later date.

**NO. 2009-28 TO AMEND CHAPTER 190, "ZONING" SECTION 190e, "TABLE 4, USES PERMITTED IN NONRESIDENTIAL AIRPORT ZONES**

**"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 190, "ZONING," SECTION 190e, "TABLE 4, USES PERMITTED IN NONRESIDENTIAL AIRPORT ZONES" OF THE REVISED GENERAL ORDINANCES TO INCLUDE "RETAIL SALES" AND "SERVICE ACTIVITIES" AS PRINCIPAL PERMITTED USES IN THE BPO/R/A/ ZONE"**

**BE IT RESOLVED** by the Mayor and Committee of the Township of Andover, that Ordinance #2009-27, 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 22, 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 - absent	Mr. Gilsenan - absent
Ms. Phoebus - yes	Mr. Walsh - yes
Mayor Smith - yes	



**RESOLUTIONS****#R2009-92 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO JOIN NEW JERSEY SUSTAINABLE ENERGY JOINT MEETING**

Mr. Walsh asked that this resolution be tabled until the Administrator is available to explain this program in more detail. Mayor Smith explained that this resolution would authorize the municipality in joining with other municipalities in an effort to purchase energy at the lowest rate available. In agreeing with Mr. Walsh, Mayor Smith asked for a motion to table. Mr. Walsh moved to table for the next regular meeting, seconded by Ms. Phoebus and carried unanimously.

**#R2009-93 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN LANDS AND PROPERTIES WHICH ARE NO LONGER NEEDED FOR PUBLIC USE BY THE TOWNSHIP**

Mr. Walsh moved to adopt this resolution as presented, seconded by Ms. Phoebus and carried unanimously.  
(See Insert Attached to These Minutes)

Mayor Smith explained that the following resolutions #R2009-94 through #R2009-103 have been tabled to the next meeting due to lack of available voting quorum.

**#R2009-94 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY ADVISING THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL OF NO OBJECTION TO THE ISSUING OF THE CONFLICT OF INTEREST LICENSE FOR THE FARMSTEAD GOLF AND COUNTRY CLUB FOR THE TERM JULY 1, 2009 THROUGH JUNE 30, 2010****#R2009-95 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF LIQUOR LICENSE #1902-44-015-002 PLENARY RETAIL DISTRIBUTION LICENSE FOR ANDOVER WINE AND LIQUORS FOR THE TERM JULY 1, 2009 THROUGH JUNE 30, 2010****#R2009-96 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF LIQUOR LICENSE #1902-33-006-002 FOR PERONA ENTERPRISES, INC. T/A PERONA FARMS, PLENARY RETAIL CONSUMPTION LICENSE FOR THE TERM JULY 1, 2009 THROUGH JUNE 30, 2010****#R2009-97 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-005-004 FOR J & M WALDRON, INC. T/A MAX'S STATION HOUSE FOR THE TERM JULY 1, 2009 THROUGH JUNE 30, 2010**

RESOLUTIONS (CONTINUED)

- #R2009-98 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE #1902-33-009-002 FOR SHERIDAN'S LODGE, INC. T/A SHERIDAN'S LODGE FOR THE TERM JULY 1, 2009 THROUGH JUNE 30, 2010
- #R2009-99 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF LIQUOR LICENSE #1902-33-003-002 FOR ALSATIAN CORPORATION T/A LAKE LENAPE LODGE FOR THE TERM JULY 1, 2009 THROUGH JUNE 30, 2010 WITH CERTAIN CONDITIONS
- #R2009-100 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-010-003 FOR DINA'S LLC FOR THE TERM JULY 01, 2009 THROUGH JUNE 30, 2010
- #R2009-101 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-004-006, FOR LARRY L. SNOVER, INC. T/A THE CELLAR FOR THE TERM JULY 1, 2009 THROUGH JUNE 30, 2010
- #R2009-102 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF LIQUOR LICENSE #1902-31-014-002 CLUB LICENSE FOR THE NEWTON COUNTRY CLUB, INC. FOR THE TERM JULY 1, 2009 THROUGH JUNE 30, 2010
- #R2009-103 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF LIQUOR LICENSE #1902-31-013-001 CLUB LICENSE FOR LT. CHAS A. MEYER POST 86 - AMERICAN LEGION T/A AMERICAN LEGION POST 86 FOR THE TERM JULY 1, 2009 THROUGH JUNE 30, 2010
- #R2009-104 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE INSTITUTION OF AN IN-REM TAX FORECLOSURE ON BLOCK 60/LOT 4.06

Attorney Semrau explained this resolution will authorize the foreclosure of this property based on delinquent taxes outstanding for a number of years. By authorization of this resolution, a foreclosure complaint will be filed and property owner will have an opportunity to redeem the outstanding taxes. The Township is holding the tax sale lien, which is a cost that's been incurred by the Township to carry this property. The tax balance is about \$149,641.93. There may be environmental issues with respect to the property but it is large tract of land next to a state park.

Ms. Phoebus moved to adopt this resolution as presented, seconded by Mr. Walsh and carried unanimously.

(See Insert Attached to These Minutes)

**RESOLUTIONS (CONTINUED)****#R2009-105 A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP,  
COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE AND  
EXECUTE THE MUNICIPAL INTERVENORS AGREEMENT IN CONNECTION  
WITH THE PSE&G PROJECT COMMONLY KNOWN AS THE SUSQUEHANNA-  
ROSELAND PROJECT, BPU DOCKET NO. EM09010035**

Ms. Phoebus moved to adopt this resolution as presented, seconded by Mr. Walsh and carried unanimously.

(See Insert Attached to These Minutes)

**OLD BUSINESS**

**PERSONNEL COMMITTEE POLICY REVIEW** Mayor Smith suggested tabling this matter so Administrator Alfano and Mr. Boyce can be present for this discussion.

**MUNICIPAL EMAIL POLICY REVIEW** Mayor Smith explained about the need for a policy which is done for everyone's protection. If dealing with any type of municipal business, every employee and volunteer must use their municipal email address. Any one could be subject to an OPRA request on your private computer and email if using it for municipal business. He stated that township professionals can wish to use their own business addresses.

Attorney Semrau further explained that there is an existing policy in place which was designed not only to protect the individuals but also the Township Clerk because that person is ultimately responsible to maintain all of these emails. He added that going forward with this aspect of the email policy, it gives the municipality the right without contacting individuals, gather what information is necessary. Ms. Phoebus stated her concerns with professionals who use both her personal and municipal email address. Mayor Smith stated the professionals should be instructed to send only to municipal addresses.

**NEW BUSINESS****RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
ANDOVER COUNTY OF SUSSEX STATE OF NEW JERSEY AUTHORIZING THE  
EXECUTION OF THE AGREEMENT FOR THE ASSIGNMENT OF INTERESTS IN  
UNIMPROVED REAL PROPERTY WITH THE COUNTY OF SUSSEX**

Attorney Semrau explained that this matter pertains to an Open Space acquisition and the Open Space Committee has asked for the Township to look into a certain property. There are two resolutions for the appointment of appraisers. At this time there is no available voting quorum to act on these resolutions so Attorney Semrau asked that these resolutions be on the next agenda. Ms Phoebus will recuse on this matter.

**OTHER BUSINESS**

**TOWNSHIP COMMITTEE MEETING SUMMER SCHEDULE** Mayor Smith stated that the Township Committee meeting for July 13<sup>th</sup> be cancelled. Further discussion regarding this cancellation will be held during at the June 22<sup>nd</sup> meeting.

**OTHER BUSINESS (CONTINUED)****APPROVAL OF OFF-PREMISE 50/50 RAFFLE LICENSE #R.L. 877 - MARQUETTE COUNCIL KNIGHTS OF COLUMBUS #588 TO BE HELD AT ROLLING GREENS GOLF COURSE ON SEPTEMBER 12, 2009 AT 2:00 P.M.**

Attorney Semrau explained that normally Ms. Phoebus would recuse on this matter but because this license needs to be approved at this time and failure to do so will impact the applicant. He stated that under the Doctrine of Necessity for government to function, under these circumstances Ms. Phoebus can vote with the understanding that it is in order to move this application along.

Mr. Walsh moved to approve the foregoing matter, seconded by Ms. Phoebus and carried unanimously.

**COMMITTEE REPORTS**

**MS. PHOEBUS.** She reported on the Fire Department enforcing what Chief Coleman said earlier about the efforts made to locate a missing resident. She commended all public safety departments from all municipalities who joined in the search. They were organized and efficient all entities were. She then reported on the upcoming Chicken Barbeque on July 25<sup>th</sup>.

Reporting on COAH certification on the plan should be done sometime in July. We will have to complete the projects, mainly the St. Paul's Abbey project.

Rick Melfi was present and he provided an update on the Economic Development Committee. He reported that the webpage is on and running on the municipal site. On this site there is a link to the Township's Business Survey. He invited all to visit this site and complete the survey. He then reported on the Committee's meeting with Attorney Semrau, Planner McGroarty and Engineer Golden. He stated that they received very good information such as needing to work with other committees in order to avoid overlapping of similar ideas and discussions by everyone. They discussed some possible redevelopment of commercial zoning areas. They spoke about rezoning and creating a higher density at certain locations along the highways.

Mr. Melfi reported that he and Mr. Carafello sat down with the D'Angelo family with regards to doing a Farmers' Market at their location. They were very receptive to the idea. Attorney Semrau was asked to draft a letter to the D'Angelo's and that prior to entering into any agreement; it would be subject to formal resolution and approval by the Township Committee. They have received no response as yet.

He then reported that he and Michael Lensak had an informal meeting with the owners of the Econo Lodge which was done at the property owner's request. They are interested in re-starting talks with Thor Labs to see if the motel's location would have the property that Thor Labs is looking to build rather than going into Newton. Mayor Smith stated that he knows that the Thor Labs owner has a very large piece of commercial property in Hampton Township so we need to be very aggressive in hopes to keep them in town. Mr. Melfi also stated that the Econo Lodge owners are very happy with their location in Andover Township. They added that if Thor Labs didn't work out, they would look into renovating or rebuild a new facility.

Mr. Melfi then reported on the meeting he, Ms. Phoebus and Administrator Alfano had with the Hardyston Township Manager and Economic Development Commissioner on May 29<sup>th</sup>. They talked about Hardyston's Economic Development Committee's best practices and successes. They shared financial information, providing 10 years of ratable data outlining what they have received. In the past 10 years there commercial property increased by 85%. That money helped stabilized there tax base and there has been no increase in 13 years. They also stated that Hardyston's success has been a shared common vision with the elected committee, the planning board, zoning board and economic development working in the same direction.

**COMMITTEE REPORTS (CONTINUED)**

**MS. PHOEBUS.** Mr. Melfi then spoke about a political flyer circulated to Andover Township residents and it listed concerns with this Committee that pointed and made accusations that our Economic Development Committee was looking to Hardyston and Crystal Springs project as the development model that would be followed by Andover Township. He met with Administrator Alfano and she promptly emailed a copy to Hardyston explaining that it does not represent the Economic Development Committee and we look forward to a harmonious relationship with Hardyston.

Mr. Melfi stated that the Economic Development Committee needs to know that they have the Committee's support. He respectfully asked for a public vote of confidence from this Committee because of this flyer. Mayor Smith remarked that the flyer was a political issue and the Township should not get involved. He added that unless he sees a better plan he would not offer his vote. He then offered his opinion of what types of development would benefit the municipality.

Mr. Walsh voiced his disagreement with Mayor Smith adding that he would like to see a plan but what he has done so far is excellent with movement in the right direction. He provided the EDAC with his vote of confidence. Ms. Phoebus stated that of the top 10 taxpayers in the municipality, nine of them are businesses. She stressed the need of all types of businesses, big and small offer services and also helps the tax base. She stated that the EDAC is going to draft a brochure; they will help keep existing businesses in the township and increase their customer base. She stated that this committee will work in renting and selling these vacant buildings. All committees should work together with the same vision to help this town prosper by keeping its rural character.

**MR. WALSH.** He reported that the Finance Committee will be working on the budget amendment in hopes of reintroducing it sometime next week. Regarding Recreation, the parking lots at Hillside Park were striped today. There are 17 parking spaces, three handicapped. There are fire lanes in front of the Barn and no parking at the same location. The lower lot has 29 regular spaces with two handicapped, arrows directing traffic in and out.

He reported that the Andover Township Little Miss and Mr. Contests were held yesterday along with Miss Andover Township. Miss Andover Township is Leanna Grottyhann, 18 years old. Little Miss is Ashlynn Batista, 5 years old and Little Mr. is Ryan Smith. The total cost was \$130.90 because many gifts and prizes were donated by small and large local businesses.

**MAYOR SMITH.** He reported that the Andover Regional Seniors are always looking to increase their membership. The three candidates for township committee were invited to speak at the last meeting which was very informative.

He reported on the Girl Scouts Crossover Ceremony at the Florence Burd School. He stated that one of the units presented Andover Township with a very attractive handmade plaque. Arrangements will be made to have the Girl Scouts present at the next meeting.

Mayor Smith reported on the rally at the Newton Town Square hosted by Fredon and many environmental groups were present and they provided five minute speeches on the environmental impact of the Susquehanna-Roseland Project. About 150 people showed up.

Mayor Smith emailed John Douglas at Riverbank today and asked him how he was proceeding with the DOT on the alternate line and if there was anything more on when the drilling will begin. He received a one line answer saying no new updates.

**COMMITTEE REPORTS (CONTINUED)**

**MAYOR SMITH.** He then reported on a ribbon cutting ceremony that he and Mr. Walsh attended this past Saturday. This is a consignment shop for sporting goods equipment.

He then announced his weekly Mayor's Newsletter and invited anyone who would like to be added to the address list to let him know. He stated he is always looking for suggestions.

**REPORT FROM THE TOWNSHIP ADMINISTRATOR** There is no report this evening.

**REPORT FROM THE MUNICIPAL ATTORNEY** He stated that he would like to discuss Resolution #R2009-93 for Sale of Public Property. He would like to discuss the terms of this resolution. Martin Street is on the Executive Session regarding a request for road improvements. Regarding COAH and Third Round there was a meeting earlier today and he would like to discuss the legal aspects of this matter in Executive Session.

On the Lakeland Emergency Squad agreement, Attorney Semrau stated he received comments back from the squad and that should be finalized at the next meeting.

With respect to Riverbank, he stated that some of the legal issues regarding this matter will be discussed during the Executive Session. He stated that the opposition that the Township assigned was formidable, referencing Matt Mulhall. He put together much of the text but went beyond and put together an expert's report which is not always seen at this point in the application process. He added that Mayor Smith and Ms. de Vries also assisted on the text which was a very good submission in added to the exhibits submitted by a number of individuals working on this matter.

Attorney Semrau stated that there is a great deal of discussion on the strategy in this matter with the Township Committee relevant not only to legal strategy, but political and environmental. One of the things that will be discussed is whether the Township can somehow afford to have such a say in the form of a lobbyist.

Attorney Semrau spoke about the status of Highlands Farms subdivision which has been incomplete for quite sometime. The Township had filed action to draw on the Line of Credit. He stated that he should have \$156,000 for the Township from that Line of Credit which will be put aside to complete the improvements. The Township Engineer will put together a plan of action and the project will go out for proposals. The money should be received within a week.

He then stated he spoke to the Township Clerk who is the licensing authority and Chief Coleman with regard to the liquor license renewals. There will be a separate discussion regarding Ray's Inn and some of the ongoing activities in the last year.

Some of the work began today on Ballantine Road and last week the Township was called in before Judge Bozenelis on an Order to Show Cause. A resident of Ballantine Road sought to enjoin the Township in taking down a wall along the roadway and to cease from doing the scheduled repairs. Following oral argument the Judge denied that request.

Attorney Semrau then remarked on prior discussions on a Ordinance regarding Megan's Law and certain setbacks. There was serious discussion regarding this Ordinance and the Township did finally not go forward with such an Ordinance. Instead the Township sought legislative intervention as opposed to an ordinance and the actual law many municipalities had put on their books was invalidated and now many towns are repealing such ordinances.

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

**Personnel Matters:**

**Contract Negotiations:**

**1. Animal Control - New Vendor**

There will be discussion regarding the review of a proposal by the Animal Control Officer to better manage stray cats.

**2. Possible Sale of Municipal Property - Block 93/Lot 3.16**

**3. Recommendation of The Open Space Committee Regarding Acquisition of Certain Land.**

**4. Salt Brine Contract with Newton**

**5. COAH- Issues Pertaining to Substantive Certification**

**Attorney-Client Privilege:**

**1. Sparta Pumped Storage Project**

Discussion regarding a status report on this matter.

**2. Martin Street**

There will be continued discussion regarding the request by the residents of Martin Street for the Township to consider accepting this roadway.

**Potential Litigation**

**1. Rolling Hills Condominiums - Block 109/Lot 4.01-CO052  
Zoning Issue**

**2. Crepeau Developers - Default of Construction Obligation**

There will be discussion regarding a memo from a builder constructing a deck at this location. He had requested documents concerning underground electric lines.

**Pending Litigation**, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 9:42 P.M. Mr. Walsh moved to adjourn executive session at 10:36 P.M., seconded by Ms. Phoebus and carried unanimously.

**REGULAR MEETING RESUMED**

**RESOLUTION:**

**#R2009-93** Mr. Walsh moved to amend the resolution previously adopted to include the fact that the location is Block 93/Lot 3.16 and that the public sale will take place on August 24, 2009 at 6:00 p.m. The minimum bid would be \$105,000. Ms. Phoebus seconded the motion and it carried unanimously.

**NEXT SCHEDULED MEETINGS:**

**Monday, June 22, 2009**

**Monday, July 13, 2009 (Possible Cancellation)**

**Monday, July 27, 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 10:38 P.M., seconded by Ms. Phoebus and carried unanimously.

Respectfully submitted,

---

Robert O. Smith, Mayor

---

Vita Thompson, R.M.C.  
Municipal Clerk