

# ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

JUNE 22, 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 6:42 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 Di Gianni  
Those absent: Mr. Gilsenan (excused)

**OPEN PUBLIC MEETING STATEMENT** Statement of compliance with Chapter 231, P. L. 1975 was made by Mayor Smith. Ms. Phoebus moved to modify the Executive Session by adding Crepeau Developers under Attorney-Client Privilege. Motion was seconded by Mr. Walsh and carried unanimously.

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

**Personnel Matters:**

1. ***J. Covalence, Police Dispatcher***

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

3. ***Lakeland Emergency Squad and the Township of Byram***

Discussion regarding the draft agreement with Byram and Lakeland regarding the purchase of ambulances

**Attorney-Client Privilege:**

1. ***Riverbank-Sparta Project/Special Counsel-Prol Proposal***

Discussion regarding a status report on the Riverbank matter and review of the proposal filed by Attorney Prol to serve as special counsel.

2. ***Crepeau Developers***

**Potential Litigation**

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

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**

1. ***D. Szatkiewicz vs. Andover Township***

Attorney Semrau will provide a status report regarding this matter.

2. ***PSE&G - Susquehanna-Roseland Project***

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:43 P.M. Mr. Walsh moved to adjourn executive session at 7:31 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 Mr. Boyce and carried unanimously.

**APPROVAL OF CONSENT AGENDA ITEMS** 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**

**APPROVAL OF RAFFLE LICENSE - KEEP, INC. TO BE HELD ON JULY 31, 2009  
AT THE HILLSIDE PARK HALL FROM 6:30 P.M. TO 10:30 P.M.**

- A. #R.L. 879 - ON-PREMISE 50/50
- B. #R.L. 880 - ON PREMISE MERCHANDISE

### **\*RESOLUTIONS:**

**#R2009-107 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY  
AWARDING THE BID FOR THE PURCHASE OF ONE (1) CURRENT  
MUSTANG MODEL V2700 SKID STEER LOADER WITH DIESEL  
ENGINE WITH ALL EQUIPMENT AND ACCESSORIES TO G & H  
SERVICE, INC.**

**#R2009-108 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY  
AWARDING THE BID FOR THE PURCHASE OF ONE (1) 2010  
FREIGHTLINER M-2 106V DIESEL CHASSIS WITH CENTRAL  
HYDRAULIC SYSTEM AND MG ALL SEASON DUMP BODY WITH  
WAUSAU PLOW TO CAMPBELL FREIGHTLINER**

**#R2009-109 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO  
AUTHORIZE APPROVAL TO SUBMIT A GRANT APPLICATION AND  
EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY  
DEPARTMENT OF TRANSPORTATION FOR THE PERONA ROAD  
PHASE II PROJECT**

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

**\*RESOLUTIONS: (CONTINUED)**

**#R2009-110 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP FOR THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPROVE THE 2008 CORRECTIVE ACTION PLAN**

**#R2009-111 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF THE JOINT PURCHASE AGREEMENT FOR THE PURCHASE OF TWO NEW AMBULANCES WITH THE TOWNSHIP OF BYRAM**

(See Inserts Attached to These Minutes)

**\*APPROVAL OF MINUTES**

**APRIL 27, 2009 REGULAR MEETING  
MAY 27, 2009 EXECUTIVE SESSION**

**\*APPROVAL OF MINUTES FOR RELEASE**

**MAY 27, 2009 EXECUTIVE SESSION**

**APPROVAL OF MINUTES**

**FEBRUARY 09, 2009 EXECUTIVE SESSION**

Mr. Walsh asked that these minutes be held until after the presentation by the Scouts.

**PRESENTATIONS**

**ANDOVER TOWNSHIP GIRL SCOUT TROOP #839 - BRONZE AWARD RECIPIENTS**

Mayor Smith stated he had the privilege of attending their ceremony which was part of a larger Bridging Ceremony where the scouts move from one level to another. While he was there, the girls presented the Township with an attractive handmade plaque. He and Ms Alfano showed the plaque to the public. Mayor Smith explained that this plaque was made from all recycled puzzle pieces. A round of applause followed.

Certificates of Appreciation were presented to each of the Girls Scouts:

- |                               |                        |                          |                     |
|-------------------------------|------------------------|--------------------------|---------------------|
| <b>JOSEPHINE D'ALESSANDRO</b> | <b>DANIELLE GRELLO</b> | <b>LAUREN HUMMEL</b>     |                     |
| <b>SHERIDAN KAPUSCINSKI</b>   | <b>SOO LAING</b>       | <b>BRITTANY NAPHOLZ</b>  | <b>KATIE NELSON</b> |
| <b>AMANDA NITTING</b>         | <b>REBECCA POWERS</b>  | <b>STEPHANIE SYLVAIN</b> |                     |

**PRESENTATIONS (CONTINUED)**

**ANDOVER TOWNSHIP GIRL SCOUT TROOP #839 - BRONZE AWARD RECIPIENTS**

The Girl Scouts individually explained to the Township Committee and the public what they accomplished in order to achieve their Bronze Award.

**ANDOVER TOWNSHIP BOY SCOUT TROOP #85 - EAGLE SCOUT RECIPIENTS**

***ERIC SCHEERER    DAVID COPCUTT    KEITH MEYER***

**\*APPROVAL OF MINUTES**

**MAY 27, 2009 EXECUTIVE SESSION**

Mr. Boyce moved to reopen the discussion regarding the minutes of May 27, 2009 Executive Session. Mr. Walsh seconded and motion was carried unanimously.

Attorney Semrau arrived at 7:50 P.M. Mr. Boyce moved to make these minutes public, explaining that this Executive Session had a certain element of controversy because of the comments on Ms. de Vries blog site about a potential bribe. The matter was brought to the attention of the Township Committee who then looked into the matter in the Executive Session. He then stated that following that session, a statement was made on the record that the matter did not reach the level of a bribe. Attorney Di Yanni explained that action had been taken to release these minutes on the Consent Agenda. Mr. Boyce asked that there be some slight modifications to these minutes. These recommended changes were made. Attorney Semrau stated by these amendments, the minutes are considered approved.

**APPROVAL OF MINUTES**

**FEBRUARY 09, 2009 EXECUTIVE SESSION**

Mr. Walsh moved to approve these minutes as presented, seconded by Mr. Boyce. Roll Call vote:	
Mr. Boyce - yes	Mr. Gilsenan - absent
Ms. Phoebus - abstain	Mr. Walsh - yes
Mayor Smith	

**REGULAR AGENDA**

***PUBLIC HEARING FOR THE ADOPTION OF THE 2009 MUNICIPAL BUDGET***

**RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO ADOPT  
THE 2009 MUNICIPAL BUDGET AS PRESENTED**

Ms. Phoebus moved to open discussion of the 2009 Municipal Budget to the public, seconded by Mr. Walsh and carried unanimously.

**PUBLIC HEARING FOR THE ADOPTION OF THE 2009 MUNICIPAL BUDGET (CONTINUED)**

Stan Christodlous stated that considering the economic times he is very disappointed that the Budget could not be cut further. He asked why many of the suggestions made were not considered. Mr. Walsh explained that the Finance Committee cut the budget quite a bit. Unfortunately, he added there were some unforeseen expenses that needed to be addressed. CFO Day explained that there were some Unemployment Compensation payments that needed to be addressed totaling \$16,000. Mr. Boyce added that there was \$30,000 cut from the suspension of the Gypsy Moth Spraying Program and weeks later found out about increased legal costs because of the Riverbank-Sparta project.

Mr. Christodlous asked if the Township Committee has considered either a furlough or four day work week schedule. Mr. Walsh explained that the four day work week will not cut the budget this year, but it may possibility add to your surplus for next year. It was discussed but found negligible the amount that would be saved. Mayor Smith stated in his calculations the number he arrived at was a savings of \$23,000 which was at Vernon and the difference in the size of these two municipalities would be in the thousands. Mr. Christodlous said the State entertained a furlough program because of the budget and economic constraints. Mr. Walsh stated the Township Committee was told with the litigation involved in implementing a furlough program, it would end up costing the Township more money than would be saved.

Ms. Phoebus stated that the Finance Committee worked very hard on this budget and the one thing that kept coming back was the fact that revenues are all down. Mr. Walsh added that in the last two years the State has cut our State Aid by almost \$300,000, another \$30,000 this year. Ms. Phoebus spoke about the importance of leasing the lower level of the Hillside Park Barn which will bring in lost revenue of \$20,000.

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

**RESOLUTION:**

**#R2009-106A                      RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO**  
**ADOPT THE 2009 MUNICIPAL BUDGET AS PRESENTED**

Mr. Walsh moved to adopt the foregoing resolution as presented, seconded by Mr. Boyce. Roll call vote:

Mr. Boyce - yes  
 Ms. Phoebus - yes  
 Mayor Smith - yes\*

Mr. Gilsenan - absent  
 Mr. Walsh - yes

\*Following a short discussion Mayor Smith stated that he would like to amend his vote to "No". He explained his reasons and ending with his disappointment that we could not do a better job with reducing this budget. Mr. Walsh stated he took exception to the statement made that other municipalities did a better job on their budget. Mr. Walsh explained there were two municipalities that had revaluations which show no tax increase but property taxes did increase.

Mr. Boyce asked that this be put in perspective while no one likes to raise taxes during an economic downturn, the amount that Andover Township is responsible for increasing on the average homeowner is \$112 annually. He added that it is more important to maintain good quality government rather than cutting into the bone of the town and not being able to provide services that are expected.

Ms. Phoebus also expressed her thoughts on maintain good quality services that every resident has come to expect and do receive in this township. Mayor Smith stated he is comparing is the percentage of increase between municipalities. Ms. Phoebus stressed that everyone does need to pay closer attention to the annual school increases which greatly impact this municipality.

**OPEN TO THE PUBLIC** Ms. Phoebus moved to open the public portion of the meeting, seconded by Mr. Walsh and carried unanimously.

Diane Gillespie of Andover-Mohawk Road stated that the Jackson Township Tree Ordinance was upheld. She asked when the Township can expect to begin work on this Ordinance. Attorney Semrau suggested bringing the Jackson Township Ordinance, the portion which was upheld and found valid back for discussion. Mayor Smith asked if this should begin in Land Use before coming to the Township Committee. Mr. Walsh suggested starting with a Work Session discussion because there is no reason to have the Land Use Board rewrite something that hasn't been discussed by the governing body. This type of action will alleviate some unnecessary professional fees. Mr. Walsh added that it was Attorney Semrau who recommended we do nothing until the Jackson Township litigation is completed and use that as a boilerplate.

Mr. Boyce moved to have Attorney Semrau review the Township draft along with what has been upheld by the Appellate Division and report back to the Township Committee, seconded by Mr. Walsh and carried unanimously.

Guy Rialto of Hemlock Avenue voiced his concerns regarding potholes in need of repair on his road. Mr. Walsh stated because of the lack of an approved budget, funding was not available. Because the budget was adopted this evening, funds will be available to begin work on such repairs.

An Andover Borough resident from 127 Brighton Avenue came before the Township Committee to discuss the bear population. Chief Coleman informed everyone how to reduce their risk of visiting bears. He added that when they feel they are in jeopardy they should call the police department.

Rick Melfi, President of the Andover Township Fire Department announced that the new fire tanker is coming back tomorrow around noon. The vehicle needed to be refitted. Refreshments will be available at 7:00 tomorrow night. A Wetdown is scheduled for July 11<sup>th</sup> at 4:00 p.m.

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

### **ORDINANCES: PUBLIC HEARING**

#### **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"***

Ms. Phoebus moved to open the public hearing, seconded by Mr. Walsh and carried unanimously. Hearing no comments 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 June 09, 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

Mr. Gilseman - absent

Ms. Phoebus - yes

Mr. Walsh - yes

Mayor Smith - yes

**ORDINANCES: PUBLIC HEARING (CONTINUED)****NO. 2009-24 DEED OF DEDICATION ACCEPTANCE  
FOR OPEN SPACE  
BALLANTINE WOODS - BLOCK 7/LOT 10**

**"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX,  
AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A  
DEED OF DEDICATION FOR OPEN SPACE FOR BLOCK 7/LOT 10 FROM  
BALLANTINE WOODS, LLC."**

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

Stan Christodlous of 6 Wisteria Road commented that at one point there was a discussion that property would not be deeded for open space for the developer would pay taxes on this land. He asked what transpired to change that thinking. Attorney Semrau stated that this is consistent with the approval this developer was granted so the deed was presented, reviewed by Land Use Board Attorney and Engineer and recommendation was made that the deed dedication was consistent. Mr. Christodlous further stated that unless the property could house a ball field it should remain the property of the owner or owners in the subdivision. Attorney Semrau added that the property is so restricted that at this point that it does not have much utility. He stated that once the developer walks away the property is abandoned and will then become the township's responsibility anyway.

Diane Gillespie stated she agrees with Mr. Christodlous 100 percent and especially on this particular parcel. She explained that it is in a natural state at this time and if the owner does nothing with it, it won't look any different. She said she would understand more if the property was an open lot that people may use as a dumping area for abandoned vehicles but because this piece is environmentally sensitive with so many constraints to begin with, there is nothing that will affect it. She suggested that each piece should be taken individually and not apply a broad brush stroke on all properties. She said she hopes that everyone remembers this case as to what should not be done.

Attorney Semrau stated the biggest issue is enforcement and if there is a problem where someone is filling wetlands, a concerned resident will come forward and then the Township Committee would have to go through all the proper channels to access the property. If the town owns it, enforcement is within the town's purview. He said that some towns have conservation easements where the developers still own the property.

Hearing no further comments 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 June 09, 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

Mr. Gilsenan - absent

Ms. Phoebus - yes

Mr. Walsh - yes

Mayor Smith - yes

**ORDINANCES: PUBLIC HEARING (CONTINUED)****NO. 2009-25 DEED OF DEDICATION ACCEPTANCE  
ROADWAY PURPOSES  
BLOCK 7/LOTS 10, 10.02, 10.03, BLOCK 6/LOT 3.02**

**"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE OF A DEED OF DEDICATION FOR ROADWAY PURPOSES FOR BLOCK 7, LOTS 10, 10.02, 10.03 AND BLOCK 6 LOT 3.02, FROM BALLANTINE WOODS, LLC."**

Ms. Phoebus moved to open the public hearing, seconded by Mr. Walsh and carried unanimously. Hearing no comments 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 June 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	

**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"**

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

Mr. Christodlous asked if this ordinance includes the amendment recommended by the Land Use Board. Mayor Smith replied yes that the property must have road front on Route 206 and access to Route 206. 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 June 09, 2009, was advertised according to the law and was brought before the public for final consideration. Section one of this Ordinance has been amended to include the phrase "this ordinance shall only apply to those lots that have direct access to US Highway 206". There being no objections, Mr. Walsh moved the adoption of the above entitled ordinance, seconded by Ms. Phoebus. Roll call vote:

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



**RESOLUTIONS****#R2009-112 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 moved to adopt this resolution as presented, seconded by Ms. Phoebus.

Administrator Alfano explained that with \$600 application fee this program is sponsored through the Morris County JIF, known as the E-JIF to purchase energy in an aggregate and thereby saving money in the long run. Mr. Walsh asked where the funding will come from and CFO Day explained there are a few areas where the \$600 can be expended. Attorney Semrau stated that this program is also opened to non-members of the Joint Insurance Fund. He added that the fee is a one time fee and depending on the market fluctuations, it can be beneficial to the township.

Hearing no further comments from the Township Committee the motion carried unanimously.  
(See Insert Attached to These Minutes)

Mayor Smith explained the following resolutions represent the liquor license renewals for the term 2009-2010 and suggested these resolutions be addressed in one motion. Mr. Walsh moved to approve Resolutions #R2009-113 through #R2009-124, seconded by Mr. Boyce. Roll call vote:

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

**#R2009-113 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****#R2009-114 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****#R2009-115 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**

RESOLUTIONS (CONTINUED)

- #R2009-116 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
- #R2009-117 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
- #R2009-118 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
- #R2009-119 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
- #R2009-120 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
- #R2009-121 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
- #R2009-122 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

RESOLUTIONS (CONTINUED)

#R2009-123 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 (WITH HOTEL/MOTEL EXCEPTION) #1902-36-002-004 FOR SOMERSET INVESTORS, INC. T/A BELLA ITALIA FOR THE TERM JULY 1, 2009 THROUGH JUNE 30, 2010

#R2009-124 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 (WITH BROAD PACKAGE PRIVILEGE) #1902-32-011-002 FOR THE CORNER RESTAURANT, INC. T/A THE CORNER RESTAURANT FOR THE TERM JULY 1, 2009 THROUGH JUNE 30, 2010

(See Inserts Attached to These Minutes)

Attorney Semrau explained Resolutions #R2009-125 and 126 can be moved in one motion. He stated anytime the township seeks to acquire land with Green Acres type funding, two appraisals are required.

Mr. Walsh moved to adopt Resolutions #R2009-125 and #R2009-126 as presented, seconded by Mr. Boyce. Roll call vote:

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

#R2009-125 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO JOSHUA D. MACKOFF, LLC FOR APPRAISAL WORK ASSOCIATED WITH THE VACANT LAND DESIGNATED AS BLOCK 108/LOT 7 AND BLOCK 109/LOT 7 IN AN AMOUNT NOT TO EXCEED \$2,000.00

#R2009-126 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO LANDMARK I APPRAISAL, LLC FOR APPRAISAL WORK ASSOCIATED WITH THE VACANT LAND DESIGNATED AS BLOCK 108/LOT 7 AND BLOCK 109/LOT 7 IN AN AMOUNT NOT TO EXCEED \$4,000.00

(See Inserts Attached to These Minutes)

**RESOLUTIONS (CONTINUED)****#R2009-127 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**

Mr. Boyce moved to adopt the foregoing resolution as presented, seconded by Mr. Walsh. Attorney Semrau explained this is in regards to the Lake Iliff acquisition. He stated that the County of Sussex became the purchaser of this property and this resolution will assign the rights of the property to Andover Township. After the closing and the monies have been paid the property will then be in the name of the Township.

Following a roll call this resolutions was carried unanimously.  
**(See Insert Attached to These Minutes)**

**OLD BUSINESS****PERSONNEL COMMITTEE POLICY REVIEW**

Administrator Alfano stated she and Mr. Boyce discussed guidelines for this Committee and asked the Township Committee for their approval before discussing same with the staff. Mr. Boyce stated a letter was drafted for the employees informing them of the procedure the board had established. There was also discussion as to whether a second member should be added to this Committee. The Township Committee all agreed to the draft letter and that there be one Committee member serving.

**HEALTH BENEFITS PLAN REVIEW**

Mayor Smith remarked on the presentation at the last meeting. Administrator Alfano commented on how the State Health Benefits program will be increasing 20 percent and the League of Municipalities had stated it could be a substantial cost savings to opt out of this program. She also mentioned the cost of \$51,721.28 that would need to be paid before we could leave the program. She referenced the cost of \$2,000 in order to conduct a claims history from the State.

There was discussion regarding a similar experience several years ago due to some high claims at that time in which the recommendation at that time was to stay in the State Health Benefits Program. Mayor Smith voiced his opinion in getting out of this program and where we go is another matter. He added that we heard from the HIF and we should hear from others. He urged the Township to continue to investigate. Mr. Walsh remarked that we should definitely talk to other providers. Administrator Alfano was directed to speak with Michael Lensak for his professional opinion. Attorney Semrau stated that as if was presented is that he did not seek to make any kind of financial gain for this service. Ms. Alfano will speak to Mr. Lensak and report back at the next meeting.

**OTHER BUSINESS****APPROVAL OF OFF PREMISE 50/50 RAFFLE LICENSE #R.L. 878  
BIRTH HAVEN, INC. - TO BE HELD ON SEPTEMBER 22, 2009 AT  
7:00 P.M. AT THE NEWTON COUNTRY CLUB**

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

Mr. Boyce - yes	Mr. Gilsean - absent
Ms. Phoebus - abstain	Mr. Walsh - yes
Mayor Smith - yes	

**COMMITTEE REPORTS**

**MS. PHOEBUS.** Reporting on the Fire Department she stated that the new truck is scheduled to arrive shortly and the Wetdown is scheduled for July 11<sup>th</sup>. The Chicken BBQ is scheduled for July 25<sup>th</sup> and tickets are \$12.00 and they will go fast.

She then reported that the Economic Development Advisory Committee held their third meeting. Chair Melfi reported that they are currently working on some projects. He said there isn't more to report at this time. Ms. Phoebus added there are two members of the Committee that are trying to find tenants for the lower level of the Hillside Park Hall.

Ms. Phoebus spoke regarding COAH and she spoke to Planner McGroarty. He told her that COAH certification should come sometime in August.

**MR. BOYCE.** He had nothing to report at this time.

**MR. WALSH.** He had no report from the Board of Health due to summer recess.

He mentioned an issue with Recreation Committee where they were contacted by Newton High School requesting to use some of our fields for fall soccer. In discussing this matter with the Township Committee it was decided that the Township should decline their request at this time.

**MAYOR SMITH.** He reported on letters received from the Dorset homeowners complementing the Township Committee on the work done on the Riverbank-Sparta Project. He stated the preliminary permit was approved by FERC. Mayor Smith stated he contacted John Douglas this morning for an update and he responded with there is nothing new to report. He will inform before drilling begins.

On the Susquehanna-Roseland Project he reported that due to a conflict last Thursday with the school graduation he could not attend and it was noted that Andover Township had no representation at the meeting at the Sussex County College. He stressed that help from the Township Committee is needed on this project.

Mayor Smith announced a meeting of the County Water Quality on Wednesday and Planner McGroarty and Engineer Golden will be in attendance. Mr. Boyce stated he will also attend.

He then reported on the high school graduation held on June 18<sup>th</sup> and 85 students received diplomas. He stated that 41 of the 85 students received special commendation for academic achievement.

**REPORT FROM THE TOWNSHIP ADMINISTRATOR** She thanked everyone for their well wishes.

She stated a new resolution awarding the computer services contract to MSI is needed because the initial proposal was based on 15 workstations when it should have been 18. All proposals increased and MSI remained the lowest. Municipal Clerk Thompson stated the original resolution was in the amount of \$8,600.00 and the revised contract amount if \$9,720.00. Mr. Walsh asked the amounts of the other proposals submitted. Ms. Alfano stated this proposal was the lowest by \$50. Mr. Walsh recalled one proposal originally submitted with 18 workstations and Ms. Alfano stated they were all quoted for 15. Attorney Semrau asked if there was a certification of funds and Ms. Alfano replied yes, it was done this afternoon.

**RESOLUTION****#R2009-128 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING RESOLUTION #R2009-78 AWARDDING THE CONTRACT FOR COMPUTER HARDWARE AND SOFTWARE AND COMPUTER SYSTEM SERVICE AND WEB HOSTING TO MSI SERVICES, INC.**

Mr. Boyce moved to adopt the above referenced resolution as presented, seconded by Mayor Smith.  
Roll call vote:

Mr. Boyce - yes	Mr. Gilsenan - absent
Ms. Phoebus - yes	Mr. Walsh - no
Mayor Smith - yes	

**(See Insert Attached to These Minutes)**

**REPORT FROM THE TOWNSHIP ADMINISTRATOR (CONTINUED)** She spoke briefly about the new Recycling Ordinance which will be introduced at the next meeting.

She then asked Chief Coleman to present a 9-1-1 update. He attended the meeting held last week regarding the Consolidation Study. He stated that Detective Danielson attended while Chief Coleman was on vacation. It turns out there was not much discussed and Detective Danielson advised him he was disappointed in the meeting and the presentation was not well done. There are still no answers though they are leaning towards one dispatch center in the County. The study being conducted will be completed in September but all indications are a single center. Mayor Smith remarked that Byram passed a resolution in support of the single center. There was further discussion regarding the costs involved in preparing yet another study which is being funded through a grant.

**REPORT FROM THE MUNICIPAL ATTORNEY** He stated that at the next meeting there will be discussion regarding the Ray's Inn liquor license renewal to bring some information forward.

Regarding Highland Farms, earlier this evening Attorney Di Yanni presented a check in the amount of \$140,000 called from the Letter of Credit for this development. These funds will be used to complete the punch list of items which were the responsibility of the contractor, but he failed to do so. Mr. Boyce asked for an update as to what needs to be done and the timetable involved. Ms. Alfano stated she will call Engineer Golden and report back to Mr. Boyce.

Attorney Semrau stated that on the COAH update, Planner McGroarty is in the process of securing Substantive Certification and something asked is the Request for Proposals on the COAH project. A draft was prepared and a meeting is scheduled at the end of the week to have the engineer, Administrator and Ms. Phoebus to review this draft. He asked the Township Committee to give Deputy Mayor Phoebus the approval to go out for proposals to let COAH know we are moving ahead. The proposals will come back to the Township Committee for review and decision. All were in agreement.

On the Riverbank project, Mayor Smith had received an email from Congressman Frelinghuysen ha asked to meet as he is in support of the project. It was suggested that a letter be sent to the Congressman and invite him to a meeting to discuss this project. Mr. Boyce suggested that all the elected legislators be invited to a meeting. Direction was given to Attorney Semrau to draft a letter.

He then reported on the service provider Ameripay, who was once the contractor for the Township administered payrolls for a number of public entities. They take monies out of bank accounts and it was found they were misappropriating \$8 million in funds that should have gone to the IRS and there are a number of entities that have lost this money and there is no way of recouping these losses. Andover Township had contracted with ADP late last year and we have found not to be the subject of any of these losses. Commendation was given to CFO Day for recommending this action.

**REPORT FROM THE MUNICIPAL ATTORNEY (CONTINUED)** Attorney Semrau stated he had a number of discussions with Planner McGroarty regarding an area of the municipality that is in the vicinity of the Mews project out to the quarry. He stated that in Planner McGroarty's opinion, based on all the changes in that area, the Township Committee may want to ask the Master Plan Committee to review a planning picture for that area of the Township as opposed to waiting for the entire Master Plan to develop should as rezoning recommendations.

Land Use Board Christodoulos stated that Planner McGroarty is behind on the Master Plan and he would not want to do anything to stop him from moving ahead with the final Plan. Mayor Smith remarked that it would behoove the Township to move ahead with a review of this area. The Township Committee was in full agreement of this recommendation.

**NEXT SCHEDULED MEETINGS:** Monday, July 13, 2009

Monday, July 27, 2009 (Possible Cancellation)

Monday, August 10, 2009

Executive Session - 6:30 p.m.

Regular Meeting - 7:30 p.m.

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

**Pending Litigation**

**1. D. Szatkiewicz vs. Andover Township**

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 9:45 P.M.

Mr. Walsh moved to adjourn executive session at 10:06 P.M., seconded by Ms. Phoebus and carried unanimously.

**REGULAR MEETING RESUMED**

**ADJOURNMENT** No further business appearing before the Committee at this time, Ms. Phoebus moved the meeting be adjourned at 10:06 P.M., seconded by Mr. Walsh and carried unanimously.

Respectfully submitted,

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Robert O. Smith, Mayor

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Vita Thompson, R.M.C.  
Municipal Clerk