

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

JULY 13, 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 6:41 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: None

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

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. Alfano, Township Administrator
Performance Evaluation.

Contract Negotiations:

1. Shared Services - Municipal Court

There was correspondence received asking of Andover Township's interest in shared services for the municipal court.

2. St. Paul's Abbey

There will be discussion regarding the due diligence process.

**3. Purchase Agreement with the Township of Byram and the
Lakeland Emergency Squad**

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

Attorney-Client Privilege:

1. Riverbank-Sparta Project

Potential Litigation

Pending Litigation

1. PSE&G - Susquehanna-Roseland Project

The Township Committee will discuss the status of this litigation.

2. Szatkiewicz vs. Andover Township

Attorney Semrau will provide a status report on this matter.

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:42 P.M. Mr. Walsh moved to adjourn executive session at 7:40 P.M., seconded by Ms. Phoebus 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 Mayor Smith asked that the Approval for Vouchers under the Consent Agenda be amended. Ms. Alfano explained that with the contract with Dr. Castimore, there are verbiage issues regarding euthanasia charges. She asked that this Bill be omitted from the list of vouchers to be paid. Ms. Phoebus moved the following consent items be approved as amended, 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 JUNE 2009 REPORT - \$77,180.54

***RESOLUTIONS:**

#R2009-129 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY SUPPORTING THE OVER THE LIMIT-UNDER ARREST 2009 STATEWIDE CRACKDOWN AUGUST 21 THROUGH SEPTEMBER 7, 2009

#R2009-130 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 WEDNESDAY, JULY 22, 2009

#R2009-131 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING AN AGREEMENT WITH THE TOWN OF NEWTON PURSUANT TO THE UNIFORM SHARED SERVICES AND CONSOLIDATION ACT CONCERNING THE PURCHASE, ADMINISTRATION AND MAINTENANCE OF THE BRINE TREATMENT FACILITY

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

#R2009-132 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP FOR THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE RELEASE OF CERTAIN EXECUTIVE SESSION MINUTES OF THE TOWNSHIP OF ANDOVER

#R2009-133 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY CANCELING THE PUBLIC LAND SALE OF BLOCK 93/LOT 3.16 HASTA WAY

#R2009-134 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING AN AMENDMENT TO THE AGREEMENT BETWEEN THE TOWNSHIP AND KRISTA AND CHRISTOPHER RANNOU REGARDING PROPERTY KNOWN AS BLOCK 146/LOT 2, STICKLES POND ROAD

(See Inserts Attached to These Minutes)

***APPROVAL OF MINUTES**

**MAY 11, 2009 REGULAR MEETING
MAY 27, 2009 SPECIAL MEETING**

REGULAR AGENDA

HIGHLAND FARMS DEVELOPMENT DISCUSSION - TOWNSHIP ENGINEER GOLDEN

Township Engineer Joe Golden was present and he stated the Bond with the cash portion is in the amount of \$159,972.00. An Engineer's Estimate was done on the approximate cost to finish this project and the total was near \$180,000 which includes engineering services. The project was divided between those items considered high priority which will be done first. The first piece would be to replace the broken curbing, failing pavement, some inlets have to be finished or reconstructed.

The second item would be the overlay of the project which is estimated at \$118,000, leaving \$41,000. Guide rail installation, filing of the plats and some landscaping are left and what is proposed is putting the monuments under the professional services contract and the guide rails will be done under the Co-op.

If funds are available, some landscaping will also be done. What isn't done under the Co-op has to go out for public bidding is the amount exceeds the threshold. There was discussion regarding the reduction of some of the guide rails and it was decided that there would be no public safety issue if some areas were eliminated. This plan called for 800 feet of guide rail which is significant at \$24,000. With doing this through the Co-op and cutting back on this amount, we will be able to stay within this budget.

HIGHLAND FARMS DEVELOPMENT DISCUSSION - TOWNSHIP ENGINEER GOLDEN
(CONTINUED)

A preliminary schedule was given to the Administrator and letters were sent to the property owners advising them of this activity. Conclusion should be about October 1st. Engineer Golden will proceed with Requests for Quotations.

The Township Committee was all in favor for Engineer Golden to proceed as he had outlined the project.

REPORT FROM THE FIRE CHIEF President Melfi was present for Chief Garrigan who was not available this evening. He reported 28 calls, 5 activated fire alarms, special drill, 3 regular monthly drills, one assistance for EMS, one regular monthly meeting, one mutual aid, out of town, 5 motor vehicle accidents, one public assist, one pump detail, one search for lost individual, two smoke conditions, two gas diesel spills, three downed power lines. For the month there were 415 man hours.

President Melfi reported on the new truck Wetdown which was held on July 11th. He thanked Mayor Smith for being there. He thanked Mr. Boyce and Mr. Walsh for actually getting into gear and participating. There were well over 400 people at one point. Eleven fire departments participated in the event.

President Melfi reminded everyone that tickets are still available for the Chicken BBQ for July 25th.

REPORT FROM THE RESCUE SQUAD CHIEF Chief Reidmiller reported for the month of June there were a total of 107 calls, 49 for Andover Township. There were two flyouts and total hours of 414. Mileage totaled 2,531. They participated in the search and rescue of an individual. Year to date, there are 644 calls, 2,112 hours and 13,500 miles. She also reported that they were at the Wetdown.

Chief Reidmiller explained that Lakeland had an extraordinary busy weekend which doesn't happen often but it is happening more frequently. In 72 hours this past weekend, there were a total of 21 calls and treated 29 patients. She then asked with the resignation of Mr. Gilsenan if a new liaison could be appointed. Mayor Smith stated that such action will take place at the next meeting. Mayor Smith asked if the reported calls were on the rise and Chief Reidmiller responded that the numbers are higher by about 75 calls.

REPORT FROM THE CHIEF OF POLICE To date, Chief Coleman reported the dispatchers handled 8,419 calls for all contracted municipalities. He then commended all volunteers for their service to the Township. He reported crime statistics are on the rise and the force is quite busy.

Mayor Smith stated there has been positive feedback about the police in terms of supporting animal control. He understands that the department does a wonderful job in assisting in this area and it is greatly appreciated. Chief Coleman stated the department has always been involved.

Chief Coleman advised everyone that the new sign trailer has been received and it was on display at the Wetdown. A \$6,000 grant was applied for and received for the Over the Limit - Under Arrest Program.

Mr. Boyce asked how the public is adjusting to the new Newton-Sparta Road speed limits. Chief Coleman stated that warnings have been given but the department will soon be issuing summonses for violators. There was discussion regarding the speed inconsistencies on this roadway.

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

Dan Freed of 85 Lawrence Road, Open Space Chair wanted to inform the Township Committee on some matters the Open Space Committee is working on. The County each year has an application for a grant which is due on August 15th. On July 15th they have a preliminary concept discussion and Sandy Urgo will be attending. He mentioned the Lake Paulinskill Recreation Project which is in the early stages but still needs to attend this discussion. Mayor Smith stated that there will be a resolution at the next meeting authorizing the Open Space Committee to make application.

Attorney Semrau asked what type of information Ms. Urgo will present. Mr. Freed stated she will discuss the basic outline of this recreation plan. There are no details at this point. Attorney Semrau suggested that whatever Ms. Urgo is going to present she may want to copy everyone on the Township Committee so that if there are any questions everyone has the application.

Diane Gillespie for the Environmental Commission stated the Commission received an email from Eric Struble who lives in Newton and he also belongs to the NJ Community Water Watch. Mr. Struble indicated in his email that he has read the different things Andover Township's Environmental Commission does; he thought to send an invitation to a meeting. He is trying to get a group together from Sussex County to represent New Jersey to show on August 8th for a Statewide River Cleanup "Riverpalooza". She stated if anyone is interested, she will provide his contact information. Mayor Smith understood this to be that Mr. Struble was looking for organizers not participants. Mayor Smith stated he will include this information in the next E-Newsletter.

Ms. Gillespie speaking as township resident, she spoke about an eight page questionnaire she received from Iowa State University on the PSE&G high voltage towers. This questionnaire contained a map of Andover which showed the towers and a cover letter saying they were chosen to perform a survey. No one she knows has received this document. Mayor Smith stated no one at the town hall received such a package and he has inquiries out and no one has responded.

Guy Rialto of Hemlock Road stated his concerns regarding rising property taxes. He asked if there is any plan to do a revaluation due to precipitous drop in home values in the last 18 months. Mayor Smith informed him of a tax stabilization program which is set at a particular income level. He then spoke about the residential zoning requirements for the township. Mayor Smith stated that the zones do vary and the Master Plan is being revisited for needed amendments. Mr. Rialto spoke about the need to increase residential lot sizes and asked if any thought was being given to doing so. Mayor Smith stated all zoning is being reviewed at this time. He added that the tax is based on hoe/property assessment. Mayor Smith stated he has the right to a tax appeal and should discuss same with the Tax Assessor for the property procedure.

Hearing nothing more from the public at this time, Mayor Smith commented on the Riverbank matter. He stated periodically he contacts John Douglas, Riverbank CEO in an attempt to find out some statuses and in particular he asked about the drilling schedule and where we stand on the alternate routing of the lines. He responded by saying, they hope to begin drilling by the end of July although there is no firm date to start. They are making good progress on the alternative route which will avoid Andover altogether. He hopes they will be in a position to announce by early Fall.

Mr. Walsh moved to close the public portion, seconded by Mr. Boyce and carried unanimously.

ORDINANCES: PUBLIC HEARING

**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"

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

Diane Gillespie questioned the ordinance under the second paragraph, fourth and fifth paragraphs for possible contradictions. She then added that the State will be coming in with their Water Quality Studies and we are still in the process of putting together the hydrogeology study. She asked what this ordinance is based on. Land Use Board Chair Christodlous explained the one change is simply to amend the Bulk Table. It was zoned two acre because it is surrounded by two acre parcels, for consistency sake. Attorney Semrau explained that this is a more technical, straight forward adjustment and the rest is yet to come by way of a recommendation and decisions of the Township Committee. Mr. Christodlous stated that this Ordinance was drafted by the recommendation of the Township Planner. Mr. Boyce added that the Land Use Board passed a resolution stating this Ordinance is consistent with the Master Plan.

Resident John Carafello of 10 Eileen's Way agreed with Mr. Christodlous. He stated we have always tried to stay consistent with the zoning of the surrounding properties.

Seeing no other comments, Mr. Walsh moved to close to the public, 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 June 08, 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 | Ms. Phoebus - yes |
| Mr. Walsh - yes | Mayor Smith - yes |

ORDINANCES: INTRODUCTION

**NO. 2009-29 TO AMEND CHAPTER 3 "ADMINISTRATION OF GOVERNMENT"
CREATE NEW TITLE "ANIMAL CRUELTY INVESTIGATOR"**

"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 3 ENTITLED "ADMINISTRATION OF GOVERNMENT" TO CREATE THE TITLE OF "ANIMAL CRUELTY INVESTIGATOR"

Mr. Walsh moved to introduce this Ordinance as presented, seconded by Mr. Boyce.

Mr. Boyce explained that he feels this is another unfunded State mandates and he added he does not believe the position is needed. The Police Department already covers this responsibility.

ORDINANCES: INTRODUCTION (CONTINUED)

**NO. 2009-29 TO AMEND CHAPTER 3 "ADMINISTRATION OF GOVERNMENT"
CREATE NEW TITLE "ANIMAL CRUELTY INVESTIGATOR"**

Mayor Smith explained that this position does not require any additional salary so there is no cost. He added that it is satisfying a State mandate without having to pay anything. Mr. Boyce voiced his concern that every time an employee receives certification they request more money at some point. Mayor Smith stated that in this case it was made quite clear there is no salary adjustment and simply a title. Mayor Smith called for a Roll Call Vote:

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

THE ORDINANCE FAILED AND DID NOT INTRODUCE.

**NO. 2009-30 TO AMEND CHAPTER 20 "ANIMALS"
CERTIFICATION OF ANIMAL CONTROL OFFICERS"**

"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 20 "ANIMALS" TO ADD SECTION 20-30 ENTITLED "CERTIFICATION OF ANIMAL CONTROL OFFICERS"

Mayor Smith asked for a motion to Introduce. Hearing no motion, the ORDINANCE DID NOT INTRODUCE.

**NO. 2009-31 TO AMEND CHAPTER 144 "SOLID WASTE"
ARTICLE I "RECYCLING"**

"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 144, SOLID WASTE, ARTICLE I, "RECYCLING", OF THE REVISED GENERAL ORDINANCES"

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2009-31, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on August 10, 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. Walsh - yes
Ms. Phoebus - yes
Mayor Smith - yes

RESOLUTION - FOR DISCUSSION**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER COUNTY OF SUSSEX AND STATE OF NEW JERSEY IN SUPPORT OF THE ADOPTION OF AMENDMENTS TO THE NEW JERSEY UNIFORM CONSTRUCTION CODE TO REQUIRE THE INSTALLATION OF A FIRE SPRINKLER SYSTEM IN ALL NEWLY CONSTRUCTED ONE AND TWO FAMILY DWELLINGS**

Mayor Smith explained this topic involves the Uniform Construction Code and they are considering an amendment which would require sprinkler systems to be installed in all single family homes as well as multiple family homes. He stated his concerns such as costs associated with such a mandate. He also mentioned that in the event of a power outage these sprinkler systems wouldn't operate. Mayor Smith spoke about the awesome burden of annual inspections and the requirement of licensing. The Township Committee also offered their opinions in agreement with Mayor Smith and this resolution was not addressed at this time.

NEW BUSINESS**TOWNSHIP COMMITTEE VACANCY - CANDIDATES RECOMMENDED BY THE MUNICIPAL REPUBLICAN COMMITTEE**

**MICHAEL LENSAK
BEN BENSLEY
LOIS de VRIES**

Mayor Smith stated that as a result of the resignation of Committeeman Gilseman there is now a vacancy on the Township Committee. He stated that a meeting was held of the Andover Township Municipal Republican Committee and the foregoing names were recommended officially by Chairperson Stan Christodolous on the record. He stated that in light of the recent primary election, the Municipal Committee's number one choice was Mr. Lensak.

RESOLUTION**#R2009-135 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO ACCEPT THE LETTER OF RESIGNATION FROM ALEX GILSEMAN TOWNSHIP COMMITTEE MEMBER EFFECTIVE JUNE 26, 2009**

Mr. Walsh moved to adopt this Resolution as presented, seconded by Mr. Boyce and carried unanimously.

At this time Mr. Walsh nominated Michael Lensak to fill the vacancy on the Township Committee, seconded by Ms. Phoebus. Attorney Semrau stated for the record that the Township Committee can nominate any of the three suggested candidates but they do not have to choose from those selected by the Republican Municipal Committee. Ms. Phoebus moved to close and confirm this nomination, seconded by Mr. Walsh and carried unanimously.

#R2009-136 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO FILL THE VACANCY CREATED BY THE RESIGNATION OF ALEX GILSEMAN

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

(See Inserts Attached to These Minutes)

COMMITTEE REPORTS: (CONTINUED)

MAYOR SMITH. He reported on Riverbank, mentioning another project in Maine, the Wiscoset Energy Center. They had a public meeting and the people there have not made much objection to this project, making this project the number one focus. He added his concerns saying that if that type of technology becomes more feasible, it will be bad news for Andover. Matt Lally and the Dorset Farms community were given kudos for a job well done.

He reported the Seniors next meeting is July 20th. He stated anyone wishing to sign on to receive the weekly e-newsletter, to send Mayor Smith an email. He also asked if anyone had ideas for the newsletter to please let him know.

REPORT FROM THE TOWNSHIP ADMINISTRATOR She asked about attendance at the November conference and who will be attending. Mr. Walsh stated that funding is only available in one line item. It was decided that anyone wishes to attend can do so on their own funding. At this time the Clerk is the only position funded to attend.

Reporting on the post office petition, Administrator Alfano stated we received just about 300 signatures in support of a Township post office. She spoke with the postmasters in Newton and Andover. They commented that such an action will not be entertained due to cuts and consolidation. Following a short discussion she was asked to find a contact in Washington and request what needs to be done to have all residents in Andover Township be served by the Andover post office. Mayor Smith mentioned the need to have realignment in order to do this and that they may not entertain such an endeavor. Administrator Alfano stated she will send a letter making a request and await a response. She then reported on a power outage over the June 26th weekend. They were told that if the substation was operating such an outage would not have occurred.

She then spoke about Driveway permit applications process. Engineer Golden suggested that the Township have a policy in place. Mayor Smith stated because this is a new policy, the procedures need to be better outlined. The Ordinance states that the enforcement is the responsibility of the Construction Official giving the right to waiver to him. All agreed that he should be instructed that this Ordinance is his responsibility.

REPORT FROM THE MUNICIPAL ATTORNEY He reported that the Lake Iliff acquisition should come to closing in the next 30 to 45 days.

A COAH meeting was held earlier this evening and they are in the process of putting out a request for proposals for non-profit developers to develop, maintain and manage the Abbey site for the next 45 years in partnership with the Township.

This evening there was a resolution authorizing an agreement with Byram Township for the purchase of two vehicles. Byram had several questions and it was discussed that Andover Township will match in an agreement whatever Byram has agreed to do. Maintenance and radios will not be listed in the contract. He asked for Tax Appeals to be placed on the next Executive Session agenda for the next meeting.

ADJOURNMENT No further business appearing before the Committee at this time Mr. Boyce moved the meeting be adjourned at 9:26 P.M., seconded by Ms. Phoebus and carried unanimously.

Respectfully submitted,

Robert O. Smith, Mayor

Vita Thompson, R.M.C.
Municipal Clerk