

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

**BOB SMITH, MAYOR
GAIL PHOEBUS, DEPUTY MAYOR
PHILIP BOYCE
MICHAEL LENSAK
THOMAS WALSH**

AUGUST 10, 2009

EXECUTIVE SESSION - 6:00 P.M.

REGULAR MEETING - 7:30 P.M.

The regular meeting of the Andover Township Committee was called to order at 6:02 P.M. by Mayor Smith, followed by a salute to the flag.

ROLL CALL: Present: Mr. Boyce (arrived at 6:19) Mr. Lensak, Mr. Walsh,
Ms. Phoebus, Mayor Smith
Also present: Administrator Alfano, Attorney Semrau

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

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

Personnel Matters:

1. ***L. Paolucci, Land Use Board Secretary***
2. ***K. Reed, Animal Control Officer/Assistant to Tax & Construction***
3. ***R. Smith, Police Sergeant - Contract Negotiations***
4. ***J. Alfano, Township Administrator - Contract Negotiations***

Contract Negotiations:

1. ***St. Paul's Abbey***

There will be continued discussion regarding the due diligence process.

Attorney-Client Privilege:

1. ***Riverbank-Sparta Project***

The Committee will discuss the status of this project.

Potential Litigation

Pending Litigation

1. ***Tax Appeals***

Attorney Semrau will advise on the status of the pending tax appeals.

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 6:03 P.M. Mayor Smith moved to adjourn executive session at 7:30 P.M., seconded by Mr. Walsh and carried unanimously.

REGULAR MEETING

OATH OF OFFICE - MICHAEL LENSAK, TOWNSHIP COMMITTEE

**TO FILL THE VACANCY FOR THE TERM
JULY 13, 2009 TO DECEMBER 31, 2009**

Mr. Lensak was sworn into office by the Municipal Clerk while his daughter Samantha held the Bible. Lisa Greebel and his father stood by their side. A round of applause followed.

MAYORAL LIAISON APPOINTMENTS Mayor Smith announced that Mr. Lensak will serve as liaison to the Environmental Commission, the Open Space Committee, the Lakeland Rescue Squad and the Township Committee's contact with the SWAC. He has also been functioning as the representative to the Coalition of Concerned Communities regarding the Susquehanna-Roseland project.

APPROVAL OF AGENDA Mayor Smith referenced two resolutions that will be added to the Regular Agenda and he will read these resolutions into the record at the time of consideration. Mr. Walsh moved to approve the agenda, seconded by Mr. Boyce and carried unanimously.

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

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Insert Attached to These Minutes)

ACCEPTANCE OF TAX COLLECTOR'S JULY 2009 REPORT - \$112,464.88

ACCEPT THE LETTER OF RESIGNATION OF MICHAEL LENSAK, LAND USE BOARD MEMBER - CLASS IV TERM TO EXPIRE DECEMBER 31, 2010 EFFECTIVE JULY 13, 2009

APPOINTMENT OF MICHAEL LENSAK TO THE OPEN SPACE COMMITTEE - TOWNSHIP COMMITTEE REPRESENTATIVE - TERM TO EXPIRE 12/31/09

***RESOLUTIONS:**

#R2009-137 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO THE NEW JERSEY LAND CONSERVANCY FOR OPEN SPACE CONSULTING AND ADVISORY SERVICES

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

#R2009-138 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO REQUEST THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF A \$4,000 "CLICK IT OR TICKET" TRAFFIC SAFETY GRANT IN THE 2009 MUNICIPAL BUDGET

#R2009-139 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO RESOLUTION #R2009-53 ENTITLED "2009 SALARY RESOLUTION" POSITION OF SECRETARY, LAND USE

(See Inserts Attached to These Minutes)

MAYORAL APPOINTMENTS: LAND USE BOARD

Mayor Smith stated as a result of Mr. Lensak's resignation from the Land Use Board he made the following appointments:

- Ben Bensley - Class IV Member - Term to Expire December 31, 2010
- Rourke Day - Alternate No. 1 Member - Term to Expire December 31, 2010

APPROVAL OF MINUTES:

- APRIL 27, 2009 EXECUTIVE SESSIONS "A" & "B"
- MAY 11, 2009 EXECUTIVE SESSION
- JUNE 08, 2009 REGULAR MEETING
- JUNE 08, 2009 EXECUTIVE SESSION
- JUNE 16, 2009 SPECIAL MEETING
- JUNE 22, 2009 REGULAR MEETING
- JUNE 22, 2009 EXECUTIVE SESSION "A" & "B"

Mr. Walsh moved to approve these minutes as presented, seconded by Ms. Phoebus. Roll call vote:

- Mr. Boyce - yes but abstains on June 8 Regular and Executive Session
- Mr. Lensak - abstains on all minutes
- Mr. Walsh - yes
- Ms. Phoebus - yes
- Mayor Smith - yes

PRESENTATION

CLEANER/GREENER ANDOVER PROGRAM - CERTIFICATES OF APPRECIATION

Certificates were presented to representatives from each organization that participated in this event. Each organization will receive a check in the amount of \$300.00.

- GIRL SCOUT TROOP #523 BOY SCOUT CREW 85 LAKE LENAPE ASSOCIATION CUB SCOUT PACK 181
- ANDOVER REGIONAL SCHOOL Long Pond Track Club Long Pond Environmental Club BROWNIE TROOP #770
- BROWNIE TROOP #795 GIRL SCOUT TROOP #839 GIRL SCOUT TROOP #762 BOY SCOUT TROOP #85

REGULAR AGENDA

REPORT FROM THE FIRE CHIEF Chief Garrigan reported 6 activated fire alarms, two carbon monoxide alarms, one special firematic drill, two regular monthly meetings, three out of town mutual aid calls, four motor vehicle accidents, one parade participation, one public assist, three special work drills, one smoke condition and five downed power lines. There were 29 reported calls for the month of July for 466.8 hours. Year to date totals are 189 calls for 3,428.3 hours. He then reported on the Annual Chicken BBQ which was a huge success. The 16th Annual Golf Outing will be held later this month.

Chief Garrigan then demonstrated the fire fighting apparatus received through the grant received by the efforts of Eric Danielson. The air packs were delivered last week and training was held and the packs will be placed on the fire trucks. He compared the new packs to the old one showing the size and weight differences.

REPORT FROM THE RESCUE SQUAD CHIEF Chief Reidmiller reported 119 total calls, 45 calls for Andover Township, 13 Mutual Aid calls with 47 requests, 23 Treats, 16 Cancellations, 6 Releases for a total of 512 hours 36 minutes and mileage total of 2,523 for the month of July. She welcomed Mr. Lensak as their new liaison and with a special thank you to Administrator Alfano for her assistance with Byram Township with the bidding process for the new ambulance.

REPORT FROM THE CHIEF OF POLICE He reported year to date, the dispatchers handled 9,753 calls. He stated the new weapons have been received and the officers will be scheduled for qualifications soon. The new radar trailer has been placed on Skytop Road and a traffic study is partially done for this roadway. The final results will be published in next month's report.

With regard to the new CAD System training will begin in about a month. The old system will run simultaneously with the new one until they are ready to switch over. All contracted municipalities are onboard. He invited the Township Committee members to view the new system. Chief Coleman noted the decrease in the crime rate for the past month.

OPEN TO THE PUBLIC Mayor Smith reported briefly on those items discussed in Executive Session earlier this evening. Regarding the Tax Appeals, we were notified of four commercial appeals pending. He reported on Szatkiewicz vs. Andover Township informing the public the discussion was regarding the terms of settlement. The Riverbank Sparta project discussion involved what the Township's approach should be and what our future position would be. The drilling is proceeding and will continue throughout the week. The results should be available in about seven weeks. On the St. Paul's Abbey project the Township scheduled a walk through with prospective bidders to build and manage an affordable housing complex.

There were four personnel issues, two were regarding contract discussions. One was about a potential title amendment and the other is regarding the formatting or modifying those positions. No official action was taken on these matters.

There will be an additional Executive Session following this evening's Regular Agenda. No formal action is expected to be taken following the discussion regarding Administrator Alfano.

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

OPEN TO THE PUBLIC (CONTINUED) Diane Gillespie of 115 Andover-Mohawk Road commented on the wonderful recycling bulletin board in the foyer. Mayor Smith stated two teachers from the Long Pond School formed a club which they are turning an unused courtyard into a garden area, teaching the children about gardening and composting. The club members built this information board for the municipal building.

Ms. Gillespie then complimented Mayor Smith and Attorney Semrau for making the Executive Sessions more public friendly.

She then asked about the status of the letters sent to developers asking them to contribute Developers' Fee for COAH retroactively. Attorney Semrau stated letters were sent to the builders soliciting a contribution by way of affordable housing or a contribution to the Trust Fund. No responses were received. He then stated that in the interim the Township Committee found a way to satisfy its affordable housing obligation. He added that if things do not work, in the future it may be revisited at the discretion of the Township Committee. Ms. Gillespie requested that the Township keep pursuing this avenue.

She then referenced an article in the Star Ledger regarding health insurance and they were saying that this year alone, there will be an increase of at least 15 to 18 percent. She asked if this increase was anticipated when the budget was discussed. Mr. Walsh and Mr. Boyce both stated that this increase is for 2010. Ms. Gillespie remarked that the Township can not continue operating in the manner that they have.

She then spoke about the new State sewer regulations and she asked what is being done. Ms. Phoebus explained that the process is in the hands of the County and at the last County Planning Board meeting Alice Brees informed the County Board they are taking a month off trying to wave through this and pick it up again in September. When the County adopts this plan then the municipalities will have to abide by this plan. Ms. Phoebus mentioned she has been named to the County Planning Board as their Alternate.

Anthony Massaro of 100 Current Drive mentioned his concern regarding the speed limit on this road. He stated that he believes the speed should be reduced from 25 mph to 15 mph. Chief Coleman stated that the trailer can be placed on this road in order to monitor the traffic. Officer Murrell was present also he will use the trailer to get an accurate reading on the traffic speed on Current Drive. Attorney Semrau added that the new State law makes the process easier so that we do not need to obtain State approval for speed limit changes.

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

ORDINANCES: PUBLIC HEARING

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"

Seeing no comment, Mr. Walsh moved to close the public hearing, seconded by Mr. Boyce and carried unanimously.

An ordinance of which the foregoing is the title was introduced and passed on first reading at the regular meeting of the Andover Township Committee on July 8, 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. Lensak - yes Ms. Phoebus - yes Mr. Walsh - yes Mayor Smith - yes

RESOLUTIONS**#R2009-140 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A 2009 SUSSEX COUNTY OPEN SPACE GRANT APPLICATION ENTITLED PAULINSKILL RECREATION PROJECT**

Mr. Walsh moved to adopt this Resolution as presented, seconded by Mr. Boyce. Roll call vote:

Mr. Boyce - yes	Mr. Lensak - yes
Ms. Phoebus - abstain	Mr. Walsh - yes
Mayor Smith - yes	

#R2009-141 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY AWARDING THE CONTRACT FOR THE HIGHLAND FARMS ROAD AND DRAINAGE IMPROVEMENTS PROJECT TO WESTVIEW CONTRACTING, INC.

Mr. Walsh moved to adopt this Resolution as presented, seconded by Ms. Phoebus. Attorney Semrau commented that there was an option with respect to blocks to be set on this project. After speaking to the Township Engineer he felt that it would not be wise at this time to commit to this alternative because he wanted to make sure the funding was sufficient to complete the improvements for this project. The motion was carried unanimously.

#R2009-142 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EMPLOYMENT SEPARATION AGREEMENT BETWEEN THE TOWNSHIP OF ANDOVER AND RONALD SMITH

Mr. Walsh moved to adopt this Resolution as presented, seconded by Ms. Phoebus. Attorney Semrau remarked that there are no additional concessions by either party. This resolution is only to memorialize the intentions of Sgt. Smith to retire and the Township's acknowledgement of such effective January 1, 2010. The motion was carried unanimously.

#R2009-143 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING ERIC HARRISON, ESQ. AND THE MUNICIPAL EXCESS LIABILITY FUND TO PROCEED WITH THEIR RECOMMENDATION TO SETTLE THE CASE ENTITLED SZATKIEWICZ, ETAL. V. TOWNSHIP OF ANDOVER, ETAL.

Mr. Walsh moved to adopt this Resolution as presented, seconded by Mr. Boyce. Attorney Semrau explained there was discussion in Executive Session that this authorizes the carrier to settle this case. There was an issue relating to holidays and additional compensation. He stated it was the consensus of the Township Committee, at the recommendation of the Chief of Police, that there is no additional compensation included as part of this settlement. The resolution was amended that the settlement shall not include any additional compensation for holidays.

Mr. Walsh amended the motion to include this statement, seconded by Mr. Boyce and carried unanimously.

(See Inserts Attached to These Minutes)

COMMITTEE REPORTS:

MR. LENSAK. He reported on the Open Space meeting he attended. They discussed Resolution #R2009-140. He stated that the Township has made application to acquire a large parcel of land. He stated that he and Mr. Boyce walked the property. The Open Space Committee remains excited and optimistic that this application will be accepted by the County Open Space.

He informed Rescue Squad Chief Reidmiller that he will contact her about the upcoming Lakeland Emergency Squad meetings.

Mr. Lensak reported on the last PSE&G meeting he attended. He urged all concerned residents to stay on top of this proposed project. He stated the Mayor of Parsippany said the people don't say anything, they are notified but until the 200 foot tower is erected in their town they ask "where did this come from". PSE&G is running rough shot over everybody. He added that this energy will not benefit New Jersey at all but going directly to New York City. They are being allowed to run over wetlands and other sensitive areas. The Coalition is asking residents to write letters to their legislators in opposition of this project. Mayor Smith added that the Coalition consists of seven municipalities and of those there are only three in Sussex County. He stated that other municipalities should also be involved.

MS. PHOEBUS. She also thanked Mr. Lensak for representing Andover Township. She added that PSE&G are saying this project is on "a need basis". As more and more people are looking to alternative energy, she doesn't understand why we need all this energy produced by coal plants in Pennsylvania to go to New York.

Ms. Phoebus reported on the success of the Fire Department Chicken Barbeque. The Golf Outing is scheduled for the end of August. They are looking for golfers and sponsors. She also reported on the wonderful Wetdown in July.

She then reported on COAH stating that she and Ms. Alfano were present at the walk through at St. Paul's Abbey this past Friday. She provided a tour of the building to Special Projects Engineer Cory Stoner. He told her at that time that this building is perfect for this project. There are old stone fireplaces in the building and the windows are magnificent. The new structures that will be built in the back will look a lot like a carriage house. She said that we are looking for a non-profit group so there will be very little if any cost to the Township to do this COAH. The other project is located on Stickles Pond Road. Mr. Rannou is coming before the Land Use Board with a 33 unit application, 18 are for seniors only. This is COAH that was owed for a number of years and not anticipated growth. There is a pre-submission meeting scheduled for August 11th at 1:00. To receive COAH certification we must prove that these projects will get done.

MR. BOYCE. He reported that he walked the property proposed by the Open Space Committee and the good news is that it's flat which makes it ideal for recreational fields. It is also a great opportunity for natural habitat. It appears that the only cost is the open space tax collected by the Township. He commended Dan Freed on a job well done with this project.

He then stated that this morning NJ Herald had an editorial which characterized Andover's concern over the Sparta-Riverbank project as a local feud. He stated we know what started this problem that we are concerned about for some time. He stated that the issue is not that the drilling was started and we weren't notified but that we were promised they would. It is the lack of communication that is a concern.

COMMITTEE REPORTS: (CONTINUED)

MR. BOYCE. He then referenced some good discussions with Superintendent of Schools Bernie Baggs in an attempt to work closely together, one thing to do is to have a Joint meeting. Mr. Walsh and Ms. Phoebus stated we did have a Joint Session once and about a handful of people were present. Mr. Boyce was not so concerns about the public's presence as he would like to have this Committee in conversation with the Andover Regional School Board. He added that they will be faced with the same budget difficulties next year as we are and perhaps there are some shared services available. He will report back that the Township Committee is generally favorable about a joint session.

MR. WALSH. He reported that Hillside Park was awarded a five star rating by the playground guide, The Best of Sussex and Warren Counties New Jersey. Warranty service for the skating rink began today with resurfacing of one half of the rink. The rink will be ready in about a week. The Recreation Committee is reviewing plans for Family Fun Movie Day scheduled for September 12th. Because of the many activities this fall, this program may be cancelled. The Recreation Committee has received requests from Eagle Scout candidates for projects around the municipality. He stated that there are some improvements lined up at the park that they can do.

Mr. Walsh then reported that the Recreation Committee wants to meet with the Economic Development Committee regarding the rental of the lower level of Hillside Park Hall which has proven to be unsuccessful. The Economic Development Committee thought perhaps Recreation could use the lower level of the Barn and rent the Hillside House in order to bring in revenues.

He then reported the Finance Committee has begun work on the 2010 Budget. They are looking at potential cuts without cutting services and checking in various areas for revenues.

MAYOR SMITH. He added comments regarding the Open Space acquisition, stating that it is 116 acres of the most beautiful, breathtaking land. It has an enormous amount of flat lands but also has some wetlands, it has conservation areas and it can serve multiple purposes. Part of the funding will come from a County grant and we have applied through the NJ Land Conservancy. He stated he attended the presentation to the County and we are competing with four other towns with similar type projects. The good news is that he feels our project seems to be very appealing to the County and one issue is the land is extremely developable.

He reported that next Monday is the senior picnic and he asked once again for membership.

He mentioned that the audio system in the meeting room is failing and he had experts in to provide estimates to make the necessary repairs and upgrades. He is also looking to include wireless microphones.

Mayor Smith reported on the Municipal Building's major computer problems last weekend which was at a disaster level. The entire system had to be rebuilt. Certain items were discovered such as the email system was not being properly backed up. Not all kinks have been worked out. He referenced the Mayor's E-Letter and asked if there is anything anyone would like to share to contact him. He reported on the Riverbank-Sparta status and he believes the chaos is settling a bit.

Ms. Phoebus asked if Economic Development Committee Chair would report on some exciting news. Mr. Melfi informed everyone that the former D'Angelo's property has been sold to become a privately owned farmers' market and garden center by a local grower, Lentini's. They are planning a year round facility. They are also looking to other vendors in order to supply a variety of items. The new owner has begun cleaning up the property.

Mr. Melfi also mentioned that he spoke with the Recreation Committee regarding the rental of the Hillside House.

As an advisory Committee he stated that the Economic Development Committee recommends a review of an Ordinance that was established last year, #2008-17. This Ordinance pertains to commercial properties on Newton-Sparta Road starting at about Yates Avenue and runs to Drake's Pond. The amendment may hinder any development of commercial sales. He stated that someone has an interest to sell rubber stamps at this location and Ordinance now eliminates any retail sales. He asked that the Township Committee consider an amendment to add back in retail sales.

Mayor Smith stated that Ordinance amendment was very carefully reviewed by the Land Use Board and they spent weeks coming to this determination. He stated that it should be the Land Use Board who should be answering these questions. Mr. Melfi asked that Township Committee to take this into consideration.

He also stated that there seems to be movement at some locations within the municipalities. He referenced the activity at the former Izzy's on Route 206 has a new vendor. The Wawa project is moving ahead. Locations like these will stimulate other growth and revenue.

REPORT FROM THE TOWNSHIP ADMINISTRATOR She commended the entire office staff and thanks the senior citizens who helped with the tax bills mailing process.

She then stated there been some questions as to the new driveway ordinance and who is in charge of the application process and collection of escrow fees. She said she, Engineer Golden and Construction Official Cutler met and they are working on a procedure policy to present to the Township Committee for approval.

She revisited the issue of possibly staggering the office hours with one late night per week. Mayor Smith stated that it is a good idea to offer more hours to the public but he is not in favor of staggering the hours but he is in favor of taking one day a week and making that a late night for everyone. She asked the Township Committee to review the concept and report back to her.

REPORT FROM THE MUNICIPAL ATTORNEY He stated that we are working with the Land Conservancy with respect to the Open Space acquisition. He summarized the Tax Appeals where the Township Committee will consider hiring an expert to defend these appeals. With respect to Riverbank, Mayor Smith indicated that he had met with Dorset Farms and Mr. Walsh and Ms. Phoebus have done so in the past. He asked if perhaps at the next meeting he be permitted to attend to hear if there are any concerns that he can answer. He would report back to the Township Committee. There was no objection but Mayor Smith stated he felt it was up to the Dorset Farms Committee to make that determination.

Tomorrow there is a pre-submission meeting scheduled regarding the St. Paul's Abbey project for anyone who has questions.

Highland Farms remediation is still ongoing and this evening the Committee approved a significant step to get some of the work started now that the developer has defaulted on his obligations.

He then spoke about a fertilizer ordinance that the DEP through their Stormwater Management is requiring municipalities to have in place. He also reported that the Township is at the end of the Cable Television Franchise process where the office is preparing the report in coordination with the administration. This report will be brought before the Township Committee for review and comments.

The Committee then discussed the possible cancellation of the August 24th meeting. Following a brief discussion it was decided to cancel the meeting.

Ms. Phoebus moved to cancel the August 24, 2009 meeting, seconded by Mr. Lensak and carried unanimously.

NEXT SCHEDULED MEETINGS: Monday, August 24, 2009 (Canceled)

September 14, 2009

September 28, 2009

Executive Session - 6:30 p.m.

Regular Meeting - 7:30 p.m.

Mayor Smith announced that the Township Committee will be going back into Executive Session to discuss the issues of Personnel Matters: J. Alfano and K. Reed and no further action will be taken this evening, there will be only discussion.

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

Personnel Matters:

- 2. K. Reed, Animal Control Officer/Assistant to Tax & Construction**
- 4. J. Alfano, Township Administrator - Contract Negotiations**

The Committee went into executive session at 8:57 P.M. Mr. Walsh moved to adjourn executive session at 10:00 P.M., seconded by Mr. Boyce and carried unanimously.

ADJOURNMENT No further business appearing before the Committee at this time Mr. Walsh moved the meeting be adjourned at 10:01 P.M., seconded by Mr. Boyce and carried unanimously.

Respectfully submitted,

Robert O. Smith, Mayor

Vita Thompson, R.M.C.
Municipal Clerk

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Andover on the 10th day of August, 2009, that:

1. Prior to the commencement of this Regular Meeting, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):

- () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
- () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
- () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
- () b. (4) A collective bargaining agreement including negotiations.
- () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.

Contract Negotiations:

- 1. *St. Paul's Abbey***

Attorney-Client Privilege:

- 1. *Riverbank-Sparta Pumped Storage Project***

Potential Litigation

Pending Litigation

- 1. *Tax Appeals***
- 2. *Szatkiewicz vs. Andover Township***

(X) a. (8) Personnel matters.

- 1. *L. Paolucci, Land Use Board Secretary***
- 2. *R. Smith, Police Sergeant***
- 3. *K. Reed, Animal Control, Construction, Tax***
- 4. *J. Alfano, Township Administrator***

() b. (9) Deliberations after a public hearing that may result in penalties.

- 1. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: August 10, 2009

Moved:

Seconded:

Voted Aye:

Voted Nay: None

Abstained:

Resolution adopted. August 10, 2009
