

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

DECEMBER 14, 2009

6:30 P.M.

REGULAR MEETING BEGINS AT 7:30 P.M.

The regular meeting of the Andover Township Committee was called to order at 6:31 P.M. by Mayor Smith, followed by a salute to the flag.

ROLL CALL: Present: Mr. Lensak, Mr. Walsh,
Ms. Phoebus, Mayor Smith
Also present: Attorney Semrau
Those absent: Mr. Boyce (excused)

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. ***D. Cashin, Tax Collector***
2. ***K. Reed, Senior Clerk-Typist***
3. ***Police Department Staffing***
4. ***L. Paolucci, Land Use Board Secretary***

Contract Negotiations:

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

Attorney Semrau will report on the progress he has made with the negotiations with representatives from the Abbey.

Attorney-Client Privilege:

1. Municipal Lien Assignments - Block 16/lot 1 & Block 32/Lot 18

Potential Litigation

Pending Litigation

1. ***Testa vs. Andover Township***

Attorney Semrau will discuss the status of this litigation.
was carried unanimously.
(See Insert Attached to These Minutes)

The Committee went into executive session at 6:32 P.M. Mr. Lensak moved to adjourn executive session at 7:33 P.M., seconded by Ms. Phoebus and carried unanimously.

Attorney Semrau provided a short explanation of those items discussed during the Executive Session. He stated there was discussion regarding the St. Paul's Abbey and the extension of the due diligence period as the Township and the Abbey negotiate an agreement. There was discussion with the Tax Collector regarding some municipal liens and the prospect of assigning them to private investors so the Township receives payment. There was discussion regarding Testa vs. Andover Township which is ongoing litigation which pertains to a Land Use approval and an agreement with the Township for affordable housing.

APPROVAL OF THE GENERAL AGENDA Mr. Walsh moved to approve the agenda as presented, 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 except Mr. Walsh abstained from Voucher #09-01604.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Insert Attached to These Minutes)

DELEGATION OF AUTHORITY TO AUTHORIZE THE ADMINISTRATOR TO APPROVE THE SUPPLEMENTAL BILLS LIST FOR DECEMBER

ACCEPTANCE OF THE TAX COLLECTOR'S NOVEMBER REPORT - \$3,396,814.67

***RESOLUTIONS:**

#R2009-187 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO REQUEST THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF A \$25,000 RECREATIONAL TRAILS PROGRAM GRANT IN THE 2009 MUNICIPAL BUDGET

#R2009-188 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO INCREASE THE 9-1-1 SERVICES CONTRACTS WITH THE BOROUGH OF ANDOVER, THE TOWNSHIP OF GREEN AND THE BOROUGH OF HAMBURG IN THE AMOUNT OF FIVE PERCENT (5%) FOR THE TERM JANUARY 1, 2010 THROUGH DECEMBER 31, 2010

#R2009-189 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE CHANGE ORDER NO. 1 TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF ANDOVER AND WILLIAM WROBLESKI LLC FOR THE LAKE ILIFF STANDPIPE INSTALLATION LOCATED AT HILLSIDE PARK FOR AN INCREASE IN THE CONTRACT AMOUNT OF \$850.00 FOR A TOTAL OF \$5,250.00

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

#R2009-190 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE CHANGE ORDER NO. 1 TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF ANDOVER AND WESTVIEW CONTRACTING, INC. FOR THE HIGHLAND FARMS ROAD AND DRAINAGE IMPROVEMENTS PROJECT FOR AN INCREASE IN THE CONTRACT AMOUNT OF \$5,531.49 FOR A TOTAL OF \$20,991.49

#R2009-191 2009 BUDGET APPROPRIATION TRANSFER - \$13,000.00

#R2009-192 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ASSIGN FIRST HOPE BANK AS THE LEAD FINANCIAL INSTITUTION PROVIDING BANKING SERVICES

(See Inserts Attached to These Minutes)

***APPROVAL OF MINUTES**

**November 09, 2009 Regular Meeting
October 26, 2009 Executive Sessions "A" & "B"**

APPROVAL OF MINUTES

SEPTEMBER 28, 2009 EXECUTIVE SESSIONS "A" & "B"

Mr. Lensak moved to approve the foregoing minutes as presented, seconded by Mr. Walsh. Roll call vote:

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

SERVICE ELECTRIC CABLE TELEVISION FRANCHISE RENEWAL PUBLIC HEARING

Attorney Semrau explained there was a Cable Television Committee established last year and Attorney McGuire of Dorsey & Semrau worked with this Committee. A report was prepared with a recommendation. This evening as part of this process, Attorney McGuire is present along with representatives from Service Electric to conduct the public hearing. This is done so the residents are aware of what the terms of the franchise agreement are and long term concerns and questions can be raised.

Attorney McGuire stated the purpose of the hearing is for the public to participate and make comments regarding the franchise renewal. The hearing is held to evaluate the application submitted by Service Electric.

SERVICE ELECTRIC CABLE TELEVISION FRANCHISE RENEWAL PUBLIC HEARING

She stated that rates and costs are regulated by the Board of Public Utilities and are not part of the franchise agreement. She proceeded to explain what items are regulated by the cable television company such as upgrading of equipment, networking and educational programs, operation of office hours. She stated she will incorporate a reference to the survey that was circulated and made a part of the report sent to Service Electric which is dated December 2, 2009. This has been made available to the public for their review,

Attorney Michael Melitti representing Service Electric Cable Television and he introduced his partner Renaldo Dargennio. He also introduced Shari LoPresti, Service Manager for SECTV. He stated that this is the community's opportunity to ask questions about the process. He said SECTV has been servicing the Township of Andover since 1980. There are currently 1,464 subscribers within the Township. The Cable Committee report which was adopted by the municipality makes reference to the fact there are no formalized complaints on record from anyone in the Town as to cable service.

As part of the process SECTV has applied for a certificate of approval with the Board of Public Utilities and as part of that process there is an application form provided by BPU and that was previously forwarded to the Council. It provides general information specification regarding SECTV and what they do. It also provides information regarding what the BPU requires them to provide. There are also exhibits that are attached including a list of current cable programming that is provided, a detailed map of the service area, equipment information, tariff rates which are governed by statute and provides a list of packages in addition that a subscriber can choose from. There is also an exhibit regarding the general financial information for SECTV showing how viable they remain which is required by the BPU.

With regard to the municipal report, Attorney Melitti said there were numerous items set forth, some of which are very easy for SECTV to accommodate, some of which they already do accommodate, and some they will not be able to accommodate and reasons have been provided in writing to Attorney McGuire. He stated he laid out in detail as to why and why not the requests can be accommodated. He stated that SECTV offers free services including cable connections to municipal buildings at their cost as a way to give back and promoting good relationship with the municipality.

He stated that due to heavy feedback from different municipalities and their public, SECTV is proud to announce they are up on edge of the technology available and they are now offering a triple play package for cable, phone and internet services.

Attorney Semrau stated that an item such as the term of the renewal is something that ultimately will be a policy decision made by the governing body but not this evening. He stated that with respect with the public hearing this evening, he knows there are certain issues raised. Mayor Smith asked for an explanation as to the 36 month renewal process. Attorney D'Argenio explained that the renewal process is set by State statute. In most jurisdictions cable service is regulated on the municipal level and Congress established a framework for the entire Country. The State is the ultimate franchising authority and so the cable company comes before the governing body for the municipal consent ordinance which the renewal application is filed 36 months prior to the expiration. Within a six month window of that filing, a proceeding is commenced.

Attorney McGuire stated that the Township's Advisory Committee first went to the Board of Public Utilities and asked for the last five years worth of records to see if there are any complaints. A survey was also conducted which is sent out to residents for completion and return. It was also posted in the building. In the last five years there have been no complaints to speak of. Only one resident present received and completed a survey. The purpose of the hearing tonight is to let the residents speak and ask questions. Attorney McGuire stated there were no real service issues raised in the surveys collected.

SERVICE ELECTRIC CABLE TELEVISION FRANCHISE RENEWAL PUBLIC HEARING

She then referred to the Municipal Report and read that based upon the results of the survey which is part of the report, there were no significant complaints according to the Committee by Township residents. In addition the Committee also solicited and received data from the BPU office which is required to maintain records of complaint. Based upon the information requested, the BPU indicated there were no significant complaints regarding the performance of services.

Attorney Melitti explained following the public hearing there will be a very specific ordinance as to all things agreed upon and anything that they can not come to terms on.

Mayor Smith opened the public hearing.

Anthony Massaro of Current Drive questioned the mailing and receipt of the survey. Attorney McGuire stated only 19 residents responded to the survey. The survey was also available on the website. Mr. Lensak asked who SECTV's competition is. Attorney Melitti stated there is no competition at this time. There are satellite providers available to the residents of the County.

John Carafello of Eileen's Way who was part of the franchise renewal process 10 years ago stated that when he was on the Township Committee they recommended the renewal be for three years only, but believed it was only renewed for seven. He then stated that SECTV only provides services when they are forced to do so. He also stated that he finds the company to be much better than they were 10 years ago. Attorney Melitti responded that because they are not the size of offer giant cable companies they can not pull of those types of funds.

Rick Melfi of Park View Road reiterated what Mr. Carafello said about the length of the renewal stressing it should be less than 10 years because the ever changing technology adding he thinks that cable may be obsolete in 10 years.

Carla Kostelnik of Greendale Road provided a personal experience with her daughter where a deposit was taken from her for high speed internet service in June and the service was not provided until September. Ms. LoPresti said the process can take three to six months if the utility company lines need to be added. Ms. Kostelnik replied that the company should not take such a hefty amount in advance without providing the service.

Seeing no further hands, Mayor Smith asked for a motion to close the public portion of the hearing. Mr. Walsh moved to close the public hearing, seconded by Ms. Phoebus and carried unanimously.

Mr. Lensak asked if the Township were to agree to a 10 year renewal what does hold their feet to the fire if services deteriorate and is there any recourse if there new technology comes along and we are not receiving such service, what can be done. Attorney D'Argenio said in most cases the Office of Cable Television is appointed as the complaint officer for the municipality. If the cable operator were not providing the type of service that the municipality feels they ought to, complaints can be submitted. If the cable company does not keep up with technology that is what will encourage a competitor to come to Sussex County and take business away from SECTV.

Attorney McGuire stated what we are doing is allowing SECTV to continue operating and not excluding anyone else from coming in and not excluding anyone from using satellites. The next step would be to compile the report and the evidence from the public hearing and draft an ordinance. Mayor Smith thanked everyone for attending.

REPORT FROM THE FIRE CHIEF Fire Department President Rick Melfi was present to provide a report to the Township Committee on behalf of Chief Garrigan. He reported for the month of November there were 24 reported calls, 5 fire alarms, 1 brush fire, 1 carbon monoxide alarm, 1 special drill, 3 regular monthly drills, 1 regular meeting, 1 mutual aid drill, 1 mutual aid, out of town call, 6 motor vehicle accidents, 1 parade participation, 1 special work drill, 1 smoke condition and 1 downed power lines. There were 381 .8 man hours for the month.

He also reported in the beginning of December the Fire Department held their annual meeting and elections were held. The Chief for 2010 will be Dan Crater. He also thanked the Township Committee for following up and getting the stand pipe connector installed behind the Barn. This will be a big help especially through the winter months when water sources freeze.

President Melfi announced that the Department submitted their 2010 operation status and manpower to the Township. He also stated that this Tuesday, Wednesday and Thursday the department will be participating in Operation Santa.

REPORT FROM THE RESCUE SQUAD CHIEF Chief Reidmiller reported a total of 102 calls. Andover Borough had 6 calls, Andover Township with 40 and Byram Township had 37. There was 1 fly out and a stork visit for a total of 280.7 hours. They traveled almost 2,000 miles. The totals for the year are 77 calls for the Borough, 487 in Andover Township and 392 in Byram. There were 214 mutual aid calls for a total of 1,170 calls. There were a total of 2 stork calls for the year. Total man hours for the year to date are 3,629.13 with a total mileage of 23,906.

REPORT FROM THE CHIEF OF POLICE He reported dispatch has handled 15,044 calls to date. He mentioned an investigation during his last report and as a follow up he received two letters from the victims. He read these letters, the first one commending Detective Danielson, Officer B. Kern, Officer S. Murrell, Officer D. Kern and Officer R. Then. The second letter commended the entire police department and particularly Detective Danielson.

**REPORT FROM THE ECONOMIC DEVELOPMENT
ADVISORY COMMITTEE CHAIR** Chief Melfi, Chair of this Committee provided an update to the Township Committee informing that they have hired a company to help them design their website. A local business person who lives in town has been working diligently to get this site up and running by the beginning of the year. They are looking for some extensive web content and he would like permission from the governing body to work with Ms. Thompson and others to provide this information for the website. The site was tested this morning and it looks quite good and once it is functioning it will be a benefit for the town from a business standpoint. They are also looking to provide advertising from this site. He stated once it gets going this site may provide ideas for the township website.

Mayor Smith mentioned last Friday there was a Grand Opening and ribbon cutting at Cartridge World. He stated Mr. Lensak and he were present and he stated it was a wonderful turnout. The press and members of the Chamber of Commerce were on hand. He wishes them the best.

REGULAR AGENDA

OPEN TO THE PUBLIC On a motion by Mr. Lensak, seconded by Mr. Lensak and carried unanimously the public portion was opened. Diane Gillespie of Andover-Mohawk Road stated that the issue of the Brush, Grass and Weeds Ordinance was to be placed on this agenda and it does not appear. Attorney Semrau stated he was going to discuss this during his report later this evening.

He stated that there was discussion of this ordinance at a prior meeting and there were three different interpretations. He added that when he went back and took a look at this the language in the Township ordinance mirrors the State Statute word for word. This puts us in a much more difficult predicament. He then read the State Statute into the record.

Attorney Semrau stated he spoke to Mr. Cutler and asked him about any issues he has had relevant to enforcement and he said he did have one issue but he does prefer the Ordinance mirrors the State Statute in its present form. It gives him the discretion when necessary to enforce it for safety reasons. He stated that the most important purpose of the ordinance is to give the Construction Official the right when safety is paramount to go and enforce this particular limitation.

Ms. Gillespie argued that she does not think that this ordinance works for the benefit for the ordinary resident who can't interpret it clearly. Attorney Semrau replied that he understands her concerns but he thinks based on his understanding on how Mr. Cutler has utilized this in his experiences, it is actually there to protect from someone saying that the brush has to be removed even if it's not a safety concern. He reiterated that it is only there to use as a provision for safety. He then stated that if she feels there are safety concerns which she does, and they violate the specific parts of the ordinance, and then it should be investigated.

Chief Coleman stated he could assist with this matter and asked for the location so he can look into this further. Ms. Gillespie stated it is a safety concern for someone who is 5 feet tall and driving. Chief Coleman will obtain the location from Ms. Gillespie and look into this further.

Ms. Gillespie then spoke about the issue she discussed with the Zoning Officer regarding whether or not he is qualified to determine where wetlands begins and the Township Committee was thinking of sending him to a seminar. Ms. Thompson stated she and Mr. Cutler had spoke at lengths over this issue. Mr. Cutler stated he has all the certifications and education that he needs to do his job properly. She stated that wetlands delineation is beyond his jurisdiction. He can not enforce DEP regulations. She asked if Mr. Cutler should be the one to call the DEP when necessary. Attorney Semrau stated if there is an issue relevant to wetlands or potential violations the health officer is sometimes contacted who in turns contacts the DEP to make a complaint. Attorney Semrau stated anyone can contact the DEP. Ms. Gillespie stated she receives many phone calls with regard to requests to call the DEP on their behalf.

Seeing no hands, Mr. Walsh made a motion to close the public portion, seconded by Mr. Lensak and carried unanimously.

ORDINANCES: PUBLIC HEARING

ORDINANCE NO. 2009-35 TO ADDRESS THE COAH REQUIREMENTS

"AN ORDINANCE OF ANDOVER TOWNSHIP TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE MUNICIPALITY'S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS"

ORDINANCES: PUBLIC HEARING (CONTINUED)**ORDINANCE NO. 2009-35 TO ADDRESS THE COAH REQUIREMENTS**

Mr. Walsh moved to open the public hearing on this ordinance, seconded by Ms. Phoebus and carried unanimously. Ms. Gillespie questioned "B" No. 7, Section 18 - Administration and asked who will be the Municipal Housing Liaison and is it a paid position. Ms. Thompson replied that Linda Paolucci has been serving in this position since 2007 and she receives no further compensation for this function.

Seeing no other hands, Ms. Phoebus closed the public portion, 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 November 26, 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. Lensak - yes
Ms. Phoebus - yes	Mr. Walsh - yes
Mayor Smith - yes	

OLD BUSINESS**MR. LENSAK'S INQUIRY AS TO THE STATUS OF THE MASTER PLAN**

Mr. Lensak stated he sent an email to everyone in order to finalize exactly where we are with the Master Plan and the Budget on the plan. He stated we receive conflicting reports on a weekly basis. He said he has one spreadsheet totaling \$218,000 on the Master Plan and he would like to know that is possible. Mayor Smith stated Chair Christodlous who is head of the Master Plan Committee is here tonight and he would like to recognize him for a response. Chair Christodlous said he does not know what that total is but his guess is that it includes COAH and many other things. Mr. Lensak remarked that he understands that COAH needs to be in place in order to proceed with the Master Plan amendment process. There was then argument as to whether COAH is a part of the Master Plan.

Mr. Lensak stated that since 2006 the total amount expended for the Master Plan is \$218,000. Mr. Christodlous said he never saw that memo but another that showed figures significantly lower, but which was also incorrect. Mr. Lensak said at the last meeting the Township Committee adopted a resolution to transfer \$3,500 into the Land Use Board budget why was that done if there isn't an over expenditure of that budget. There was also discussion regarding the Banisch contract and associated invoices. Mr. Christodlous said if Attorney Germinario spends time on the Master Plan his costs come out of the Legal Budget. If Joe Golden spends time on this matter, his costs are charged to Engineering. He then referred to the COAH Housing Plan which was not part of the Budget, the Constraints Ordinance which was included in the Master Plan, Plan Endorsement was also included and the rezoning of Newton-Sparta Road.

CFO Day was present for this discussion and he stated at various times over the past 6 months he was asked by the Township Committee to compile data on this issue. He stated the thing he struggles with is what is and isn't related to the Master Plan. There have been discrepancies between the professionals and all boards regarding this. Every year since 2006 there has been a current fund line item for the Master Plan and some of the charges provided by Mr. Christodlous go back to 2006 and 2007 and they were coded accordingly. He said looking back everything done was coded correctly and now there is argument that the coding was not correct at that time. The amount of money spent hasn't changed.

OLD BUSINESS (CONTINUED)**MR. LENSAK'S INQUIRY AS TO THE STATUS OF THE MASTER PLAN**

CFO Day stated he is compiling data and he does not know whether or not it is Master Plan related. He uses the invoices from the professionals to code the work. COAH related work to this point totals \$145,000. Mr. Walsh stated the problem is if there is still funding available under the Banisch account that means the Land Use Board budget has been greatly overspent. CFO Day stated he has reviewed the actual vouchers to see how items were coded and signed off on and approved. There was continued discussion and disagreement regarding this topic.

Mr. Walsh stated that he finds it ridiculous that we are discussing this for several meetings and we don't know more today than we did months ago. Mr. Lensak suggested that when a bill is submitted it has to come from a line item and that coding must be determined immediately without question.

Mr. Lensak then asked what is left to do on the Master Plan. Mr. Christdous stated he will send the description to Mr. Lensak. There was then discussion regarding the role that COAH played in the Master Plan process.

Mayor Smith stated that it appears everyone agrees that there were some coding issues and bills that were not assigned properly. He stated he believes everyone agrees that next year we will do a better job to better code and allocate items properly. Attorney Semrau added that if there is ever a question he would be happy to determine where it should go. The Finance Committee will determine what needs to be budgeted for this item next year.

NEW BUSINESS**HILLSIDE PARK HALL AND HILLSIDE HOUSE RENTAL FEE SCHEDULE REVIEW**

Ms. Phoebus will recuse from this discussion. Ms. Thompson explained the Recreation Committee discussed this issue at their last meeting and they recommend keeping the rates for the Barn and the Hillside House the same as 2009. The rentals have stayed consistent from 2008 to 2009 following the increases in 2009. The majority of the rentals are boards and committee members, township residents, non-profit organizations and employees. Both buildings are always used for recreation programs.

Mayor Smith asked if we are covering our costs. Mr. Walsh explained that the out of town rentals are covering the costs. CFO Day stated he did a cost analysis in 2007 and he can review those figures and revise the analysis for 2008. He will provide these figures to the Township Committee for the next meeting. Mayor Smith stated that pending the review the recommendation of the Recreation Committee will be accepted.

COMMITTEE REPORTS

MR. LENSAK. He reported on the Stop the Lines and there should be a report out on January 15th as to the ultimate decision. He then reported on SWAC commenting that bid specifications will be drafted to go out for bid for trash and recycling early next year.

As liaison to the Environmental Commission it was brought to his attention that there was a report submitted to the County which encompass quite a bit of information. He researched their agendas and minutes and he cannot find where this action was approved by the Commission. The report given to the

COMMITTEE REPORTS (CONTINUED)

MR. LENSAK. County was on Andover Township letterhead. He said he finds a great problem with this being done without Commission and Committee approval and why were we not notified. He further stated that he cannot find anything that states this type of report comes under the purview of the Environmental Commission. Attorney Semrau stated he and the Administrator can check with the Environmental Commission as to how this report made its way to the County and if any action took place at their meeting. Attorney Semrau added he can also take a look at the report and see where it falls in the purview of their responsibility.

MS. PHOEBUS. She reported on the bus trip to New York City run by the Recreation Committee was wonderful. The Holiday party for the volunteers and employees was also great and she thanked everyone that made both events a success.

She then reported on the County Planning Board where she sits as a member and one of the items discussed is that the County will be adopting the State's Water Quality Plan. They feel they have to do so in a timely manner, though they are not happy with this. They are currently negotiating with the State. Part of that plan has to do with septic system inspections. She stated that everyone's system will need to be inspected on a three year basis and prove to the municipality that this was done. Ms. Phoebus then said the cost of this process can prove to be very expensive.

With regard to COAH she stated they are working with St. Paul's Abbey for another year of due diligence and the project has become quite extensive. We had to go to the State and expand our sewer service are with we are able to do.

MR. WALSH. He also reported on the bus trip and Recreation Committee activities. He thanked the Recreation Committee on another job well done. He was speaking with members of the Lackawanna Little league regarding dugouts for the fields. The FOP donated funding for this project.

Mr. Walsh then reported that the Rabies Clinic is scheduled for January 8 at the DPW garage. Dogs will be from 5 pm to 7 pm and cats from 7 to 8pm.

REPORT FROM THE CLERK/INTERIM ADMINISTRATOR She reported that we participated in the Sussex County Auction as we do every year. The auction was held in October and sold of a gross amount of \$14,700. And minus all administrative and auctioneer fees the net total is \$13,101.25. She reported on the Casual Friday event which municipal building employees have participated in since 2005. She explained every Friday every employee who wishes to wear jeans pays \$1 into a fund which is then donated to a local charity quarterly. As of third quarter from the beginning the employees collected over \$1961.

She then mentioned the low income home energy assistance program sponsored by the County for their residents to assist with heating costs. Eligible households will be assisted with electric, gas, oil and other deliverable fuels. More information is available in the Clerk's Office.

MAYOR SMITH. He stated he would like to discuss the next scheduled meeting stating there was a proposal that the meeting of December 28th be canceled. A suggestion was made for an emergency procedure recommended by the Attorney to give the Administrator temporary approval to sign an urgent invoice. Other than that there is no other reason for a meeting. Mayor Smith asked the Township Committee to consider that recommendation. All were in agreement and Ms. Phoebeus moved on this action which was seconded by Mr. Lensak and carried unanimously.

REPORT FROM THE MUNICIPAL ATTORNEY He stated there was a staff reduction issue discussed in Executive Session that pertains to a certain position in the building Department directly to Ms. Reed. There is a plan approved by Civil Service dated December 9th and following discussion in the Executive Session and with Ms. Reed.

Mr. Walsh moved to move forward with this Plan with Ms. Reed, seconded by Mr. Lensak and carried unanimously.

Attorney Semrau stated he made a list of some accomplishments by this Committee for 2009. He mentioned the establishment of the Economic Development Committee, the Stop the Lines defense handled by members of the Township Committee, a significant Board of Health application which began in late 2008 and carried into this year which requested a variance. The Board of Health made a decision denying the application which was not appealed in Superior Court. He added that the Committee has handled various ABC matters, cable television franchise renewal, the first Open Space land acquisition, listing on the agenda discussions from Executives Session, obtained Substantive Certification from COAH, the litigation this year has been minimized. There are a few tax appeals pending but not to the extent of what other municipalities are facing and the number one matter was the resolution of the Riverbank Project.

Mayor Smith stated this is his last meeting as the Mayor and he found this to be the longest and difficult year and he is happy that is it over. He looks forward to regaining some of his personal life next year. He wished everyone a Happy New Year.

NEXT SCHEDULED MEETINGS:

December 28, 2009 (canceled)

**2010 Reorganization Meeting
January 04 at 7:30 p.m.**

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 9:47 P.M., seconded by Ms. Phoebus 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 14th day of December, 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 - Agreement Extension***

Attorney-Client Privilege:

- 1. ***Municipal Lien Assignments - Block 16/Lot 1 & Block 32/Lot 18***

Potential Litigation

Pending Litigation

- 1. ***Testa vs. Andover Township***

- (X) a. (8) Personnel matters.

Personnel Matters:

- 1. ***D. Cashin, Tax Collector***
- 2. ***K. Reed, Senior Clerk-Typist***
- 3. ***Police Department Staffing***
- 4. ***L. Paolucci, Land Use Board Secretary***

- () 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: December 14, 2009

Moved: Phoebus Seconded: Lensak
Voted Aye: Lensak, Phoebus, Walsh, Smith
Voted Nay: None
Absent: Boyce
Resolution adopted. December 14, 2009
