

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

JANUARY 25, 2010

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 6:30 P.M. by Mayor Walsh, followed by a salute to the flag.

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

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

EXECUTIVE SESSION: Mayor Walsh asked that the Executive Session be amended to include Under Pending Litigation: 2. T. Sugar, Court Administrator and Under Potential Litigation: 1. K. Reed, Senior Clerk-Typist. Attorney Semrau asked that Under Contract Negotiations: The Smith Tract be also added. Mr. Lensak asked that Under Pending Litigation: Old Creamery Road discussion be added. On a motion by Mr. Lensak, seconded by Mr. Boyce, the resolution to go into executive session to discuss

Personnel Matters:

1. ***V. Thompson, Clerk/Administrator***

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.

2. ***Flexible Spending Plans and Other Ancillary Programs***
3. ***Labor Contracts***
4. ***The Smith Tract***

Attorney-Client Privilege:

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

Potential Litigation

1. ***K. Reed, Senior-Clerk Typist***

Pending Litigation

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

Attorney Semrau will report on the status of this litigation.

2. ***T. Sugar, Court Administrator***
3. ***Old Creamery Road***

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:33 P.M. Mr. Boyce moved to adjourn executive session at 7:25 P.M., seconded by Mr. Smith and carried unanimously.

REGULAR MEETING

APPROVAL OF AGENDA Mr. Boyce moved to approve the agenda as presented, seconded by Mr. Lensak and carried unanimously.

APPROVAL OF CONSENT AGENDA ITEMS Mr. Boyce moved the following consent items be approved, seconded by Mr. Lensak and carried unanimously. Mr. Lensak abstained from check #09-01738.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Insert Attached to These Minutes)

**APPROVAL OF RAFFLE LICENSE – ST. JOSEPH H&S ASSOC.
TO BE HELD ON FEBRUARY 27, 2010 FROM 6:30 TO 11:00 P.M.
AT PERONA FARMS
R.L. #893 - ON PREMISE MERCHANDISE**

**APPROVAL OF RAFFLE LICENSE – CATHOLIC FAMILY & COMMUNITY
SERVICES - TO BE HELD ON MAY 19, 2010 AT 4:00 P.M.
AT ROLLING GREENS GOLF CLUB
R.L. #894 – OFF PREMISE 50/50**

**APPROVAL OF RAFFLE LICENSE – KEEP, INC. – TO BE HELD ON
FEBRUARY 27, 2010 AT 8:00 P.M. AT NEWTON COUNTRY CLUB
R.L. #895 – OFF PREMISE 50/50**

ACCEPTANCE OF TAX COLLECTOR’S REPORT - \$156,791.31

**APPROVAL OF RAFFLE LICENSE – HILLTOP COUNTRY DAY SCHOOL
TO BE HELD ON MARCH 26, 2010 FROM 7P.M. – 11:30 P.M. AT PERONA FARMS
R.L. #896 – CASINO NIGHT
R.L. #897 – ON PREMISE MERCHANDISE
R.L. #898 – ON PREMISE 50/50**

**APPROVAL OF RAFFLE LICENSE – ANDOVER REGIONAL PTA
TO BE HELD ON MARCH 5, 2010 FROM 6PM – 11PM AT LONG POND SCHOOL
R.L. #899 – ON PREMISE 50/50
R.L. #900 – ON PREMISE MERCHANDISE**

***RESOLUTIONS:**

**#R2010-31 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY
TO AMEND RESOLUTION #R2009-53 ENTITLED “2009 SALARY
RESOLUTION” – POSITION OF SUPERVISOR, PUBLIC WORKS**

CONSENT AGENDA: (CONTINUED)**RESOLUTIONS: (CONTINUED)**

#R2010-32 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE RENEWAL OF THE VOLUNTEER ACCIDENT POLICY NUMBER BAB005808 FROM LIFE INSURANCE COMPANY OF NORTH AMERICA AT AN ANNUAL PREMIUM OF \$451.00 FOR THE TERM FEBRUARY 01, 2010 THROUGH FEBRUARY 01, 2011

#R2010-33 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO FORMALLY ACCEPT THE MAINTENANCE BOND NO. 1965MB IN THE AMOUNT OF \$3,477.10 FROM SALMON BROS., INC. FOR THE PERONA ROAD RECONSTRUCTION – PHASE I PROJECT AND TO AUTHORIZE RELEASE OF THE RETAINAGE IN THE AMOUNT OF \$6,954.20

#R2010-34 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO APPOINT MARYLOU BEIERMEISTER AS INTERIM COURT ADMINISTRATOR

#R2010-35 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH THOMAS PORTELLI, ESQ. TO SERVE AS HEARING OFFICER

#R2010-36 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY GIVING NOTICE OF THE MUNICIPALITY'S INTENTION TO GRANT MUNICIPAL CONSENT AND ADOPT AN ORDINANCE GRANTING RENEWAL TO SERVICE ELECTRIC CABLE TV OF NEW JERSEY, INC. (SECTV) TO OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE TOWNSHIP OF ANDOVER

#R2010-37 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 HAROLD E. PELLOW & ASSOCIATES INC. FOR SPECIAL ENGINEERING SERVICES ASSOCIATED WITH THE TOWNSHIP'S COAH PROJECTS

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

#R2010-38 2009 BUDGET RESERVE APPROPRIATION TRANSFER - \$8,000.00

#R2010-39 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO CANCEL 2010 1ST AND 2ND QUARTER TAXES BILLED IN THE AMOUNT OF \$2,528.01, AND ANY FUTURE 2010 TAXES WHICH MAY BE BILLED, FOR BLOCK 74, LOT 22.02, DUE TO THE ACQUISITION OF THE PROPERTY BY ANDOVER TOWNSHIP FOR USE AS OPEN SPACE

#R2010-40 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING MEMBERSHIP IN A MUTUAL AID AND ASSISTANCE AGREEMENT WITH PARTICIPATING UNITS

(See Inserts Attached to These Minutes)

***APPROVAL OF MINUTES**

**NOVEMBER 23, 2009 REGULAR MEETING
DECEMBER 28, 2009 SPECIAL MEETING
JANUARY 08, 2010 SPECIAL MEETING**

APPROVAL OF MINUTES

DECEMBER 14, 2009 REGULAR MEETING

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

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

JANUARY 01, 2010 REORGANIZATION MEETING

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

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

PRESENTATION**REQUEST FOR ZONING ORDINANCE AMENDMENT
BERND F. HEFELE, ESQ.**

Mr. Hefele stated he is here to discuss with the Council a request for additional use ordinance. Cambridge Pavers is a paving stone and walls some manufacturing facility that mixes sands, gravel and concrete to produce these stones. This is done in a fully enclosed facility and these products are sent out to retail facilities. He stated they want to locate a 170,000 square foot facility in Andover Township. They filed a previous application with the Planning Board and the Board did deem their particular type of use in this Industrial Use as meeting the Zoning definition of the Zone. There is another section of the Ordinances that lists all the prohibited uses and one of these is a Concrete Products Plant. The Planning Board felt the Prohibited Use could apply to them which of course presents a problem.

He stated that they are proposing the Council consider a Conditional Use Ordinance that would address that issue. That Ordinance they believe would allow municipalities to specifically tailor if and when a paving stone facility could be located in this municipality. He stated they provided the definition of such a facility as well as the criteria that would be required in order to legitimately locate it in the Industrial Zone in an appropriate way that makes sense from a planning point of view and a public welfare point of view.

Mr. Hefele stated this facility that is being proposed fits squarely within the Master Plan. He then referred to the Master Plan that specifically states this is the economic development that the municipality is looking for. When the plan was reexamined the town was desirous of economic development provided it meant the appropriate criteria. He stated he believes this plan meets all this criteria. He said it would certainly broaden the tax base by an estimate of close to \$1 million and provide 100 plus jobs to the municipality.

He said they had their planner put together a Conditional Use Ordinance that he believes addresses what would be needed in order for the facility to be located in Andover Township. He then referred to the Ordinance which was then distributed to the members of the Committee.

Attorney Semrau clarified that the request is for a zoning amendment and although Mr. Hefele provided a background of an application the Township Committee, whether the application is pending or not, is not in a position to judge the application. Mr. Hefele stated the application has been withdrawn. The information given was only to provide a background. Attorney Semrau added that they are before the Township Committee and asking them to consider a zoning amendment to the Land use Ordinance. Mr. Hefele stated that revisions to the definitions in the Ordinance are to make clear what is not clear in terms of paving stone facilities.

Attorney Semrau stated he spoke to Planner McGroarty earlier about this matter on the agenda and he said he would take a look from the standpoint of not just one application but from the standpoint of the Township as a whole and report back with his thoughts. Ultimately, if there is an interest in this by the governing body it could then be referred to the Land Use Board for further input, the Township Committee could introduce the Ordinance and by law it goes to the Land Use Board for their consistency determination and then it is returned to the Township Committee for final adoption. Escrow fees posting can also be asked of the applicant prior to this process. Mr. Hefele stated they will post a separate escrow for this review.

Mr. Smith remarked that this seems to be more a land use issue more than it is a Committee issue and he strongly recommend that it be referred to that Board. Mr. Boyce reiterated what Mr. Semrau stated of the options available and one was for the process to begin with the Township Committee. Mr. Semrau stated that Mr. McGroarty's comments can be referred back to the Land Use Board in addition to the Township Committee. There was continued discussion regarding this matter and following it was decided that this be sent to Planner McGroarty as discussed and his report should then be sent to both the Township Committee and the Land Use Board.

REGULAR AGENDA

OPEN TO THE PUBLIC Mayor Walsh read the rules into the record and added that due to the amount of public present this evening, he will limit discussion for five minutes. If time allows the public may be allowed longer dialogue approved by the full Committee. Mr. Boyce moved to open the public portion seconded by Mr. Lensak and carried unanimously.

Stan Christdlous of Wisteria Road asked how appropriate is it for a prospective applicant to tailor make an ordinance and submit it to the Committee for approval. He added that approval of such an ordinance is endorsement of the project. He stated it is highly inappropriate. Attorney Semrau stated no one has approved anything and he added that the best approach has been taken because the Township Planner will be asked to render a recommendation as to whether or not it is consistent. Attorney Semrau stated that for all we know it may be in dire need for the Township to amend its Code and do that. If that is the case, then it is well warranted and then justified by Mr. McGroarty's recommendation. He added that if it is not, and he writes a report stating this is inconsistent with planning principals then the Committee would review that before making such a decision. He then stated that anyone has a right to request an Ordinance and if it is something that suits them or involves them, they still have the right to make that request. There was then discussion regarding where such a request can begin, before the Township Committee or the Land Use Board. The consensus was that such a request can go before either board.

Michael Justice of Walnut Trail spoke of a problem with the Steep Slope Ordinance. He explains there is currently an exception for modifications where there is a single family residence and those modifications that are ancillary do not go beyond a 1500 sq. ft. maximum. If you exceed that amount, there is a requirement for a topographical map which is very expensive to prove that you are not changing the construct of the slope that impacts a variety of very critical concerns. He said he does not want to change the meaning of the Ordinance but wants to add a clarification so what it means cannot be denied. The way it currently reads, there is an exception if the proposed construction involves less than 1500 sq. ft. of total site disturbance and therefore, it does not require an Ordinance. He suggested the following: total site disturbance which means that portion which is permanently modified by the proposed construction in the permit application, and set phrase shall not be interpreted to include portions of the site which are merely driven over by equipment utilized in such proposed construction or used for only temporary staging areas for construction materials and debris.

He distributed copies of the proposal for the Township Committee and asked if this be considered. He added that this is not an isolated situation within the municipality and he felt a change in the Ordinance would protect other residents as well. Attorney Semrau stated this will only involve a quick technical interpretation from the Planner and Engineer because it has to do with disturbance. It was decided to provide copies to them for their response to this request.

Donna Erem of Wolff Samson was presents and she represents Ronald Krueger who is an objector to the Cambridge Pavers application before the Land Use Board. She stated she understands the process of examining an Ordinance and having it go to the Board and she informed the Township Committee that the appeal period for the Board's termination that a concrete products plant as described by Cambridge Pavers is a light industrial use has not yet begun to run. She said Mr. Krueger is considering appealing that determination and if the Town Council and the Board sees fit to move forward with such an amendment, Mr. Kroger will consider being at every stage objecting to that and possibly appealing any determination which will throw everything into Superior Court. She says so only to be involved in the process if possible. She asked to be provided with a copy of this draft. Copies have not yet been provided to the Township Committee. Attorney Semrau stated a draft.

David White of Limecrest Road was present this evening to thank everyone for their stance before PSE&G and not settle on the Susquehanna-Roseland Project. He asked Attorney Semrau about the settlement process and the offer of money to the municipalities and if that is a legal maneuver.

OPEN TO THE PUBLIC (CONTINUED) Attorney Semrau explained there is pending litigation and an ongoing Administrative hearing so it was offered from the standpoint of compensations in exchange for the Township dismissing their objection that was posed. The settlement clause included that the property owners would still have all their rights. The Committee stated that may be the case but we are here on behalf of all the property owners. There was a concern that settling the case would leave property owners in a situation where they would have to try to challenge that action on their own. That was another reason expressed by the Township Committee that there was no interest in settling.

Mr. Boyce stated he was sure there was a certain amount of money they allocated for legal expenses and settlements. By having such they could then attempt to offer this in exchange for a settlement. Mayor Walsh stated there are 98 residents in Andover Township that would be affected by these lines. Mr. Smith added that he is very passionate about this saying he does not think that any amount of money would compensate for the damage caused by those lines going through. He stated that if we took that money in five years no one could determine where the money was used, but the lines would stand forever.

Mr. White stated he received a letter from PSE&G and though the project has not been approved they want to drill the site and check the ground. He asked if he has a right to refuse to have the contractors through his property to get to the tower. Attorney Semrau asked if they have an easement on the property and the answer was "yes" but they don't have an easement to come up the driveway. Mayor Walsh stated that would have to find a way to the easement and not go up the driveway. Mr. Lensak mentioned that during the testimony at the BPU, every one of the Commissioners said that they were called by PSE&G prior to their decision and he said how is that fair.

Tom Hill from Stop the Lines thanked the Township Committee for turning down the offer from PSE&G because they are a huge entity that is trying to play the system and they are playing it very well. He added that Stop the Lines is also playing very well and they have gotten many townships to participate in the intervention. They feel that the opposition is going nicely but unfortunately with the delay of 30 days it opens it for another offer of monies to come which will probably be greater that before. Mr. Hill asked for Andover Township to turn down any offers and stick with their original principals. He added his appreciation and he said that he knows with Mr. Lensak as the Liaison in this fight we are playing well and he applauds the governing body. There was applause from the audience.

Debbie Reidmiller from Lakeland Emergency wished to correct an omission that did not happen at their Installation Dinner. She gave the 2009 Yearly Report that they responded to a total 1,252 calls of which 517 were in Andover Township. There were 18 fly outs, 2 stork visits, accrued almost 4000 hours and traveled 25,392 miles. She stated that it appears Lakeland Emergency Squad was the busiest ambulance volunteer squad in the County by answering a total of 232 calls from mutual aid agencies because they could not get crews together. They asked for assistance only 6 times and 3 of those times were because they were already on a call. The membership has done an extraordinary job this year and she will be the Chief of 2010.

David White asked for hands from those people who are here tonight that feel as he does against the lines project to thank the governing body for what they have done. There was a show of hands estimated at over 25 which was followed by another round of applause.

At this time Mayor Walsh asked for those residents to sign a sheet with their names and addresses.

ORDINANCES: INTRODUCTION**NO. 2010-01 TO AMEND 2008 SALARY ORDINANCE
ADMINISTRATOR AND COAH HOUSING LIAISON**

***“AN ORDINANCE TO AMEND THE 2008 SALARY ORDINANCE
OF THE TOWNSHIP OF ANDOVER, ORDINANCE #2008-09 TO
PROVIDE AND DETERMINE RATES OF COMPENSATION
FOR EMPLOYEES OF THE TOWNSHIP”***

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2010-01, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on February 08, 2010 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. Lensak – yes

Ms. Phoebus – absent

Mr. Smith – yes

Mayor Walsh – yes

RESOLUTIONS**RECONSIDERATION OF FEE SCHEDULE ON RESOLUTION #R2010-16
ANIMAL POUND FACILITY SERVICES WITH DR. CASTIMORE FOR 2010**

Ms. Thompson informed the Township Committee that in their packets there is a memo from Board of Health Secretary Jackie Huelbig. She spoke with Dr. Castimore about the current Fee Schedule for these services which have been in effect for almost 10 years. Dr. Castimore has requested some small increases in certain areas. Ms. Huelbig had discussed this request with the Board of Health at their last meeting and they have concurred that these amendments should be recommended to the governing body. The Township Committee agreed and a revised Fee Schedule will be on the next agenda for consideration.

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

Ms. Thompson stated that the Township Committee discussed this issue at the December 14th meeting and it was recommended at that time that an analysis of the costs versus revenues be done to determine whether our current fees covered the costs. It was determined that there was no fair way to charge for certain costs to this building because these services would have to be done in other areas of the municipality in our buildings. Following a meeting with Jackie Huelbig, Recreation Director, Jim Sullivan, Building Service Worker, Tim Day and the CFO it was decided to recommend a fee of \$100 to cover the maintenance costs following a rental. The security amount to be posted would be reduced by \$100. The only area of increase in the actual rental fee would be for the employees and board/commission members. Following a discussion by the Township Committee it was recommended that the Fee Schedule be amended as discussed. Mr. Smith asked to have the Recreation Committee review these recommendations and inform the Township Committee if they agree. Mr. Lensak moved to approve these amendments subject to the review and approval by the Recreation Committee, seconded by Mr. Boyce and carried unanimously.

OLD BUSINESS (CONTINUED)**PERFORMANCE APPRAISAL REVIEW – B. SMITH**

Mr. Smith stated that this process began last year and the first year was a bit difficult. He stated he strongly feels any organization has an obligation to review its people. He stated reviews are not punishments but constructive to tell people where they are doing well and where they can do better. He wants to see the Township continue this process. He added that this process is in the manual and if we were not to continue, we would have to amend the employees' manual. Mr. Boyce agreed with Mr. Smith that employees need to be evaluated. He mentioned his meeting with employees this past year about the review process and there was some misunderstanding about the whole process and in hind sight it probably could have been better communicated. He said he doesn't have any problem with continuing the process but there must be communication with the employees and they have to understand why, what the ramifications are going to be and what the appeal process is. These things should be set in advance.

He asked Ms. Thompson to review this matter and come back to the governing body with a recommendation as to how she would like to proceed. She replied that a performance evaluation is an excellent tool and it should be continued but added, the only issue where she felt was the biggest obstacle was quantifying each category with a number. The employees used this as competition rather than what it was designed for. Mr. Smith stated you would need some kind of number in order to evaluate because what else does it mean. She suggested having categories and mentioned Chief Coleman's Performance Evaluation Sheet he has been using as an example. Mr. Boyce commented such as things that need improvement, things that are being done well, etc. The overall evaluation would then be a summary of the items listed, discussed and evaluated. Mayor Walsh added that he believes the process should be ongoing throughout the year. Things should be documented every step of the way and periodic updates will be part of the year end evaluation. Mr. Boyce stated a perfect evaluation is one where you sit down to discuss it with the employee and there are no surprises. It is what you have been working on throughout the year. At the end of the year there is an opportunity to show whether or not they have been able to improve on areas in question. It is a forced communication tool.

Mr. Lensak stated he is not a fan of a numeric system because it is all about who received the better score. Ms. Thompson stated employees are not going to share written information with each other but numeric scores they will share. Mr. Smith said if we don't use numbers we have to use something. Ms. Thompson said she will think about this and share it with the Township Committee.

**DISCUSSION OF POSSIBLE ORDINANCE PROVIDING PUBLIC REPORTING
OF CIVIL JUDGMENTS AND SETTLEMENTS**

Attorney Semrau stated last year Martin O'Shea sent a request that the Township consider an Ordinance that whenever a lawsuit is settled or there is a judgment, that the Township at its next regular meeting announce what that determination is. The judgment and settlement from the Court has now been determined by the Appellate Division to be a public record. At the time of this request the Committee asked that it be tabled for the new year. Mr. Paff had followed up and asked the status. Attorney Semrau stated he made one change in the Ordinance starting that the Mayor or designee shall make every effort because you could forget. It was also decided that tax appeal judgments should not be a part of this process.

Following a brief discussion by the Township Committee it was decided to place this item on the next agenda under Ordinance Introduction as amended.

NEW BUSINESS**FLEXIBLE SPENDING PLANS AND OTHER ANCILLARY PROGRAMS – M. LENSAK**

Mr. Lensak stated that the Flex Spending Account information has been presented to the non contractual employees with the use of a smart debit card when purchasing items such as over the counter medicals and copayments at the doctors' offices. This is taken out of a payroll check before taxes and the plan also saves the municipality the matching FICA because of the pre-tax funding. There is a benefit to the employees depending on tax bracket. The cost of this program is almost a break even with the minimum limit as \$1,000 with \$2,000 maximum for a test period. There are also other ancillary benefits that would be available such as an accident policy, cancer policy, etc. which are paid 100 percent by the employee which would come out pre-tax.

Mr. Smith added that this program is completely voluntary on the employee and basically it is a savings account which is pre-tax and the purpose is to pay for any deductibles and other expenses not covered by insurance. He added that it is a win-win situation and a good thing for the municipality. Mayor Walsh agreed that this should be offered to the non contractual employees. A resolution will be on the next agenda for formal action.

COMMITTEE REPORTS:

MR. LENSAK. He read an email from Debbie and Craig Dickerson thanking the Township Committee for their decision to refuse PSE&G's offer of money and they are oppose to the power lines especially as many as this project suggests. He urged the Committee's continued opposition to this project.

He reported on the Economic Development Committee's meeting on January 15th and Charles Grotzmann was present as a new member. Ms. Phoebus is now a member of the general public. The Committee's website is up and running with a link through the Township's site. They will be hosting a Chamber Breakfast on March 9th at Perona Farms. They are totally behind Andover Day scheduled for May 22nd. They are looking for area businesses to get involved by lending their support. One of their current projects is Lentini Farms, the former D'Angelo's which will have fresh produce, they will bring in bakery items, and possibly ice-cream.

Mr. Lensak reported on the Emergency Squad Installation Dinner which was a great event to attend. He praised the fine people who volunteer for the residents who are so passionate about their service.

He reported on the Environmental Commission Reorganization meeting. They are looking to expand their research into the solar energy and recycling arenas. Things look very positive moving forward. Tomorrow is the Open Space meeting.

MR. SMITH. He reported on the Senior Citizens Club meeting where they held their Reorganization meeting on January 18th. New officers were elected and the President is Lois McCue, he was elected Vice-President, Elsie Burdge is the second Vice-President, Irene Bonnema is Recording Secretary and Marlene Coppelino is the Treasurer. The next meeting will be February 1st at the Senior Center in the Borough which will be the Valentine celebration. They will be serving pizza.

He reported on Animal Control which there were over 1000 renewal forms sent to owners and deadline is January 29th and February 1st late fees will begin. He asked the Township Committee is to review the late fee schedule because it begins with \$5 the first and continues to accrue which he feels may be a bit unreasonable. He will provide recommendations.

COMMITTEE REPORTS: (CONTINUED)

MR. SMITH. He reported on the Board of Health Reorganization meeting on January 20th and the Rachel Nazarian was elected Chair and the Vice-Chair is Maryann Frodella. Jackie Huelbig is Secretary. The next SWAC meeting is scheduled for February 9th at 7:30.

MR. BOYCE. He reported that Mayor Walsh met with Superintendent Bernie Baggs on an issue he brought up several months ago regarding better cooperation and shared services. They will continue to have these meetings and report back. He stated he knows they will be very aggressive on their 2010 budget as the Committee is and they will work together with them. At some point the School Board will be presenting their budget before the Township Committee.

Mr. Boyce discussed an item that was brought to his attention about the last Land Use Board meeting. He asked Mr. Christdlous that perhaps it would be a better idea for him to come to the Township Committee or Ms. Thompson if he requires information that he believes he is not receiving. He stated he heard that he spent over 5 minutes questioning the Land Use Board Secretary why the Reorganization meeting was delayed from January 4th and held on the 19th. Mr. Boyce suggested that if there is a problem with any employee it should be brought to the attention of the Administrator or the Township Committee. Mr. Christdlous stated there was no intimidation but he simply asked her a question as to which Board member authorizes her to make the legal announcement in the newspaper.

MAYOR WALSH. He reported on the salt brine treatment on the roads recently. The Township entered into a cooperative agreement with Newton to construct this facility in which they mix salt and water and they cover the roads up to 72 hours before a storm is predicted. He stated that over the weekend the County and all municipalities but two were called out for ice. Newton and Andover Township were the only two not called because of the success of the pre-treatment. They also promised the school they would pre-treat their parking lots before storms. This product will not always melt the snow as it falls and keep the roads bare, but it will help in the clearing of the roads after the snow fall and reduce the need for grit. We need to continue to learn this system and work on the guidelines for applying this new product. Mr. Smith added that it also reduces the amount of grit needed on the roadways. The brine making system installation is complete and working well over in Newton. In the past weeks other agencies have inquired about the brine product, with some interest of possibly purchasing the product from us in the future.

We currently have 2 trucks equipped (1 pickup, 1 dump truck) with tanks, pumps, spray bars and a ground speed control system for applying the liquid deicing brine. The ground speed control system allows the operator to travel at different speeds and insure that the same amount of deicing material will continue being dispensed at the same rate. With the brine deicer we can pre-treat the roads up to 72 hours before a storm depending on the type of storm and current weather prior to the storm. This product will not always melt the snow as it falls and keep the roads bare, but it will help in the clearing of the roads after the snow fall and reduce the need for grit. We need to continue to learn this system and work on the guidelines for applying this new product.

The purchase of the 2009 freightliner dump truck has been completed, replacing the 1992 International dump truck which we are currently recycling to the brine spraying truck. The new truck has been in service since mid December and is working well. The two Mason dump steel bodies have been replaced with new stainless steel bodies. We hope this will extend the life of the trucks and give us the future savings on the purchase of any new mason dumps in the future by reusing these bodies.

Regarding the outside bathrooms at Hillside Park the DPW has replaced the drop ceiling and added a fresh coat of paint to both bathrooms. We will continue to make other improvements to the bathrooms over the winter months which will hopefully be complete prior to spring use.

COMMITTEE REPORTS: (CONTINUED)

MAYOR WALSH. Regarding the disposal of the holiday trees the DPW reminds the residents that all trees need to be dropped off in the lower parking lot at Hillside Park for chipping. Many residents have trees by the curbside for pick up and they do not chip holiday trees at the curbside because not all residents remove their trees at the same time.

The winter started out busy with the storms in December and early January but lately the weather has been nice, so they have been busy sweeping the roads, chipping brush and repairing pot holes. If the weather continues to be nice they will be out cleaning storm drains and trimming brush.

REPORT FROM THE CLERK/ADMINISTRATOR She reported that she and Alternate JIF Commissioner Maryann Frodella attended the JIF Reorganization meeting on January 13th. They were sworn in with other new JIF Commissioners. Professionals were appointed and reappointed for this year. Other regular business was conducted such as the adoption of a Fiscal Management Plan, Public Meeting Procedures and a Fund Records Program, a Risk Management Plan. The 2010 JIF Committees and Committee Structures were also outlined. Ms. Thompson then mentioned some of the advantages of being a member of the JIF such as the many training courses available at no cost.

Ms. Thompson reported on the 208 Water Quality PAC meeting on January 14th where new members were recognized. The 2010 meeting dates were reviewed and approved. Due to the Attorney and Project Manager being unable to attend the only application on the agenda was tabled until the February meeting. The members continued work on revising the PAC By-laws which hasn't been addressed since 2002. The next meeting is scheduled for February 11th

Two weeks ago the DPW employees began moving offices around beginning with the Administrator's office into the corner office. The Deputy Clerk moved into the Clerk's office and the Land Use Board Secretary is moving in to the Deputy's office.

There was then a report on the annual Sussex County Homeless Count which has been conducted since 2004 in order to get a snapshot of the homeless families and individuals in our community on one given day. The survey provides them with an unduplicated count of the homeless at a given point in time. This year the time will be this Wednesday, January 27, 2010. Agency representatives, county government, and community members are presently meeting to prepare. Two field teams of volunteers will be going out on structured routes where homeless have been identified in the past. Also, agency providers will be entering all of their homeless individuals and families electronically and reaching out to churches, schools and police stations for their participation in this count. All of the work is solely to generate the most accurate count possible of who is homeless in Sussex County. To volunteer or for more information about the Point in Time survey, she asked to contact the Clerk's office.

The Census will begin shortly and form packages will be delivered by mail in mid March. The forms should be completed and mailed back by April 1st and a postage paid form is provided. This form is one of the shortest in history requiring answers to only 10 questions and all answers are protected by Title 13 of the US Code which strictly forbids the Census Bureau from sharing of any personally identifiable information with any other government or private agency. Participation is critical. The results determine how representation in Congress is apportioned and how more than \$400 billion in federal funds will be distributed annually to states and communities through the next decade. The results will impact local families' quality of life in numerous ways, ranging from economic and educational investment decisions to social and health services, and from job training to language assistance programs.

REPORT FROM THE MUNICIPAL ATTORNEY He reported that Mr. Roberts and the Township had a pending litigation matter in Superior Court regarding Ballantine Road and this case has been dismissed. Prior to going to mediation he was notified by Mr. Roberts' attorney that the case will be dismissed. There was a denial of an Order to Show Cause last August before Judge Bozonelis.

He attended three COAH meetings this year run by Deputy Mayor Phoebus and one of the issues that came up this evening there is some legislation that would in one way or another either drastically change, alter or abolish COAH. The Committee wants to be very mindful of that legislation because there are some major commitments the Township needs to make relevant to affordable housing. He will keep everyone apprised.

MAYORAL APPOINTMENTS

Mayor Walsh appointed Mr. Boyce as the liaison to the Municipal Court and Contract Negotiations.

NEXT SCHEDULED MEETINGS: February 08, 2010
February 22, 2010

Executive Session - 6:30 p.m.
Regular Meeting - 7:30 p.m.

ADJOURNMENT No further business appearing before the Committee at this time Mr. Smith moved the meeting be adjourned at 8:57 P.M., seconded by Mr. Boyce and carried unanimously.

Respectfully submitted,

Tom Walsh, Mayor

Vita Thompson, R.M.C.
Clerk/Administrator

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Andover on the 25th day of January, 2010, 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**
- 2. Flexible Spending Plans and Other Ancillary Programs**

Attorney-Client Privilege:

- 1. Municipal Lien Assignments - Block 16/Lot 1 & Block 32/Lot 18**
- 2. Flexible Spending Plans and Other Ancillary Programs**
- 3. Labor Contracts**
- 4. The Smith Tract**

Potential Litigation

- 1. K. Reed, Senior Clerk-Typist**

Pending Litigation

- 1. Testa vs. Andover Township**
- 2. T. Sugar, Court Administrator**
- 3. Old Creamery Road**

- (X) a. (8) Personnel matters.
 - 1. V. Thompson, Clerk/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: January 25, 2010

Moved: Lensak Seconded: Boyce
Voted Aye: Boyce, Lensak, Smith, Walsh
Voted Nay: None
Absent: Phoebus
Resolution adopted. January 25, 2010
