

## ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

APRIL 12, 2010

EXECUTIVE SESSION – 6:30 P.M.

REGULAR MEETING – 7:30 P.M.

The regular meeting of the Andover Township Committee was called to order at 6:32 P.M. by Mayor Walsh, followed by a salute to the flag.

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

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

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

**Personnel Matters:**

1. ***P. Coleman, Chief of Police***

**Contract Negotiations:**

1. ***Dispatcher's Contract – Sidebar Agreement Discussions***
2. ***St. Paul's Abbey – Due Diligence***

**Attorney-Client Privilege:**

**Potential Litigation**

1. ***Ballantine Road***

**Pending Litigation**

1. ***Susquehanna-Roseland Project***
2. ***T. Sugar, Court Administrator***

was carried unanimously.  
(See Insert Attached to These Minutes)

The Committee went into executive session at 6:32 P.M. Ms. Phoebus moved to adjourn executive session at 7:24 P.M., seconded by Mr. Smith and carried unanimously.

RECESS CALLED AT 7:25 P.M.

MEETING RESUMED AT 7:30 P.M.

**REGULAR MEETING**

**APPROVAL OF AGENDA** Mr. Smith moved to approve the Agenda as presented, seconded by Ms. Phoebus and carried unanimously.

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

**\*CONSENT AGENDA:**

**\*OTHER BUSINESS:**

**APPROVAL OF VOUCHERS FOR PAYMENT  
(SEE INSERTS ATTACHED TO THESE MINUTES)**

**APPROVAL OF TAX COLLECTOR'S MARCH REPORT - \$122,300.07**

**\*RESOLUTIONS:**

**#R2010-73 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ISSUANCE OF A FIREWORKS DISPLAY PERMIT TO APPLICANT "CELEBRATION FIREWORKS" OF EMMAUS PENNSYLVANIA, ON THE PERONA FARMS PROPERTY FOR FRIDAY, MAY 7, SATURDAY, JULY 10 AND SATURDAY, SEPTEMBER 28, 2010**

**#R2010-74 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE ASSIGNMENT OF TAX SALE CERTIFICATE #09-00004**

**#R2010-75 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY IN RECOGNITION OF SILVER STAR BANNER DAY MAY 1<sup>ST</sup>, 2010**

**#R2010-76 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE EXECUTION OF THE EQUIPMENT LEASE AGREEMENT WITH MUNICIPAL CAPITAL CORPORATION FOR THE LEASE OF SAVIN 9233SP DIGITAL COPIER WITH ACCESSORIES FOR THE ANDOVER TOWNSHIP POLICE DEPARTMENT**

**#R2010-77 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE A 2009 BUDGET RESERVE APPROPRIATION TRANSFER - \$12,867.97**

**\*CONSENT AGENDA: (CONTINUED)****\*APPROVAL OF MINUTES**

**MARCH 08, 2010 WORKSESSION MEETING  
MARCH 08, 2010 REGULAR MEETING**

**PROCLAMATION - AUTISM AWARENESS MONTH**

Mayor Walsh read this Proclamation into the record. Following the reading he signed the Proclamation for forwarding to the Andover Regional School Board.

**PRESENTATION - ANDOVER REGIONAL SCHOOL BOARD BUDGET PRESENTATION**

School Superintendent Bernard Baggs, Linda Gianni, President of the School Board, Terry Van Auken, School Business Administrator and Vice-President Conrad who is the Andover Borough Representative were present for this presentation. Copies of the proposed School Budget were made available to the public. The members present provided a brief version to the public. A comprehensive version was presented on March 30<sup>th</sup> during one of the school's public hearing sessions. Each took a turn on explaining how the current budget figures were arrived at.

There was a review on how the school was spending the money correctly as approved by the local taxpayer. In the course of that budget discussion there was talk about anticipated cost for the coming year. They were identified by the State as being over adequacy based on a State formula and therefore reductions were mandated.

They mentioned they are required to seek out shared services whether it be with the municipality or with other school districts. They will continue their shared services relationship with the districts of Newton and Green. The membership from the School Board continued to speak to the public for the remainder of the hour as which time they entertained questions from the governing body and public.

The presenters continued to explain their power point pages. They explained the coding provided for the per pupil cost and associated expenditures. Some students are higher than \$13,000. Some regular education students are much less than that amount.

Resident Louis Coppolino asked about the budget stating it is ready for the April 20<sup>th</sup> election so what is discussed here tonight cannot possibly change that budget. Mr. Baggs stated if the salaries are frozen, that money still stays in the district and is still part of the \$13.6 million just depends on where it is placed. The Board is in a position at this time to wait to see what the union wants to do. Christine Gallagher asked about health benefits contribution by the teachers. Ms. Van Auken stated that Governor Christie has indicated that when the teachers' contract expires they will contribute 1.5% of their salary towards these benefits. These contracts expire June 2011.

There was a variety of questions asked by the public from cafeteria service workers to after school care programs. Ms. Gillespie spoke about the use of the school facilities after hours and stated that instead of reducing the temperature to save fuel perhaps we should close the buildings on weekends and evenings to save fuel so the students do not have to wear gloves and hats in class. She added that the time has come when we have to give our children the education that the State requires for them to pass their tests and to get into colleges. She stated that a lot of what we have in the current curriculum she does not know if that is all that important to them.

**REGULAR AGENDA**

**REPORT FROM THE FIRE CHIEF** Chief Crater reported 4 activated fire alarms, 1 appliance fire or situation, 1 brush or forest fire, 1 carbon monoxide alarm, 1 electrical fire, 1 regular monthly drill, 1 assistance for EMS, 1 landing zone, 1 regular monthly meeting, 2 mutual aid out of town, 2 public assist, 1 pump detail, 3 special work drill and 1 structure fire. There were 24 reported calls for the month of March for a total of 335.0 hours. Year to date there are 108 calls for a total of 1,432.2 hours.

**REPORT FROM THE RESCUE SQUAD CHIEF** Chief Reidmiller reported 73 calls for the month of March, 38 for Andover Township. There were a total of hours of 208.18 minutes for almost 2,000 miles and one fly out. Year to date total is 231 calls, 96 in Andover Township. Total hours for the year are a little over 1,000.

**REPORT FROM THE CHIEF OF POLICE** Chief Coleman reported dispatch has handled 4,157 calls. The February report was presented to the governing body. He read into the record a letter commending Patrolman Then for response on a medical call.

Chief Coleman announced his retirement effective April 30<sup>th</sup>. He personally thanked the Township Committee for their support for the past 32 years and he stated that he leaves the department in very good hands. Mayor Walsh thanked Chief Coleman and a round of applause followed.

**OPEN TO THE PUBLIC** Carla Kostelnik, Open Space Committee Chair asked the governing body how the Open Space Committee should inform them of information regarding the possible acquisition of property. Mayor Walsh stated that there will be a meeting of Boards and Commission Chairs next week and her questions will be answered at that time. Ms. Thompson will schedule one for April 21st. Following this meeting, the information can then be brought back to the Township Committee so that they know what transpired.

Peter Spinney addressed Chief Coleman that with his time on the Lakeland Emergency Squad he enjoyed working with eh Chief very much and he always made his job easier. Mr. Spinney wished Chief Coleman well on his retirement.

Patricia Wolfum of Limecrest Road was concerned of very little information made available regarding Cambridge Pavers. She stated she found nothing in the local newspapers regarding this issue. Mayor Walsh stated that Cambridge was an application before the Land Use Board, which has since been withdrawn. He added that the property where they were applying there is an ordinance that was introduced at the last meeting that pertains to that particular piece of property. The public hearing is scheduled for April 26<sup>th</sup>.

Attorney Semrau suggested an information session for those residents who has such interest something can be arranged where they could meet with the Planner and ask informal questions. A signup sheet was offered to anyone who wished to be contacted once this meeting was scheduled.

There was conversation regarding Limecrest Road and the traffic on that roadway if there is an application in that area again. Mayor Walsh stated the County would dictate what direction the traffic will flow because it falls under their jurisdiction. The Township can only zone for certain parts of the municipality. During the public hearing is a time to address concerns and objections regarding this ordinance.

Seeing no other hands, Mayor Walsh closed the public portion of the meeting.

**RESOLUTIONS****#R2010-78 A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY IN OPPOSITION TO SENATE BILL 458****OLD BUSINESS****DISCUSSION REGARDING THE 9-1-1 COUNTY CONSOLIDATION STUDY AND PROPOSED RESOLUTION IN SUPPORT****OTHER BUSINESS****APPROVAL OF RAFFLE LICENSE**

**RL #912 – Hilltop Country Day School - On Premise 50/50  
Newton Country Club on May 18, 2010**

**RL #913 – Lafayette Amateur Athletics, Inc. – On premise 50/50  
Farmstead Golf & Country Club – May 27, 2010**

Mayor Walsh suggested tabling the foregoing resolution, the Old Business discussion and the Raffles because there are only three members present this evening.

**COMMITTEE REPORTS:**

**MS. PHOEBUS.** She stated she represents Andover Township on the County Planning Board and an application was approved for a Quik Chek in Sparta on Newton-Sparta Road. The County had agreed to let their petroleum tractor-trailers and deliveries come down Limecrest Road. The County feels that Limecrest Road is an industrial road.

She reported on Andover Township Day advising of the progress being made. She stated she cannot believe the outpour of financial support from the local businesses and thanked them all. The fireworks are scheduled for 9PM on May 22<sup>nd</sup>.

Reporting on the COAH, we are waiting to see what Trenton will do with the rules and regulations. Third Round Certification has been met.

**MR. SMITH.** He reported that the Seniors invited the four Sheriff candidates to the April 4<sup>th</sup> meeting for a presentation and he said it was quite successful. Following the presentation there was a question and answer segment. The press also attended. April 19<sup>th</sup> at Noon there will be a luncheon hosted by the First Hope Bank.

Mr. Smith added that SWAC will meet tomorrow night at the County Freeholder's room at 7:30PM. The next Board of Health meeting is Wednesday, April 21<sup>st</sup> at 7:30PM here.

**MAYOR WALSH.** He reported the Brush pick up will end on April 15<sup>th</sup>. He reminded that the DPW could only accommodate brush with a diameter of no greater than three inches.

The Budget will be introduced at the next meeting. The municipal tax increase looks to be in the neighborhood of one cent. He added that Greener/Cleaner Andover Day is this Saturday at Hillside Park.

**REPORT FROM THE CLERK/ADMINISTRATOR** The week of April 16<sup>th</sup> through the 22<sup>nd</sup> is the 6<sup>th</sup> annual Money Smart Week in Sussex County. Residents will have an opportunity to increase their financial knowledge by attending these presentations given by financial professionals. The seminars are held at the County Administrative Center in Newton and at the libraries. Information can be found at [www.aroundthearea.com](http://www.aroundthearea.com) and [sussex.nj.us](http://sussex.nj.us). This is a free program except for one session which is \$10 including dinner.

**REPORT FROM THE MUNICIPAL ATTORNEY** Attorney Semrau reported the Township Committee has filed an appeal against Verizon. They have personal property throughout the tax that can be taxed and it can result in dollars from anywhere is significant dollars to municipalities. He said what happened in Andover Township is if we go under 50% of service with Verizon, they do not have to pay or be assessed tax any further. For whatever reason, Andover Township has been assigned that they will no longer pay this tax because they are under the 50% threshold. An appeal has been filed because we want to know where they got this information. As the Mayor had mentioned, Verizon may be going by mailing address and why this has been skewed. He further stated that if we can demonstrate and see the information they are working with, then we will be able to turn around this appeal and perhaps recover \$20,000 to \$30,000 in tax revenue. At this time it is before the County Tax Board. He believes we are the only municipality that has this appeal and he suspect after speaking with the County Tax Board, this may end up at the Tax Court. Right now Verizon is paying zero is taxes.

Attorney Semrau suggested for the next meeting to shorten the Executive Session and begin the Regular Session at 7PM. The Township Committee agreed.

**NEXT SCHEDULED MEETINGS:**    **April 26, 2010**  
  **Executive Session - 6:30 p.m.**  
  **Regular Meeting - 7:00 p.m.**

**May 10, 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 9:07 P.M., seconded by Ms. Phoebus and carried unanimously.

Respectfully submitted,

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Tom Walsh, Mayor

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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 12<sup>th</sup> day of April 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. ***Dispatcher's Contract – Sidebar Agreement Discussions***
- 2. ***St. Paul's Abbey – Due Diligence***

**Attorney-Client Privilege:**

**Potential Litigation**

- 1. ***Ballantine Road***

**Pending Litigation**

- 1. ***Susquehanna-Roseland Project***
- 2. ***T. Sugar vs. Andover Township***

**Potential Litigation**

**Pending Litigation**

- ( X ) a. (8) Personnel matters.
  - 1. ***P. Coleman, Chief of Police***
- ( ) 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: April 12, 2010

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Moved: Phoebus      Seconded: Smith  
Voted Aye: Phoebus, Smith, Walsh  
Voted Nay: None  
Absent: Boyce, Lensak  
Resolution adopted. April 12, 2010

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