

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

MAY 10, 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 6:38 P.M. by Mayor Walsh, followed by a salute to the flag.

ROLL CALL: Present: Mr. Boyce, Mr. Lensak, Ms. Phoebus,
Mr. Smith, Mayor Walsh
Also present: Attorney Semrau

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

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

Personnel Matters:

1. ***Police Department Staffing***

Contract Negotiations:

1. ***R. Smith, Police Sergeant***
2. ***Possible Property Acquisitions***

Attorney-Client Privilege:

1. ***Discussion Regarding the Defeated School Budget***

Potential Litigation

Pending Litigation

1. ***Tax Appeals***
2. ***Susquehanna-Roseland Project***

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:39 P.M. Mr. Boyce moved to adjourn executive session at 7:40 P.M., seconded by Mr. Lensak and carried unanimously.

REGULAR MEETING – 7:41 PM

SWEARING IN CEREMONY - GEORGIOS I. LAUDIS, POLICE OFFICER

Lt. Tagliatela stated to the Mayor and Township Committee confirms that after speaking with the Township Administrator that Mr. Laoudis has met all the requirements through Civil Service for Intergovernmental Transfer to Andover Township from Stillwater Township.

The Clerk swore in Officer Laoudis while his son held the Bible. Chief of Police Anthony Kozlowski was present and he pinned the badge on Officer Laoudis's uniform. A round of applause followed.

REGULAR AGENDA

REPORT FROM THE RESCUE SQUAD CHIEF The entire Lakeland Rescue Squad was present to invite all to view the new ambulance. Chief Reidmiller thanked the Township Committee for this purchase.

She reported for the month of April there were 25 calls in Andover Township, 4 in the Borough and 20 in Byram, 12 mutual aid calls for a total of 69. There was 1 fly out and a total hours of 187.30 and traveled 1,608.

Mayor Walsh called for a recess at 7:50PM. Meeting resumed at 7:57PM.

REPORT FROM THE FIRE CHIEF President Melfi was present for Chief Crater. He reported for the month of April there were 24 reported calls, 2 smoke conditions, 3 activated fire alarms, 1 brush fire, 2 special drills, 2 fund raising drills, 1 regular monthly meeting, 1 assist for EMS, 1 landing zone, 3 mutual aid-out of town, 4 motor vehicle accidents, 1 unauthorized burning and 1 special work drill for a reported 482 hours. There were 132 calls year to date for 1,914 hours.

REPORT FROM THE POLICE LIEUTENANT He reported as of May 9, 2010 there were 162 calls in Andover Township, 1 in the Borough, 117 in Hamburg, 12 in Green Township for a total of 292. Year to date there were 5,089 calls.

OPEN TO THE PUBLIC Tanya Hudson of 205 Andover-Mohawk Road was present to discuss the issue of her potbelly pigs. She informed the Committee that she received a summons from the Zoning Officer that her pigs are not permitted in a residential area. She said she decided to come before the governing body to question the current ordinance that should state potbelly pigs are domesticated animals. She provided documentation from around the country that these pigs be considered to be like cats and dogs. Mr. Boyce asked if they live inside the house. She replied right now they are outside but they can come inside if they want. Mr. Boyce said if the interpretation is they are farm animals and they live outside, he can understand that.

Mayor Walsh asked about their weight and she estimated two about 50 pounds and the others about 150. Following a short discussion Attorney Semrau suggested we first speak to the Zoning Officer to make sure we understand his position. He stated he will speak to the Land Use Board Attorney because ultimately, if Mr. Cutler has to adhere to the Township Code, then that may come down to the fact that she may need an interpretation from the Land Use Board. He can also ask Planner McGroarty if he can look at this ordinance because he may come back with a recommendation to the Board and/or this Committee to consider an amendment.

We will speak to Mr. Cutler to ask him to provide additional time for this research.

OPEN TO THE PUBLIC (CONTINUED) Peter Spinney of Andover-Mohawk Road spoke of friends in Wantage who have indoor potbelly pigs. He said he doesn't know if they have an ordinance, but they have been there for a long time.

Stan Christodlous of 6 Wisteria Road stated he knows Roxbury does have such an ordinance. He questioned the Value of Compensated Absences in the budget and asked what exactly does that mean. It was thought that perhaps this was funding for employees who separate from the municipality who are compensated for unused sick and vacation time. This will be checked with the CFO in the morning. He then asked about the \$75,000 in special reserve for the sale of assets. He asked if this was a carryover from the liquor license and Mayor Walsh replied yes. We received \$225,000 and divided that amount in three.

Mr. Christodlous then questioned the \$5000 budgeted for the Economic Development Committee and he said he was here at a meeting when that was cut to about \$2,000 to \$3,000. Mayor Walsh explained that it was cut and it turned out some of the funding had already been spent so it was restored to \$5,000.

Diane Gillespie of Andover-Mohawk Road questioned the resolution with the Land Conservancy and its need to be reworded. The resolution will read for an annual renewal of a contract with the Conservancy and eliminate the words regarding the development of an Open Space Plan.

She then spoke about the website calendar and it is currently out of date with a lot of missing information. She asked about the procedure and who is responsible to maintain the site. She was informed that the site is maintained by MSI with input from her department and commission. She asked that information from all areas of the municipality should be there and current. Ms. Thompson explained how information is updated to the website on a weekly basis by going through Mr. Day and Ms. Hattersley. Mr. Day had been asked to send an email on the Thursday prior as a reminder to all.

She then said at the last meeting it was announced that the bargaining units have agreed to concessions. The Dispatchers gave back about \$9,000, the Police \$40,000 and DPW is about \$20,000 and the non-contractual employees give backs totaled about \$30,000 for a total of \$100,000. She asked if those give backs were budget line items or did they give something out of their contracts. Mayor Walsh explained each gave something out of their contracts. Ms. Gillespie gave thanks to each and every department who did so. She added that she knows they have obligations and financial responsibilities also. Mayor Walsh stated the givebacks are for this year.

Linda Golonski asked about the pending litigation regarding the tax appeals and Susquehanna-Roseland project. Mayor Walsh stated the Committee needs to go into a second session because of time. There will be discussion at the end of this evening's meeting. Action may be taken after that second session.

Attorney Semrau stated that with respect to the tax appeals, those are three properties under appeal. One is the Mews property, Andover Estates and the last is Sussex & Warren. The appeals are three years old and there is a settlement proposal and recommendation from the Assessor that will be discussed at the second executive session. If it is settled, there will be a resolution and action taken in the public portion.

He added that on the Susquehanna project the administrative decision was issued by the BPU and Public Service continues to try to encourage municipalities to consider a settlement of the matter.

Mr. Lensak remarked there was a meeting with the DEP at Berkshire Valley about two weeks ago which was very interesting. People should be making comments to the DEP calling the application to them as faulty.

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

ORDINANCES: PUBLIC HEARING**NO. 2010-07 BOND ORDINANCE**

“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$629,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$447,550 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”

Ms. Phoebus moved to open the public hearing, seconded by Mr. Smith and carried unanimously. See no hands from the public, Ms. Phoebus moved to close the public hearing, seconded by Mr. Lensak 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 April 26, 2010, 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. Lensak. Roll call vote:

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

RESOLUTIONS

#R2010-89 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO THE LAND CONSERVANCY OF NEW JERSEY FOR ASSISTANCE IN THE DEVELOPMENT OF THE OPEN SPACE AND RECREATION PLAN

Mr. Semrau suggested the title be amended to read that this is to renew the annual agreement to provide advisory services to the Township. Mr. Smith suggested striking paragraph. Mr. Semrau also amended paragraph four in addition to the title. Ms. Phoebus moved to approve as amended, seconded by Mr. Lensak and carried unanimously.

#R2010-90 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE SETTLEMENT OF CERTAIN TAX APPEALS

This resolution will be held until after discussion during the second executive session later this evening. (See Inserts Attached to These Minutes)

OLD BUSINESS

DISCUSSION REGARDING THE 9-1-1 COUNTY CONSOLIDATION STUDY AND PROPOSED RESOLUTION IN SUPPORT

Lt. Tagliatela was present and from what he understands, he believes this project will never come to fruition. Retired Chief Coleman was also present and he added that several weeks ago he attended a Chief's meeting and he heard the funding is not available for this project. Mayor Walsh added that a letter was received from John Drake stating that the figures were accurate.

OTHER BUSINESS**APPROVAL OF RAFFLE LICENSE**

**#RL 916 – First Presbyterian Church at Caldwell
On Premise 50/50 - June 2, 2010 – Farmstead Golf & Country Club
#RL 917 & RL 918 – St. Catherine of Sienna – Farmstead Golf & Country Club**

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

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

COMMITTEE REPORTS:

MR. BOYCE. He reported on the School Budget that was discussed in Executive Session. He stated there is an important meeting tomorrow night at Long Pond School at 7PM. It's a Joint meeting of the Borough, the Township and the Board of Education in which we will discuss the defeated school budget. Mr. Boyce stated we have a very good consultant, Joe Luongo who is a Superintendent of Schools in larger district. He agreed to come here and take a look at the budget for us. It is a very difficult budget to review and the Township Committee wanted an expert to review it who could consider it from a school superintendent perspective to see if there is anything in the budget that we might recommend that they reduce.

He said he, and Mr. Luongo met this afternoon with Superintendent Baggs and Administrator Van Auken and it was a very productive meeting. They updated the Committee in Executive Session. It is a difficult process because no one wants to take on this issue on how to find more budget cuts but it is obvious from the vote of the people that no one wants property taxes to go up. The budget was proposing a 5.72-cent increase per \$100 of valuation. Mr. Boyce said our budget by comparison was a relatively modest 1.2-cent increase so theirs was about five times larger. Mayor Walsh estimated the school's increase to mean \$139 increase where the municipal increase would be \$30. The Borough's increase is greater than the Township's.

Mr. Boyce stated anyone who is concerned about their property taxes should go to the meeting tomorrow. There will be public there concerned about cutting teachers and services and we are all concerned about that and no one wants to see the education of our children hurt. On the same token, the law states that the Town Committee becomes the next phase to review the defeated budget. We hope to make some progress tomorrow evening.

Mr. Boyce reminded everyone that Andover Day is May 22nd with fireworks. He stated businesses in the community have stepped up with donations so the event will cost very little to the taxpayers. The event begins at 4PM.

MR. SMITH. He reported that the Seniors elected their Senior of the Year and it is Ann Patel and the annual Senior of the Year Luncheon will be held this Monday.

MAYOR WALSH. He read a letter into the record from the School Principal to Darren Dickinson regarding the DPW's assistance with dispatching the playground mulch delivery quickly last Friday.

EXECUTIVE SESSION: Mayor Walsh announced there will be a second executive session and action may be taken. On a motion by Mr. Lensak, seconded by Mr. Smith, the resolution to go into executive session to discuss

Contract Negotiations:

- 1. *R. Smith, Police Sergeant*
- 2. *Possible Property Acquisitions*

Attorney-Client Privilege:

- 1. *Discussion Regarding the Defeated School Budget*

Pending Litigation

- 1. *Tax Appeals*
- 2. *Susquehanna-Roseland Project*

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 8:42 P.M. Mr. Smith moved to adjourn executive session at 10:05 P.M., seconded by Mr. Boyce and carried unanimously.

RESOLUTION

#R2010-90 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE SETTLEMENT OF CERTAIN TAX APPEALS

Mr. Boyce moved to approve the foregoing resolution as presented, seconded by Mr. Smith. Roll call vote:

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

(See Insert Attached to These Minutes)

For the record, Ms. Phoebus did not participate in the Executive Session discussion regarding the tax appeals.

Mayor Walsh stated he received a request for a helicopter landing at Hillside Park and they need a letter signed by him in order to receive State approvals. Following a short discussion Ms. Phoebus moved to authorize Mayor Walsh to sign a letter to be sent to the Division of Aeronautics authorizing a helicopter landing at Hillside Park subject to the JIF requirements and recommendations by the Chief of Police, seconded by Mr. Lensak and carried unanimously.

Mayor Walsh then stated Deb Reidmiller approached him for a helicopter landing at Long Pond School for the Cub Scouts on May 25th. The same JIF requirements will need to be met. Ms. Phoebus moved to approve this request as presented, seconded by Mr. Boyce and carried unanimously.

NEXT SCHEDULED MEETINGS: **May 24, 2010 & June 14, 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. Lensak moved the meeting be adjourned at 10:10 P.M., seconded by Ms. Phoebus and carried unanimously.

Respectfully submitted,

Tom Walsh, Mayor

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

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION "A"

BE IT RESOLVED by the Township Committee of the Township of Andover on the 10th day of May 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. ***R. Smith, Police Sergeant***
- 2. ***Possible Property Acquisitions***

Attorney-Client Privilege:

Potential Litigation

Pending Litigation

- 1. ***Tax Appeals***
- 2. ***Susquehanna-Roseland Project***

(X) a. (8) Personnel matters.

- 1. ***Police Department Staffing***

() 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: May 10, 2010

Moved: Smith Seconded: Boyce
Voted Aye: Boyce, Lensak, Phoebus, Smith, Walsh
Voted Nay: None
Abstained: None
Resolution adopted. May 10, 2010

MOTION FOR EXECUTIVE SESSION "B"

BE IT RESOLVED by the Township Committee of the Township of Andover on the 10th day of May 2010, that:

2. 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. R. Smith, Police Sergeant**
- 2. Possible Property Acquisitions**

Attorney-Client Privilege:

Potential Litigation

Pending Litigation

- 1. Tax Appeals**
- 2. Susquehanna-Roseland Project**

(X) a. (8) Personnel matters.

- () b. (9) Deliberations after a public hearing that may result in penalties.
 2. 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: May 10, 2010

Moved: Boyce Seconded: Lensak
Voted Aye: Boyce, Lensak, Phoebus, Smith, Walsh
Voted Nay: None
Abstained: None
Resolution adopted. May 10, 2010
