

**ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES**

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

**MAY 24, 2010**

**REGULAR MEETING – 7:30 P.M.**

The regular meeting of the Andover Township Committee was called to order at 7:36 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.

**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. Smith stated he needs to abstain on Resolution #R2010-96. Mayor Walsh stated he needs to abstain on check #4610 in the amount of \$500. Ms. Phoebus stated she needs to abstain on #R2010-93. Mayor Walsh asked that Resolution #R2010-95 be removed for further discussion. Mr. Boyce moved the following consent items be approved, seconded by Mr. Lensak. Roll call vote:

Mr. Boyce – yes                      Mr. Lensak – yes  
Ms. Phoebus – yes (abstained on Resolution #R2010-93)  
Mr. Smith – yes (abstained on Resolution #R2010-96)  
Mayor Walsh – yes abstained on check #4610)

**\*CONSENT AGENDA:**

**\*OTHER BUSINESS:**

**APPROVAL OF VOUCHERS FOR PAYMENT**

(See Inserts Attached to These Minutes)

**\*RESOLUTIONS:**

**#R2010-92 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY SUPPORTING THE CLICK IT OR TICKET MOBILIZATION OF MAY 24 – JUNE 6, 2010**

**#R2010-93 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AMEND RESOLUTION #R2010-73 FOR APPROVAL OF A FIREWORKS DISPLAY BY CELEBRATION FIREWORKS ON THE PERONA FARMS PROPERTY**

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

**#R2010-94 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND TO FIRST AMERICAN IN THE AMOUNT OF \$1,466.87 FOR AN OVERPAYMENT IN THE SECOND QUARTER 2010 TAXES FOR BLOCK 125, LOT 3**

**#R2010-96 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY APPROVING AND AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT WITH SUSSEX AND WARREN HOLDING CORP.**

(See Inserts Attached to These Minutes)

**RESOLUTION:**

**#R2010-95 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AWARDING THE CONTRACT FOR COMPUTER HARDWARE AND SOFTWARE AND COMPUTER SYSTEM SERVICE AND WEB HOSTING TO MSI SERVICES, INC.**

Mayor Walsh stated that he knows that this vendor was the lowest bid but he feels this should be carried a few more months to better investigate the services. We have not been happy with their services and the residents have not been happy with the website. Ms. Thompson recommended taking a closer look at the Requests for Proposals to better fine tune them and following a redesign send out another request. She added that some of the proposals received were very ambiguous and she then referenced one or two.

Mr. Boyce suggested tabling this decision and extend the current contract for three months to allow sufficient time for a proper review. Mr. Smith stated that we need a Service Level Agreement and that is not there. We need to know exactly what that means with times and commitments. Mr. Lensak stated we have MS with a low bid of \$10,000 and the contract amount for last year ended costing us almost \$24,000.

Ms. Phoebus moved to table this resolution until a more detailed Request for Proposals can be established, seconded by Mr. Lensak and carried unanimously.

**REGULAR AGENDA**

**OPEN TO THE PUBLIC** Steve Zanetti of 16 Lenape Road asked how many people receive health insurance that he pays for. Mr. Boyce, Mr. Lensak and Mayor Walsh responded that they receive health benefits. He asked if he has to pay for this. Mayor Walsh replied by State law. Mr. Zanetti stated the Committee members are not State employees. Mayor Walsh replied that they are. Mr. Boyce referenced that a survey was done several months ago as to how many municipalities have committee members that accept benefits. The response indicated over half did.

Guy Rialto of Hemlock Road stated he is present due to a long-standing issue of an opening in his street by the Andover Water Company that has yet been covered, causing damage to his vehicle. Following this discussion, Ms. Thompson will speak to Mr. Cutler and the DPW to determine if a bond had been posted for this street opening and work with the water company to make certain this issue is remedied within the next couple of weeks. He did thank the Township for the one area of the roadway that was paved.

**OPEN TO THE PUBLIC (CONTINUED)** Betty Donnelly of 22 Longview Road questioned the current Noise Ordinance. Mayor Walsh stated that this will be discussed by the Committee this evening. He referenced the 24/7 operations Ordinances and contacted several municipalities to find out that such an ordinance is found not to be defensible in Court by several towns that don't have one. The Township Attorney is reviewing this. Mayor Walsh suggested going in another direction by using the Noise Ordinance. Ms. Donnelly spoke about the noise coming from the Mahedy Trucking facility at all hours of the night.

Mr. Boyce read the current noise ordinance and stated he questioned if it is measured at the property line, is it at their line or at the complaining neighbor's. Ms. Donnelly also mentioned other violations regarding the idling of the engines. Mr. Boyce stated that they would look at the current ordinance to see if it can be strengthened. Mayor Walsh stated that the Zoning Officer had indicated in the past that our Noise Ordinance has teeth to it and needs to be reviewed and revised.

Attorney Semrau stated that Rutgers about 15 years ago had a model ordinance that they drafted and many municipalities have adopted that ordinance as their own. He added that he could have a draft of this ordinance available for the next meeting for further discussion.

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

### **ORDINANCES: INTRODUCTION**

#### **NO. 2010-08 TO AMEND CHAPTER 3 "ADMINISTRATION OF GOVERNMENT"** **ARTICLE XXV "PUBLIC RECORDS"**

***"AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 3, "ADMINISTRATION OF GOVERNMENT" CHAPTER 3, "ARTICLE XXV, PUBLIC RECORDS" § 3-81 "FEES FOR COPIES" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ANDOVER"***

***BE IT RESOLVED*** by the Mayor and Committee of the Township of Andover, that Ordinance #2010-08, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on June 14, 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 – yes	Mr. Smith – yes
Mayor Walsh – yes	

### **NEW BUSINESS**

#### **DISCUSSION REGARDING CORRESPONDENCE RECEIVED CONCERNING ENGINE BRAKING AND SPEED LIMIT ON LIMECREST ROAD**

Mayor Walsh stated he spoke to the Police Department regarding this matter. They spoke about monitoring the speed on this road to present to the County in order to receive proper signage by Ms. Donnelly. Attorney Semrau suggested obtaining a copy of the Knowlton Township ordinance for the next Committee meeting for discussion. He added that we would also like to petition for a lower speed limit at this location. Ms. Phoebus has been working with the County on this issue.

**NEW BUSINESS (CONTINUED)****DISCUSSION REGARDING EMPLOYEE HEALTH BENEFIT CONTRIBUTION –  
SECTION 125 PLAN**

Due to the mandate set by Governor Christie requiring all employees to contribute 1.5% of their salary towards health benefits by May 21, 2010, a 125 Plan is required in order to establish tax deferred payments. Attorney Semrau explained if we don't set up this plan, when employees make these contributions they will be taxed first. Mr. Lensak said it is a form that is initiated one time and it isn't amended. Mr. Smith questioned the fees that would be charged by ADP.

Mr. Lensak questioned these charges finding them to be extremely high. He explained these charges are more for additional insurance coverages that an employee may opt into but for the straight forward Section 125, there should be no charge for this function by the payroll company. Mr. Smith also agreed.

**RESOLUTION**

1. **#R2010-98 A RESOLUTION AUTHORIZING THE IMPLEMENTATION OF A PREMIUM ONLY SECTION 125 PLAN EFFECTIVE MAY 21, 2010 FOR MUNICIPAL EMPLOYEES COVERED UNDER THE EMPLOYEE HEALTH BENEFITS PLAN**

Ms. Phoebus moved to adopt but not fund the foregoing resolution, seconded by Mr. Boyce and carried unanimously.

(See Insert Attached to These Minutes)

**OTHER BUSINESS:****APPROVAL OF RAFFLE LICENSES**

#RL 919 – United Way of Sussex County  
Off Premise 50/50 – September 13, 2010 – Farmstead Golf and Country Club  
#RL 920 – Sussex County Women's Forum  
On Premise Merchandise – July 30, 2010 – Hillside Park Hall  
#RL 921 – Sussex County Women's Forum  
On Premise 50/50 – September 13, 2010 – Hillside Park Hall

Mr. Lensak moved to approve these license as presented, seconded by Mr. Boyce. Roll call vote:

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

**COMMITTEE REPORTS:**

**MS. PHOEBUS.** She reported on the Fire Department's help at Andover Township Day. They raised \$1800 for the Aniela Aragona. She then reported on Andover Township Day and its success. She thanked all the businesses and professionals who contributed to make this day a huge success. The fireworks were amazing.

**COMMITTEE REPORTS: (CONTINUED)**

**MS. PHOEBUS.** There was a sub-committee meeting with the Planning Board to look at the Route 206 corridor and the number of abandoned buildings. They will meet once more before taking their information back to the Land Use Board. If the town deems the area an "area in need of redevelopment", it will give them tax credits and you can make arrangements for tax incentives to improve their buildings.

**MR. LENSAK.** He reported on the First Aid Squad stating they were present at Andover Township Day. They took second place at Morris County for the Best Ambulance and they would have taken first place if the Judge didn't hit his head on the way out of the ambulance.

The Environmental Commission had a table set up at Andover Township Day. They had a Recycling information board made up. There is an Open Space meeting tomorrow night where they will be discussing the Lake Iliff property and possibility of a dock at that location.

He thanked the Police Department for their outstanding support on Andover Township Day. They made the day safe with their traffic control and their presence was welcomed. He spoke with a local business who participated in Andover Township Day and without hesitation he would participate again. He heard from numerous people in town who commented how they enjoyed the day and the students at remarked the next day at school about the fireworks. Mr. Lensak applauded Ms. Phoebus for doing a phenomenal job putting this day together. He thanked the Mayor, the DPW and the Fire Department for their participation in this event. He thanked Jackie Huelbig, Ed Burgio and every vendor and person who came together to make this day the huge success it was. He added that Andover Township is blessed when we all pull together good things happen.

**MR. SMITH.** He stated the First Hope Bank sponsored a luncheon for the Seniors on April 19<sup>th</sup> at Sheridan's Lodge. They elected the Senior of the Year, 95 year old Ann Patel. She was honored at a luncheon on May 17<sup>th</sup>. They are in the process of revising their by-laws.

Reporting on SWAC, the last meeting a resolution was adopted approving Back Through the Future from Ogdensburg to Hardyston. He said that this company is a forward thinking recycling facility for electronic goods. The next meeting is scheduled for June 8<sup>th</sup>.

SCMUA announced that the Hazardous Waste Day is scheduled for June 5<sup>th</sup>. You are allowed 100 pound of dry household hazard and 10 gallons of hazardous liquid.

Mr. Smith then reported on the Board Of Health stating Martie Baldwin gave a presentation to the Seniors on the benefits of vitamin D.

**MR. BOYCE.** He reported on the schools and the budget meeting held a few weeks ago was truly a civic lesson that he wished high school students could have attended because it was an exercise in how small towns and budget can be negotiated in public. It was a difficult, five hour meeting that was well-attended. There was an additional \$200,000 reduction in the school budget which is only a .2% increase off of last year's property taxes. They started at \$518,000 in cuts that the Township Committee identified as possible. Andover Borough started at \$56,000. We did meet in the middle with unanimous votes from the Township and Borough. He thanked Mayor Walsh who acted as the go-between with the Borough.

He commended the entire Committee standing together and if we hadn't done that they would have found a crack in our argument. The consultant did a fabulous job showing where the money could come from. They couldn't refute it.

**COMMITTEE REPORTS: (CONTINUED)**

**MR. BOYCE.** He stated one thing that did surprise him was the teachers had not yet been formally asked to have a pay freeze. He said he believes that should have happened before the meeting so we would have known what kind of contribution they were willing to make. They met last week and they will meet again this week. He stated he spoke with Superintendent Baggs today and he is hopeful there will be some kind of give-back. He added that the teachers do have the power to cover the \$200,000 completely by various things they can do. Mr. Boyce stated this is something we owe the taxpayers and we will be here again next year so we have to take this seriously. We need to open the lines of communication with the School District to have more meetings and workshops. There are some things we can do to encourage them to find more savings.

Mr. Boyce informed Mayor Walsh that the flag pole installation has been approved at the Long Pond School ball field location. Mayor Walsh was instrumental in getting everyone together to build a new field at the school and First Hope Bank donated a pole and flag but we were waiting for approval from the School Board. He was also informed that the information Ms. Phoebus has been waiting for on the wastewater treatment facility should be received this week.

Mr. Smith added that the \$200,000 that the Township Committee recommended be cut from the school budget did not affect in any way any programs, nor did it ask for any reduction in teachers. He stated that is very important to note. He said we were able to come up with that number without the sacrifice of teachers or programs. He then added that the school is not obliged to accept our recommendations and they can choose to do anything they want. They must reduce the budget by \$200,000. Mayor Walsh commented that personnel are questioning how do we know where the cuts are coming from because it can come from anywhere and that is true but it is the intention of the Township Committee not to cut programs and teachers.

**MAYOR WALSH.** He also reported on the flag pole donation from First Hope Bank and there will be a dedication ceremony in memory of the three police officers we lost. He can't add anything more to what has been said about Andover Township Day. He found it to be the best one ever. The entire Committee attended.

He read letters from residents commending the DPW for a job well done during the recent storm which resulted in many trees coming down in the middle of the night.

**REPORT FROM THE CLERK/ADMINISTRATOR** She thanked Jackie for handling the agenda while she was on vacation. It was a week that with all she had to do to get ready for Andover Township Day she was able to still gets the agenda done on time.

The 2010 Birding and Nature Festival will be held June 5<sup>th</sup> and 6<sup>th</sup> sponsored by the County and Nature Conservancy, NJ Audubon Society and County Board of Agriculture. The program is supported through a grant from the NJ State Division of Travel and Tourism. Additional information can be found in the Clerk's Office.

The Census takers are just about done canvassing the township to make sure everyone is counted.

**REPORT FROM THE MUNICIPAL ATTORNEY** He reported he spoke with Sandy Urgo and she asked if she can attend to be heard in Executive Session about potential land acquisitions.

He commended the way the Committee worked so well during the school budget meeting. He said he was glad to see familiar faces to come to that meeting in support of the Committee.

**NEXT SCHEDULED MEETINGS:** June 14, 2010  
June 28, 2010

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

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

**Personnel Matters:**

1. **Police Department Staffing**
2. **Karen Reed**
3. **Tina Sugar**

**Contract Negotiations:**

**Attorney-Client Privilege:**

**Potential Litigation**

**Pending Litigation**

1. **Susquehanna-Roseland Project**
2. **Testa vs. Andover Township**

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 8:39 P.M. Ms. Phoebus moved to adjourn executive session at 9:32 P.M., seconded by Mr. Lensak and carried unanimously.

**REGULAR MEETING RESUMED**

**RESOLUTIONS**

**#R2010-97 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN PUBLIC SERVICE ELECTRIC & GAS AND ANDOVER TOWNSHIP**

Mr. Boyce moved to approve the foregoing resolution as presented, seconded by Mr. Lensak. Ms. Phoebus stated that it is a disgrace this is happening but to continue this fight would be so costly to our taxpayers. The individual homeowners can continue their fight if they choose to. Attorney Semrau stated that nothing in this settlement restricts any rights to an individual property owner.

Mr. Lensak added that these lines are coming through and there may be safety issues and this will prepare our town for any issues. If we do not do this, it will be coming out of pockets anyway. We are only waiving our right not to appeal the BPU decision and the coalition of municipalities that already settled are not appealing the decision. Mr. Smith stated he feels we are sheep being led to slaughter and there is something wrong with it and in good consensus he cannot agree with it.

At this time Attorney Semrau read the resolution into the record.

**RESOLUTIONS**

**#R2010-97 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN PUBLIC SERVICE ELECTRIC & GAS AND ANDOVER TOWNSHIP**

Mr. Lensak questioned Mr. Smith as to what would be his plan if you don't support this resolution, what would we do as a municipality. Mr. Smith replied there is no plan, we just reject their offer. Mr. Lensak then asked what do we do regarding the training of our fire department and the environmental issues. Mr. Smith suggested that we pursue that legally if it was necessary to do so. If our safety and environment were being threatened due to what they had done, he believes we should pursue this legally.

Roll call vote:

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

Mr. Lensak – yes  
Mr. Smith – no

(See Insert Attached to These Minutes)

**ACHILLE TAGLIALATELA, PROVISIONAL POLICE CHIEF**

Mr. Lensak moved to appoint Gil Taglialatela provisional Police Chief for Andover Township effective immediately, seconded by Ms. Phoebus and carried unanimously. A round of applause followed.

**ADJOURNMENT** No further business appearing before the Committee at this time, Ms. Phoebus moved the meeting be adjourned at 9:39 P.M., seconded by Mr. Lensak 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 24<sup>th</sup> day of May 2010, that:

1. At some time during 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.
- (X) 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:**

**Attorney-Client Privilege:**

**Potential Litigation**

**Pending Litigation**

- 1. ***Susquehanna-Roseland Project***
- 2. ***Testa vs. Andover Township***

( X ) a. (8) Personnel matters.

- 1. ***Police Department Staffing***
- 2. ***Karen Reed***
- 3. ***Tina Sugar***

( ) 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 24, 2010

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Moved: Phoebus    Seconded: Boyce  
Voted Aye: Boyce, Lensak, Phoebus, Smith, Walsh  
Voted Nay: None  
Abstained: None  
Resolution adopted. May 24, 2010

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