

## ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

JUNE 14, 2010

EXECUTIVE SESSION – 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, 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 Ms. Phoebus, seconded by Mr. Lensak, the resolution to go into executive session to discuss

**Personnel Matters:**

1. ***S. Tillotson, Deputy Court Administrator***
2. ***Police Department Staffing***

**Contract Negotiations:**

1. ***9-1-1 Interlocal Service Agreements***
2. ***Open Space Proposed Acquisition Projects***
3. ***Outstanding Legal Fees***

**Attorney-Client Privilege:**

1. ***Acknowledgment of Fees Section 74-58 "Liens"***
2. ***Ballantine Woods, LLC Developer's Agreement***

**Potential Litigation**

**Pending Litigation**

1. ***Testa vs. Andover Township, etal.***

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:31 P.M. Mr. Lensak moved to adjourn executive session at 7:35 P.M., seconded by Ms. Phoebus and carried unanimously.

**REGULAR MEETING**

**APPROVAL OF AGENDA** Mayor Walsh stated there will be Reports from the Fire Chief, Rescue quad Chief and the Chief of Police. He also asked that Resolution #R2010-115 from the Consent Agenda. He asked that Resolution #R2010-117 be added to the Consent Agenda To Appoint Diana Francisco Temporary Deputy Court Administrator pending Salary Resolution review. Mr. Boyce moved to approve the agenda as amended, seconded by Mr. Lensak and carried unanimously.

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

**\*CONSENT AGENDA:**

**\*OTHER BUSINESS:**

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

**ACCEPTANCE OF TAX COLLECTOR’S MAY REPORT - \$3,077,838.79**

**ACCEPTANCE OF RESIGNATIONS FROM THE RECREATION COMMITTEE  
HELEN REZKA – REGULAR MEMBER – TERM 12/31/2012  
RICHARD LAGG – ALTERNATE NO. 2 – TERM 12/31/2010  
PATTI CLARK – ALTERNATE NO. 3 – TERM 12/31/2010**

**RECREATION COMMITTEE - APPOINTMENT OF JANET BARDELLO TO  
REGULAR MEMBER – TERM TO EXPIRE 12/31/2012**

**RELEASE OF DRIVEWAY CASH BOND – RON RAFFINO  
BLOCK 102/LOT 7.06 - \$1200 – ESCROW #T-13-56-706-044**

**\*RESOLUTIONS:**

**#R2010-99 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY AWARDDING THE CONTRACT  
FOR THE CURB REPAIR PROJECT THROUGHOUT THE TOWNSHIP  
TO WESTVIEW CONTRACTING INC**

**#R2010-100 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY TO ENTER INTO A  
COOPERATIVE PRICING AGREEMENT WITH MIDDLESEX  
REGIONAL EDUCATIONAL SERVICES COMMISSION FOR  
MEMBER PARTICIPATION**

**#R2010-101 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX, STATE OF NEW JERSEY TO ISSUE A TAX REFUND  
TO ROYAL TAX LIEN SERVICES, LLC IN REGARDS TO THE  
REDEMPTION OF TAX SALE CERTIFICATE #09-00010 SOLD  
FOR DELINQUENT TAXES FOR BLOCK 111, LOT 18 IN THE  
AMOUNT OF \$17,349.59**

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

**#R2010-102 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE ANDOVER TOWNSHIP TO PARTICIPATE IN THE SELF-EXAMINATION OF THE 2010 MUNICIPAL BUDGET**

**#R2010-103 RESOLUTION AUTHORIZING THE EMPLOYMENT SEPARATION AGREEMENT BETWEEN THE TOWNSHIP OF ANDOVER AND RONALD SMITH, POLICE SERGEANT**

**#R2010-104 RESOLUTION OF THE TOWNSHIP OF ANDOVER AUTHORIZING THE PROMOTION OF LIEUTENANT ACHILLE G. TAGLIALATELA TO THE POSITION OF CHIEF OF POLICE FOR THE ANDOVER TOWNSHIP POLICE DEPARTMENT IN A PROVISIONAL STATUS PENDING PROMOTIONAL PROCEDURES**

**#R2010-105 CORRECTIVE ACTION PLAN FOR THE 2009 AUDIT**

**#R2010-106 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT JOYCE COVALENCE AS DOG CENSUS TAKER FOR THE YEAR 2010**

**#R2010-117 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT DIANA FRANCISCO TO THE TEMPORARY POSITION OF CLERK-TYPIST FOR THE MUNICIPAL COURT FOR A PERIOD NOT TO EXCEED SIX MONTHS**

(See Inserts Attached to These Minutes)

**\*APPROVAL OF MINUTES**

APRIL 26, 2010 REGULAR MEETING  
MAY 10, 2010 REGULAR MEETING  
FEBRUARY 22, 2010 EXECUTIVE SESSION

**SWEARING IN CEREMONY**

**CHIEF OF POLICE ACHILLE G. TAGLIALATELA**

Achille Tagliatela was sworn in as Andover Township's new Chief of Police while retired Chief Phillip A. Coleman held the Bible. A round of applause followed.

**REGULAR AGENDA**

**REPORT FROM THE CHIEF OF POLICE** Chief Tagliatela reported service calls as of June 14, 2010. There were 415 calls for Andover Township, 7 calls for Andover Borough, Hamburg Borough reported 215 and Green Township, 24 calls. The total for the month is 661 and year to date total 2,725 calls.

**REPORT FROM THE RESCUE SQUAD CHIEF** Chief Reidmiller reported that for the month of May Lakeland responded to 120 calls, 47 for Andover Township. There were 2 fly outs, and logged almost 400 hours over 2,600 miles. For the year they are at 410 calls, 183 for Andover Township for a total of 1,648.31 and a little over 9,000 miles.

**REPORT FROM THE FIRE CHIEF** The Fire Chief was not available at this time.

**OPEN TO THE PUBLIC** Carla Kostelnik of Greendale Road presented an initiative by the Sussex County Democrats and she read a letter to the Township Committee asking to take a stand for senior and disabled residents who are risk of losing their property tax rebates this year. She had a form of resolution she asked the governing body to consider. Mayor Walsh asked if Attorney Semrau would review this Resolution before the Committee took any action.

Diane Gillespie of the Environmental Commission stated that for the last three years the Commission has a Native Plant Subcommittee, they have been working very hard to put out charts for the community through the websites, and hard copies are available in the municipal building. She stated they have gone over trees, shrubs, and herbaceous plants. They just finished with the herbaceous plants list and she wanted everyone to know that this information is available. She announced that next week is National Pollinator Week. She proceeded to explain how important it is to have pollinators.

Diane Gillespie, resident then stated that several weeks ago she mentioned that she did not believe all information was available on the municipal website calendar and she is happy to report that 95% is now available. She mentioned she is still looking for information regarding the Economic Development Committee.

Rick Melfi, Chair of the Economic Development Committee stated that all their minutes are on the website.

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

**ORDINANCES: PUBLIC HEARING**

**NO. 2010-06 TO EXCEED CAP BANK FOR CALENDAR YEAR 2010**

***“AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR THE CALENDAR YEAR 2010 PURSUANT TO N.J.S.A. 40A:4-45.14”***

Mr. Lensak moved to open the public hearing, seconded by Mr. Boyce and carried unanimously. Seeing no hands, Mr. Lensak moved to close the public hearing, seconded by Mr. Boyce 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, Mr. Lensak moved the adoption of the above entitled ordinance, seconded by Mr. Boyce. Roll call vote:

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

**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"***

Mr. Lensak moved to open the public hearing, seconded by Ms. Phoebus and carried unanimously. Ms. Gillespie asked if this ordinance amendment affected copies of public records. It was explained that the amendments are only for copies of certain tax records and vital statistic copies. Seeing no other hands, Ms. Phoebus moved to close the public hearing, seconded by Mr. Boyce 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 May 24, 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. Boyce. Roll call vote:

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

Mr. Lensak – yes  
Mr. Smith – yes

***PUBLIC HEARING FOR THE ADOPTION OF THE 2010 MUNICIPAL BUDGET***

CFO Day and Auditor Sarinelli were present. They provided a short explanation on this year's budget and where the increases were. They explained the pension contributions increased 33.3%, about \$33,000. Ratables were down and there were increases in capital borrowing for \$100,000. Operating expenses have been reduced. State Aid again has been reduced. The municipal tax increase for this year is 1.2 cents. Auditor Sarinelli explained the process is to adopt the budget tonight. Andover Township is on the three-year cycle for self-examination. Following the public hearing action can be taken to adopt.

Mr. Lensak moved to open the public hearing on the 2010 Municipal Budget, seconded by Ms. Phoebus, and carried unanimously. Seeing no hands, Ms. Phoebus moved to close the public hearing, seconded by Mr. Boyce and carried unanimously.

Mr. Boyce asked CFO Day how much more are we spending this year over last year. Auditor Sarinelli replied it is \$259,000 less than last year. He asked if we are spending less why is there a tax increase. They replied the ratables and State Aid are down. Mr. Boyce stated the Finance Committee, mainly Mayor Walsh worked very hard to come up with a budget the Committee felt is fair and reasonable. He thanked all the employees who are willing to give something back. The average homeowner will be paying \$33 more in municipal taxes.

**#R2010-118 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO ADOPT  
THE 2010 MUNICIPAL BUDGET AS PRESENTED**

Mr. Boyce moved to approve the foregoing resolution as presented, seconded by Mr. Lensak and carried unanimously.  
(See Insert Attached to These Minutes)

**RESOLUTIONS**

- #R2010-107 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF LIQUOR LICENSE #1902-44-015-002 PLENARY RETAIL DISTRIBUTION LICENSE FOR ANDOVER WINE AND LIQUORS FOR THE TERM JULY 1, 2010 THROUGH JUNE 30, 2011**
- #R2010-108 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF LIQUOR LICENSE #1902-33-003-002 FOR ALSATIAN CORPORATION T/A LAKE LENAPE LODGE FOR THE TERM JULY 1, 2010 THROUGH JUNE 30, 2011 WITH CERTAIN CONDITIONS**
- #R2010-109 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF LIQUOR LICENSE #1902-33-006-002 FOR PERONA ENTERPRISES, INC. T/A PERONA FARMS, PLENARY RETAIL CONSUMPTION LICENSE FOR THE TERM JULY 1, 2010 THROUGH JUNE 30, 2011**
- #R2010-110 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF LIQUOR LICENSE #1902-31-014-002-CLUB LICENSE FOR THE NEWTON COUNTRY CLUB, INC. FOR THE TERM JULY 1, 2010 THROUGH JUNE 30, 2011**
- #R2010-111 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE #1902-33-009-002 FOR SHERIDAN'S LODGE, INC. T/A SHERIDAN'S LODGE FOR THE TERM JULY 1, 2010 THROUGH JUNE 30, 2011**
- #R2010-112 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-005-004 FOR J & M WALDRON, INC. T/A MAX'S STATION HOUSE FOR THE TERM JULY 1, 2010 THROUGH JUNE 30, 2011**
- #R2010-113 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-010-003 FOR DINA'S LLC FOR THE TERM JULY 01, 2010 THROUGH JUNE 30, 2011**
- #R2010-114 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY ADVISING THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL OF NO OBJECTION TO THE ISSUING OF THE CONFLICT OF INTEREST LICENSE FOR THE FARMSTEAD GOLF AND COUNTRY CLUB FOR THE TERM JULY 1, 2010 THROUGH JUNE 30, 2011**

**RESOLUTIONS; (CONTINUED)****#R2010-116 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF LIQUOR LICENSE #1902-31-013-001 CLUB LICENSE FOR LT. CHAS A. MEYER POST 86 AMERICAN LEGION T/A AMERICAN LEGION POST 86 FOR THE TERM JULY 1, 2010 THROUGH JUNE 30, 2011**

Attorney Semrau explained that Ms. Phoebus will abstain from any discussion on the foregoing resolutions. The Clerk has also confirmed that the applications have been completed and the Tax Sale Certificates have been submitted. Mr. Smith moved to approve the foregoing resolutions as presented, seconded by Mr. Boyce. Roll call vote:

Mr. Boyce – yes

Mr. Lensak – yes

Ms. Phoebus – abstain

Mr. Smith – yes

Mayor Walsh – yes

(See Insert Attached to These Minutes)

**OLD BUSINESS****BALLANTINE WOODS DEVELOPER'S AGREEMENT AMENDMENT & CONSIDERATION OF RESOLUTION**

Ms. Phoebus explained that Phil Deacon came before the COAH Committee to discuss his Developer's Agreement. The original agreement was based on a contribution of 1.5% developer's fees that can be difficult because even if we acquire the funds it can be hard to find a piece of property in which to construct COAH housing on it in order to receive credits. She added that the State controls how you are allowed to spend these funds. He can before the COAH Committee with a proposal to build COAH housing for Willowglen Academy and they will build a four bedroom group home on this lot. She added that Mr. Deacon has had great success in building these homes. The town in turn receives four credits. In order to do this the developer's agreement will have to be amended. Ms. Phoebus also stated there will be no cost to the Township for construction of this project and it will be deed restricted for 30 years.

Attorney Semrau added that based on the information, the State has calculated it would cost about \$140,000 to construct one affordable housing unit. Here we are getting credit for four units. He suggested that the Resolution be subject to asking Planner McGroarty to take a final look at this change and to see if it would generate any legal terms. If there is anything significant it would come back before the governing body.

**RESOLUTION****#R2010-119 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO REVISE SECTION 12: CONTRIBUTIONS ON COAH FOR BALLANTINE WOODS, LLC MAJOR SUBDIVISION FOR BLOCK 7/ LOTS 10, 10.02, 10.03, AND BLOCK 6/ LOT 3.02**

Ms. Phoebus moved to adopt the foregoing resolution subject to planning and legal review, seconded by Mr. Boyce and carried unanimously.  
(See Insert Attached to These Minutes)

**OLD BUSINESS (CONTINUED)****NOISE CONTROL/ENGINE BRAKING ORDINANCE REVIEW**

Attorney Semrau stated at the last meeting there was a request for information regarding the model noise ordinance from Rutgers and an engine braking type ordinance. They put together a packet of information that contains samples of both ordinances for discussion. What presently exists in the Township Code is outdated and Mr. Boyce had suggested at the last meeting this should be addressed.

The enforcement of this ordinance can be done in two ways. Some municipalities it is the police department and there is a certified official from the Health Department. Mr. Boyce said in visiting homeowners along Limecrest Road it seemed like every house he went to someone was telling him about the noise coming out of the trucking plant. Several residents he spoke with are present this evening. He said in the current ordinance there is an exemption for a commercial trucking operation. Attorney Semrau stated we would be able to remove that exemption. There was discussion regarding noises coming from the business such as banging on trucks in the middle of the night.

Attorney Semrau explained if someone is persistent someone can come out and take reading for prosecution. There was a short discussion regarding the history of this business. Jim Woodstrom of 821 Limecrest Road provided first hand information on the history of Mahedy Trucking. He said about six years ago there was a meeting here in Court. Mrs. Christener filed a complaint against the trucking company. She had hired a professor from Rutgers University, the author of this ordinance. In his testimony, commercial vehicles are not excluded from noise ordinances. Most townships do not allow noise from 9PM to 7AM. Even then there is a certain decibel reading that cannot be exceeded. The only time a commercial vehicle can make noise at night is during an emergency that benefits the public.

Mr. Woodstrom then provided information regarding the prior owners of this business. When they went before the Planning Board to obtain approvals for an extension of their building, a resolution stated that they do not work outside the building, all work was to be conducted inside of the building. He now does a lot of the work in the parking lot or in front of the building.

Ms. Phoebus added that while attending the County Planning Board meeting, and the issue of Limecrest Road was discussed. The County informed her that they will back the municipality 100% if we adopt an engine braking ordinance, but we would have to supply the signage. The County engineer did warn that the biggest problem is enforcement. They also mentioned that with engine braking, this is done because they build up speed. The County said that if we initiative a speed survey on this road they would approve our ordinance.

Attorney Semrau suggested having the County Health Officer to go out to some areas of the municipality and take some noise readings so that when we come back with this ordinance we can already say there are some instances where it is going to exceed the model ordinance. With that we can warn some of the establishments in town that the readings in their area are too high and will trigger a violation of the proposed ordinance. In addition, the readings may end up being too low and not be affected by the ordinance.

Betty Donnelly said that there is evidence that they hose down the outside of their property where they do the repairs at night and the water runs into the nearby storm drain.

The Township Committee agreed to have these ordinances on the next agenda for consideration.



**NEW BUSINESS****DISCUSSION CONCERNING A PROPOSED ORDINANCE REGARDING RESTRICTIONS ON ADULT ENTERTAINMENT**

Attorney Semrau stated there has been previous discussion about perhaps putting in restrictions regarding adult entertainment. Regarding adult entertainment and to impose restrictions to this it is a difficult area of law because if you set forth various areas of the township where it is prohibited, you must then establish a place where it is permitted. Under the circumstances, we have to proceed with great caution and he suggested that he speak with Planner McGroarty about this asking if he found a particular area that such a use wouldn't have a negative impact. When you get involved in this area of zoning, we must constitutionally give someone the right to have that entertainment in another zone.

There is a certain establishment that has restrictions on their liquor license that they have incurred for themselves based on some past practices. That is the way to monitor adult entertainment, but to get into zoning that is something he would have to confer with the township planner.

Mr. Boyce stated we have only one location in town where this was done and that establishment has closed. This came up before when the liquor license was to be considered for renewal. Mr. Boyce stated that Attorney Semrau, at that time, the Township Committee could not legally take away the liquor license at Ray's Inn because it is a State decision. Attorney Semrau stated that at that time he did not feel the Committee, from a legal prospective had a basis to deny the liquor license. He added the Committee did have a basis to make some restrictions, as they did.

Mr. Boyce then remarked that the license holder returned his liquor license, creating a pocket license and continued to operate the adult entertainment. He said he wants to control the negative aspect there and his concern was if we created a zone where this would be allowed, we would be allowing more potential issues as this. There is indication that the facility will reopen soon. Mr. Boyce asked if there is a way we can monitor that. Attorney Semrau said the matter is still pending with the Administrative Law Court with a hearing scheduled for October in connection with the restriction on adult entertainment. Attorney Semrau said that it appears that there may be a change in the ownership of the license and perhaps a different type of use.

There was a brief discussion regarding the 2009-2010 renewal of the Ray's Inn liquor license and Mr. Lensak asked if the Committee did the right thing in renewing this license at that time. Attorney Semrau stated that based on the concerns that were raised and in the report of retired Chief of Police Coleman, he believes the Committee made the right decision.

Based on the discussions regarding Police Department Staffing in Executive Session, the following resolutions were added to the agenda.

**RESOLUTIONS****#R2010-120 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE PERMANENT APPOINTMENT OF JOSEPH INDANO, POLICE OFFICER AS A RESULT OF AN INTERGOVERNMENTAL TRANSFER AGREEMENT WITH SOUTH PLAINFIELD TOWNSHIP EFFECTIVE JULY 07, 2010**

Ms. Phoebus moved to adopt the foregoing resolution as presented, seconded by Mr. Boyce and carried unanimously.

**RESOLUTIONS (CONTINUED)**

**#R2010-121 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT EDWARD J. DIKLICH TO THE POSITION OF POLICE OFFICER FOR THE ANDOVER TOWNSHIP POLICE DEPARTMENT**

Mr. Boyce moved to approve the foregoing resolution as presented, seconded by Ms. Phoebus and carried unanimously.

**#R2010-122 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT DAVID KNOLL-KORVER TO THE POSITION OF PART-TIME PUBLIC SAFETY TELECOMMUNICATOR TRAINEE FOR THE ANDOVER TOWNSHIP POLICE DEPARTMENT**

Mr. Lensak moved to approve the foregoing resolution as presented, seconded by Ms. Phoebus and carried unanimously.  
(See Inserts Attached to These Minutes)

**OTHER BUSINESS**

**APPROVAL OF RAFFLE LICENSES**

**#R.L. 922 – ON-PREMISE 50/50 - SENIOR QUALITY OF LIFE FOUNDATION, INC. TO BE HELD ON SEPTEMBER 26, 2010 AT THE FARMSTEAD GOLF & COUNTRY CLUB**

**#R.L. 923 – OFF-PREMISE 50/50 – MARQUETTE COUNCIL, KNIGHTS OF COLUMBUS #588 – SEPTEMBER 11, 2010 AT THE ROLLING GREENS GOLF COURSE**

**#R.L. 924 – ON-PREMISE MERCHANDISE – AMERICAN RED CROSS OF NORTHERN NJ – JULY 22, 2010 AT THE FARMSTEAD GOLF & COUNTRY CLUB**

**#R.L. 925 – OFF-PREMISE 50/50 – BIRTH HAVEN, INC. – SEPTEMBER 21, 2010 TO BE HELD AT THE NEWTON COUNTRY CLUB**

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

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

**SUMMER MEETINGS SCHEDULE**

Following a short discussion it was decided that the Committee will meet July 12<sup>th</sup> and August 9<sup>th</sup>, cancelling the June 28<sup>th</sup>, July 26<sup>th</sup> and August 23<sup>rd</sup> meetings, unless they become necessary. The meetings will not be cancelled until the last minute.

Ms. Phoebus moved to approve this action, seconded by Mr. Lensak and carried unanimously.

**COMMITTEE REPORTS:**

**MS. PHOEBUS.** She reported on COAH stating she spoke with Planner McGroarty today. The S-1 Bill passed in the Senate by all but two votes. It is headed for vote by the Assembly. She asked him how does that affect Andover Township and he said we are in a wonderful position because we are one of the very few that have third round certification. This means that we can pick and choose how to go forward. We can decide to stay with our certified plan or we can change it depending on what suits us best. They will schedule a COAH meeting soon to discuss these changes. Attorney Semrau added that it is amazing because three years ago we were on the back end of this and now with all these changes there are only 60 municipalities that have this certification.

She thanked the fire department for their work on Andover Township Day. They donated all their profits to a local resident whose child is suffering with an incurable disease who requires a great deal of care and supplies. She then mentioned the chicken bbq hosted by the fire department this July 31<sup>st</sup>. The golf outing will be held in August.

**MR. LENSAK.** Reporting on the police department, he congratulated Chief Tagliatela on his promotion. They had the opportunity to interview some candidates for the position of police officer. Due to a conflict in scheduling, he could not attend the rescue squad meeting last month. The Environmental Commission did not meet last week.

He then reported on the Open Space Committee meeting stating they are looking at various locations, which was discussed in depth during the Executive Session. The Economic Development Advisory Committee will not be meeting during the summer.

**MR. SMITH.** He reported on the Seniors, stating the second reading of the revised bylaws was held on June 7<sup>th</sup> and the final vote will be held on Monday, June 21<sup>st</sup>. The major change is to relax restrictions on memberships living in surrounding areas. Currently the membership is restricted to four members for each of the surrounding areas of Byram, Green, Newton and Sparta. That number will be increased to six from each of those areas. There is a demand for membership and the club is expanding. The next meeting will be June 21<sup>st</sup>.

Reporting on SWAC, for those residents who own a boat and had it shrink-wrapped over the winter, we can take the material to Danforth's and they will recycle that for free until June 30<sup>th</sup>. The last meeting was cancelled due to a conflict with Election Day. The next meeting will be July 13<sup>th</sup>.

**MR. BOYCE.** The eighth grade graduation at Long Pond School will be Wednesday night, June 16<sup>th</sup>. Tomorrow night is an important School Board meeting in which we hope the answer to the question, what will the teachers give back in their contracts. Mr. Boyce reminded everyone we were able to convince the schools to reduce the budget which failed by the voters, another \$200,000. At that point teachers had not been asked to give anything back. We encourage them to do so. There have been two meetings with the teachers since that time with the teachers union and the executive committee for the board. He believes they will give something back but doesn't know what.

**MAYOR WALSH.** He reported the DPW will begin the oil and stoning in mid-July. Two-thirds of the municipal roadways will be done with this process. This will last about 7 to 10 years, giving the roads a good base. On May 22<sup>nd</sup> we held the Miss Andover Township contest and the winner was Chelsea Grotyohann and she was crowned by her sister, 2009 winner. Little Miss was Christina Gerdnt and Little Mr. was Zachary Haltermann.

Mayor Walsh remarked that he was quite impressed with one of the candidates, Lauren Orleanski. He stated that she started a charity called Smiles Over Seas. He asked her to attend the next meeting where she will be acknowledged for her efforts in this charity.

**COMMITTEE REPORTS: (CONTINUED)**

**MAYOR WALSH.** He then read a letter from Bob Martin, Commissioner of the NJDEP, which gives written approval and confirmation for the Wawa project in Andover Township. All state permitting requirements have been met for this application in order to obtain the necessary approvals from the DEP. Our legislature was proactive in sending a letter to the DEP asking for their review and decision on this application.

Rick Melfi reported on the donations received from businesses in Andover Township. An article will appear in the NJ Herald and Township Journal over the next week. He also recognized and all the volunteer groups, our professional services, the DPW and police department that participated in Andover Township Day.

Mayor Walsh announced that First Hope Bank donated another \$400 for a new flag pole at the new field at Long Pond School.

Mr. Boyce reported that resident Guy Riotto from Hemlock Road who had an issue with the Andover Water Company informed him that they did fill in the pot hole with gravel.

**REPORT FROM THE CLERK/ADMINISTRATOR** She reported last week EMC Danielson and DPW Supervisor Dickinson attended a meeting at the County Office of Emergency Management. They met with the project manager for the Northern Delaware River Region to discuss and determine the projects each community within the County have with regard to the Flood Mitigation Plan with FEMA. Andover Township has eight items on its mitigation table and other flood issues can be added to this list in the future if need be. There are grants available at 75% contribution from State/Federal to improve these areas of concern.

She announced the results of the bid opening for the Solar Project, which was held on May 27<sup>th</sup>. We received eight bids and the apparent lowest bidder was SMAC Corp. for \$146,375. The engineer has reviewed the bids and it has been forwarded to the attorney for his legal review. This item will be placed on the next agenda for consideration by the Committee.

She stated that we received notification from the County that SCMUA has adopted a resolution to increase our tipping fees effective June 1<sup>st</sup>. The current rate is \$70 a ton to \$109 a ton, which is a 42% increase. We then received a letter from Waste Management asking us to visit the SCMUA website sending them your comments regarding this increase. They received a decrease in funding from the State and thereby passing on their costs to the municipalities and their customers. We received a bill from Waste management is an additional \$5,667. By the contract we are obligated to pay an increase in the tipping fees and we cannot choose to use any other facility as well. With that said, we encourage everyone to recycle, keeping trash tonnage down.

Free to all County residents there are a breast/prostate cancer screening available on June 22<sup>nd</sup> at 6:45 at the Sparta Cancer Center. The announcement will be posted on the website for additional information available in the Clerk's Office.

**REPORT FROM THE MUNICIPAL ATTORNEY** Attorney Semrau reported that bid specifications will be drafted for next year's sanitation services contract as it will expire in December. We will come up with different alternatives to bid on the project.

About a year or so ago there was a request from Lake Lenape to have the Township co-sign a loan for their dam restoration project. We received notification they were granted the right for the loan and he received a call from their attorney. The next step is they will want to see how we can administer or co-sign that loan. There are other municipalities involved in this application and there is some preliminary information we have to gather before scheduling a meeting.



**TOWNSHIP OF ANDOVER**

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Committee of the Township of Andover on the 14<sup>th</sup> day of June 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. ***9-1-1 Interlocal Service Agreements***
- 2. ***Open Space Proposed Acquisition Projects***
- 3. ***Outstanding Legal Fees***

**Attorney-Client Privilege:**

- 1. ***Acknowledgment of Fees Section 74-58 "Liens"***
- 2. ***Ballantine Woods, LLC Developer's Agreement***

**Potential Litigation**

**Pending Litigation**

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

- ( X ) a. (8) Personnel matters.
  - 1. ***S. Tillotson, Deputy Court Administrator***
  - 2. ***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: June 14, 2010

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Moved: Phoebus      Seconded: Lensak  
Voted Aye: Boyce, Lensak, Phoebus, Smith, Walsh  
Voted Nay: None  
Abstained: None  
Resolution adopted. June 14, 2010

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