

**ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES**

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

**AUGUST 09, 2010**

**6:30 P.M.**

**REGULAR MEETING BEGINS AT 7:30 P.M.**

The regular meeting of the Andover Township Committee was called to order at 6:30 P.M. by Mayor Walsh, followed by a salute to the flag.

**ROLL CALL:** Present: Mr. Boyce, Mr. Lensak, Mr. Smith,  
Ms. Phoebus, 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:** Mayor Walsh asked that the Executive Session be amended to include under Contract Negotiations: Bargaining Units; Pending Litigation: Testa vs. Andover Township. On a motion by Ms. Phoebus, seconded by Mr. Lensak, the resolution to go into executive session to discuss

**Personnel Matters:**

1. ***Position of Chief Financial Officer***
2. ***D. Francisco, Temporary Court Administrator***

**Contract Negotiations:**

1. ***St. Paul's Abbey Due Diligence***
2. ***Land Conservancy of NJ/Open Space Committee***
3. ***9-1-1 Interlocal Agreements***
4. ***Bargaining Units***

**Attorney-Client Privilege:**

1. ***T. Sugar, Court Administrator***
2. ***Life Care Mews***

**Potential Litigation**

**Pending Litigation**

1. ***Krueger vs. Andover Township***
2. ***Testa vs. Andover Township***

was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:37 P.M. Ms. Phoebus moved to adjourn executive session at 7:34 P.M., seconded by Mr. Lensak and carried unanimously.

## REGULAR MEETING

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

**APPROVAL OF CONSENT AGENDA ITEMS** Mayor Walsh asked that the Consent Agenda be amended to include under Approval of Bills List: To include payment to Dorsey & Semrau in the amount of \$6169.00; Under Resolutions #R2010-150. Mr. Boyce asked that #R2010-143 to read separately under the general agenda. Attorney Semrau asked that under #R2010-145, that the contract is conditioned upon the State finding the report to be acceptable. Mr. Boyce moved the following consent items be approved, as amended, seconded by Ms. Phoebus and carried unanimously.

**\*CONSENT AGENDA:****\*OTHER BUSINESS:**

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

**ACCEPTANCE OF TAX COLLECTOR'S JULY REPORT - \$89,559.88**

**RELEASE OF SOIL EROSION/SEDIMENT CONTROL CASH BOND  
263 NEWTON-SPARTA ROAD – BLOCK 106/LOT 17.03 - \$2,500  
ESCROW #T-13-56-717-253**

**\*RESOLUTIONS:**

**#R2010-138 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO REQUEST THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF A \$14,496.95 NJDEP CLEAN COMMUNITIES GRANT IN THE 2010 MUNICIPAL BUDGET**

**#R2010-139 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY CALLING ON THE STATE LEGISLATURE AND THE GOVERNOR TO ENACT PROPERTY TAX REFORM WITH PASSAGE OF THE "MUNICIPAL TOOLKIT" AND MANDATES RELIEF**

**#R2010-140 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO APPROVE THE SUBMISSION OF A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR GOODALE ROAD – PHASE I PROJECT**

**#R2010-141 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE EXECUTION OF THE MEMORANDUM OF AGREEMENT WITH THE STATE OF NEW JERSEY DEP. DIVISION OF PARKS AND FORESTRY AND THE TOWNSHIP OF ANDOVER FOR THE DEVELOPMENT, CONSTRUCTION AND MAINTENANCE OF A MULTI-USE TRAIL**

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

**#R2010-142 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE APPOINTMENT OF A SUBSTITUTE MUNICIPAL PROSECUTOR FOR THE TOWNSHIP OF ANDOVER**

**#R2010-144 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO REQUEST THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF A \$4,000.00 CLICK IT OR TICKET TRAFFIC SAFETY GRANT IN THE 2010 MUNICIPAL BUDGET**

**#R2010-145 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO CLOUGH HARBOUR & ASSOCIATES, LLP FOR ENERGY ENGINEERING SERVICES ASSOCIATED WITH THE LOCAL GOVERNMENT ENERGY AUDIT PROGRAM**

**#R2010-146 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ACCEPT THE LETTER OF RESIGNATION FROM DAVID KNOLL-KORVER, PART-TIME PUBLIC SAFETY TELECOMMUNICATOR**

**#R2010-147 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING A SALARY ADJUSTMENT FOR CHIEF OF POLICE TAGLIATELA EFFECTIVE MAY 24, 2010**

**#R2010-148 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE APPROVING OF LAKELAND EMERGENCY SQUAD TO RECEIVE FINANCIAL ASSISTANCE FROM THE COUNTY OF SUSSEX AS PER THE CERTIFICATION FOR RESCUE SQUAD CONTRIBUTION**

**#R2010-149 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE AUTHORIZING THE AWARDED OF CONTRACT FOR PURCHASE OF ADDITION OF ACCUBRINE SYSTEM FOR THE BRINE SYSTEM PURCHASED UNDER AGREEMENT WITH TOWN OF NEWTON PURSUANT TO THE UNIFORM SHARED SERVICES ACT FOR TOTAL OF \$29,000.00 WITH ANDOVER TOWNSHIP'S SHARE BEING 50% OF COST OR \$14,500.00**

(See Inserts Attached to These Minutes)

**\*APPROVAL OF MINUTES**

JUNE 14, 2010 REGULAR MEETING  
JULY 12, 2010 REGULAR MEETING

**REGULAR AGENDA**

**REPORT FROM THE FIRE CHIEF** Chief Crater reported 6 activated fire alarms, 1 brush fire, 1 carbon monoxide alarm, 1 illegal burn, 3 regular monthly drills, 1 regular monthly meeting, 1 mutual aid drill, 1 mutual aid – out of town, 5 motor vehicles accidents, 2 special work drills and 1 down power lines incident. There were 25 reported calls for 303.6 hours. Year to date totals are 213 calls for 2,816.7 hours.

**REPORT FROM THE RESCUE SQUAD CHIEF** Chief Reidmiller reported a total of 119 calls for the month of July, 52 for Andover Township. They traveled 2,422 miles and logged 329 hours. The total for the year is 680 calls, 216 in Andover Township.

**REPORT FROM THE CHIEF OF POLICE** Chief Tagliatela reported as of August 8<sup>th</sup> there were 5,861 calls for service for Andover Township. In Andover Borough there were 97, Hamburg reported 3,589 and 218 in Green Township. The year to date total is 9,165 calls.

**OPEN TO THE PUBLIC** Carla Kostelnik of 53 Greendale Road, Chair of the Open Space Committee asked the Township Committee about the discussion in Executive Session regarding the NJ Land Conservancy. She presented the Committee with a copy of a memo and asked them to take action on those items in bold. Mr. Lensak replied they did.

She stated that taking action on these items doesn't commit the municipality at all. What it does is keep the \$500,000 grant that we were awarded. We need to give the State some ideas of where we may spend the money. We have until next June to make a decision.

Ms. Kostelnik then spoke of needing better coordination between the recreation and open space committees because the charter allows recreation to make improvements on properties bought with open space funding. The problem becomes without coordination neither of the groups will know what each other is doing. Mayor Walsh explained neither committee can spend anything; it is the decision of the Committee. The recommendations are what need to be better coordinated. Mr. Boyce stated there is a member of the recreation committee on the open space committee and that member should be the one making certain there is a coordination of efforts.

Stan Christdlous asked where does one apply for a burning permit. Ms. Phoebus explained you have to apply at the park service office on Route 206. He then asked Ms. Phoebus to provide a summary of the impact of the Christie administration on COAH, particularly interested in what kind of reports have to be generated. She explained that as of right now nothing has changed until the S-1 Bill is passed in the Assembly. When she spoke to Planner McGroarty about this he informed her that Andover is in a good position because there are only a few municipalities that have Third Round Certification. This Bill will allow the municipalities to choose. If you have Third Round Certification you can stay with that and if you choose to follow the S-1 Bill, you can relinquish Third Round. It also will allow the municipalities to go back to where you can have a sending/receiving district and buy your way (rca's). As of July 1<sup>st</sup> the moratorium on commercial contribution expires so now all commercial building will have to contribute 2.5% to affordable housing.

He then asked if the S-1 passed could the Township do something other than what has been planned. She looked at that with the Planner because she thought perhaps we could take certain locations and be able to say these locations fall within affordable housing guidelines and credit that to our total amount. Planner McGroarty informed her that he didn't think that was in this Bill. He felt at this point it may be better that we stay with our Third Round Certification.

**OPEN TO THE PUBLIC (CONTINUED)** Jim Woodstrom, 821 Limecrest Road stated there are a couple of things at the last meeting he asked such as how police officers are determined so he went on the internet and he couldn't find anything. He stated he called the Governor's Office, and he was told that strictly, the mayor and town or city council determine the amount of police officers not the FBI or State Police. They may have an input to the Chief of Police. He said it is strictly the Township Committee who determines the amount of police officers. "Number 2 another thing I noticed at the last meeting was we had 2 police cars here from Byram, 1 from Stanhope plus police officers from Byram and Stanhope". "Now I assume they were on duty. I hope Andover Township Police don't attend swearing ins and taking our police cars to other towns to swear in new police officers or funerals this is not a Para-military organization it is a police organization and I think it's a waste of tax payers money especially since you are paying insurance on these cars and these police officers if anything would happen".

Also he stated he talked to Mrs. Thompson and I filed a freedom of information act, her response was very good. She told him she could have some of the contracts the following day I said it wasn't necessary, she said she would have to wait a couple of days to get the contracts for the municipal employees, I said to take your time I'm in no hurry. I was happy with the response.

While I was talking with Mrs. Thompson she said she thought I said at the last meeting, 2 ½ years ago I came into here for a building permit and she thought I was accusing her of being lax with somebody going out and I'm sure if you check the date and in fact it was 2 ½ years ago I said. He said he looked up the date and it was 12<sup>th</sup> or 10<sup>th</sup> of December so it was 2 ½ years ago. At this time Mrs. Thompson responded that she apologized that she did not hear you say that and when she went to do the minutes she heard you say that and she apologized.

Mr. Woodstrom continued that there were other things that he disagreed with when questioned why he wanted to get rid of the building inspector and he said, "here's a guy who only took in \$15,000 in receipts last year according to the guy who gave the financial thing and I don't know how much we pay this guy." He stated he doesn't know why we need a full time building inspector.

At this point, Mayor Walsh interjected saying he takes on many more jobs than that. Mrs. Thompson said he has 11 positions. He also is his own clerical and financial staff. She explained he lost his full time assistant to retirement last year and he was told he would have to do that work and he agreed to do that. Mayor Walsh asked how his salary is divided and it was explained there is one line item for building inspector, one is building sub code, there is plumbing, one is zoning, one is fire sub code, not fire protection, but fire sub code, soil erosion and sediment control. These are all functions that every municipality has.

Mr. Woodstrom then spoke about the position of the health officer and he said all health matters are supposed to be handled by the county. Mrs. Thompson replied that we are mandated to have a local board of health. Mr. Woodstrom replied that is not what he has heard. He stated he heard that the county handles all health issues. Mrs. Thompson replied that we contract with the county to handle all inspections, clinics the screenings but we maintain a local board of health that meets once a month except for the summer. Mr. Woodstrom said he talked with someone at the county and they say different. He said he will definitely go down there and get the paperwork. At this time Attorney Semrau interjected and explained the township hires the county health officer to serve as the municipal health officer. We have to have a health officer so that is the role and the capacity that that individual has so it is not necessarily that we are just using the county it's the county comes in and they send a representative who is then the township's health officer because as Mrs. Thompson says every town has to have a health office. Our health officer happens to also serve as the county health officer, which is the case in many municipalities in Sussex County. Mr. Woodstrom replied that he would have to check this out.

Mr. Woodstrom then questioned the Recreation Department saying he thought the Director was a volunteer position. He didn't know that was a paid position. Mrs. Thompson replied that as she sits on the Recreation Committee as a member she's a volunteer but as Coordinator/Director and Secretary she is paid. Mr. Woodstrom continues, that you said that for the past 22 years she has worked 2 ½ days a week for the township. Vita replied that for the past 12 years she has been full time taking on the responsibility of Assistant Municipal Clerk, Deputy Registrar of Vital Statistics, Clean Communities Coordinator.

**OPEN TO THE PUBLIC (CONTINUED)** Mr. Woodstrom questioned for the last 12 years she has been full time and Mrs. Thompson replied yes. His response to that was not was not what she said. He further stated that she said to him on the phone that she has been with the township 22 years and she just went fulltime. Mrs. Thompson said that is not what she said. She stated Ms. Huelbig became her deputy when she became clerk in 1998 and I know that was 12 years ago.

Mr. Woodstrom then referred to a Star Ledger article regarding a comparison in salary and benefits in the public sector versus the private sector. He stated the article mentioned that people in public unions make 20% more than people in private unions and make 40% more than non-union employees in the same position. He stated the Clerk disagreed with him. Ms. Thompson stated her comment was not that at all but she remarked that she did not see the article and therefore did not offer a comment.

At this time Attorney Semrau interjected that the employees in town hall do not belong to any bargaining unit so they would not apply to that article. Mayor Walsh also interjected that the town hall employees are not unionized. Mrs. Thompson added that Mr. Woodstrom had asked for contracts and she told him that the municipal workers in town hall do not have a contract which is the same for the Police Chief and DPW Supervisor who are all non-contractual. Mr. Woodstrom continued that he was also discussing other employees in the town, DPW employees and Mr. Woodstrom said that it was correct that he saw that the DPW Supervisor is not in the contract. At this point Mr. Woodstrom thanked the Committee for their time.

Mr. Boyce commented that he thought that Mr. Woodstrom is doing a favor to the town by looking at this because all the things he is mentioning are items that we either are looking at or have to look at as we get ready to put together the 2011 budget. He stated this year was a really tough budget year and next year will probably be harder. The one thing he cautioned against is taking some fulltime employees and move them into part-time status. He said we are in a tough economic time now and perhaps it is temporary. So at some point what you don't want to take highly trained employees move them into part time and run the risk of losing them and not being able to find somebody as qualified to do those jobs. Mr. Woodstrom replied that there are many qualified people on the unemployment line.

Mr. Woodstrom then referred to the contracts for the police and public works. He stated he noticed that for a 3 year contract that the department of public works received 11% over 3 years and that the police department got 16% over 4 years. He added that is unbelievable because no one in private industry gets that. Mr. Boyce replied those contracts were negotiated 3,4,5 years ago at a time when the economic situation was much different in this country and this State. We were not giving bigger raises than the other comparable towns or other public employees around us so we have to be competitive with those towns. I think now we are in this tough economic time our employees will have to look at a very different scenario for the contracts that will have to be negotiated again.

Mayor Walsh continued that municipalities have to deal with arbitrators that were giving contracts greater than what we were giving our people. If we went to arbitration they were actually getting higher rates. He added that due to the 2% hard Cap that is now in place there are changes coming. Mayor Walsh then invited anyone who wants to come to town hall and sit for a couple of days with the township workers and see what they do and see how "over-staffed" they are and what they "don't do" to make arrangements with Vita. She will be happy to have you follow these employees in their day-to-day responsibilities. He invited anyone to do the same with the DPW.

Mayor Walsh stated the total tax rate has gone up 9 cents with 7.7 cents of that is the County and School taxes. He asked that people go to the local Board of Education and County Freeholders because that is really where the root of the tax increase is. The municipal tax is a small portion of the entire bill. Mr. Woodstrom replied that Governor Christie said that is the one thing he wants to end is one public, one town playing off against another town with the teachers and the police. Mr. Woodstrom added that another thing Governor Christie mentioned is privatizing. He suggested contracts for the Department of Public Works. He stated years ago Jefferson went out for bid for snow plowing and that cut their overtime budget for the department. At this time, Mayor Walsh interjected and said that he didn't want to get into a debate and argue these points but when you see the shape of the roads and property after they are done plowing you will certainly feel differently about contracted services. Mr. Woodstrom replied that they are required to have insurance.

Mr. Anthony Massaro from Current Drive spoke in support of the police department stating he is so happy to have one. When he calls them they are there in no time at all. He said this is a 24/7 operation and it needs to be properly staffed. Mr. Boyce added he had no issue with officers from surrounding municipalities coming to support ours while they are being sworn into office. He said he thinks it's great that we have this camaraderie between the officers. It benefits us all that we have surrounding municipalities that care about each other.

**OPEN TO THE PUBLIC (CONTINUED)** John Carafello of 10 Eileen's Way stated 2011 could be a much tougher year than 2010. He stated he is involved with Mr. Cutler on a weekly basis and finds him to be one of the finest inspectors there is. What he brings in and takes out is not the purpose of his job. The purpose is to protect the community and make sure things are being done correctly. He then commented on the importance of the local police department. He complemented the municipal staff stating they are unbelievable. He said he is in a number of municipal buildings and what we have in Andover Township is the best around. He stated he is extremely happy with his municipal services.

Chief of Police Tagliatela remarked on Mr. Woodstrom's comments correcting statements he made. Chief Tagliatela stated that the department uses the guidelines from the State Police and FBI as a recommendation to the number of officers needed on their force. He did not say those departments make that determination. Mr. Woodstrom commented that the police department is not a para-military operation and Chief Tagliatela corrected him that they are indeed a para-military organization.

Diane Gillespie wanted to comment on the Noise Control – Engine Braking Ordinance under Introduction. She believed there are two ordinances. She was informed there is one ordinance, the engine braking ordinance is under the Chapter of the ordinance named "Noise Control". Mayor Walsh explained they are still working on the noise ordinance amendments which is a separate ordinance. This introduction is strictly about the jakebraking.

Kathryn Richardson was present to discuss with the Committee the issue of the truck traffic coming from the aggregate company using Route 517 South at 6AM. A number of them is using their engine brakes. She stated she has followed them all the way to Allamuchy. She asked if there is any way to discourage them from taking Route 517. Ms. Phoebus stated the ordinance for introduction this evening if adopted will be sent to the County for their approval. It will curtail engine braking on all roads in Andover Township. She stated that the County has given their blessing to support this ordinance along Route 669. Mr. Boyce stated this ordinance will not ban the trucks but it will require that they can't use engine braking unless in an emergency.

Christine Kretzmer thanked the police department for a job well done. She commented on an incident that occurred recently in Lafayette where she waited 45 minutes for the State police to respond to an accident scene. When she calls the local department, they have responded in three minutes.

Ben Bensley of Mountainside Drive stated his concern that this ordinance would totally ban trucks from providing deliveries to local businesses. Mayor Walsh responded by saying this ordinance is prohibiting engine braking in a non-emergency situation.

## **OLD BUSINESS**

### **COMPUTER NETWORK AND WEBSITE MANAGEMENT PROPOSAL FOR THE MUNICIPAL BUILDING**

Ms. Thompson stated we have been revisiting this issue over the past several months, investigating several options. She stated she met with Jim Dowling from CSM who have serviced us in the past. They currently provide non-contract services for the police department and have done so for the past 15 years. They are a State contractor. Following a short discussion it was decided to table this matter for next month and ask CSM to provide a reference list.

**OLD BUSINESS (CONTINUED)****NOISE CONTROL/ENGINE BRAKING ORDINANCE REVIEW AND CONSIDERATION  
FOR INTRODUCTION**

Attorney Semrau stated this ordinance was modeled after the Township of Knowlton. They have a truck stop in that municipality and they have many issues with the trucks. In speaking with a former member of the Township Committee there, he said this ordinance provided assistance. This ordinance would apply to all roads within the township. Mr. Boyce did have a question on the posting of this ordinance. The posting has to be done where it will be enforced. Following a short discussion the Committee decided to take action on this ordinance.

**ORDINANCES: (INTRODUCTION)****1. NO. 2010-09 CHAPTER 96 "NOISE"  
ARTICLE II "ENGINE BRAKING"**

***"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX, AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING  
CHAPTER 96, "NOISE", OF THE REVISED GENERAL ORDINANCES WITH  
THE ADDITION OF ARTICLE II, "ENGINE BRAKING"***

***BE IT RESOLVED*** by the Mayor and Committee of the Township of Andover, that Ordinance #2010-09, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on September 13, 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

**XTC CONSULTING SERVICES – ANALYSIS OF TELECOMMUNICATIONS  
NETWORKS/SERVICES**

Ms. Thompson informed the Township Committee that she met officials representing this vendor at last year's League conference. She and former CFO Tim Day met with Mr. Clausen again earlier in the year and he reviewed a sampling of our telephone bills, indicating some areas of concern that perhaps he may be successful in obtaining refunds to the township. There is no cost to us to enter into a contract with them, only that they will be compensated 45% of the verified savings for the equivalent of 12 months worth of savings after the audit is completed.

Following this discussion, it was decided that Attorney Semrau would review the agreement provided by the vendor and make necessary changes and present them to the Township Committee upon completion. Attorney Semrau recommended that the total compensation would be capped so we don't run into a situation where there would be a situation of exceeding the bid threshold. Mr. Smith pointed out two sections of the agreement which he had a problem with. Attorney Semrau explained that if it is a onetime find, there position is there is still a benefit to the township because we would receive 55% back and we want to make sure we get those refunds. They would still be entitled to the 45%.



**NEW BUSINESS****CONSIDERATION TO RE-FILE AN APPLICATION FOR THE BIKE/TRAIL GRANT**

Ms. Thompson reported that Engineer Golden would like to reapply for a Department of Transportation grant available for trails. Following a short discussion, it was dedicated that this matter be tabled for further information.

**DISCUSSION REGARDING POSSIBLE SOLAR RESOLUTION**

Mr. Lensak stated we have the solar power project in place for the DPW building and the municipal building as well. The problem is that the way New Jersey runs the solar program, you can only put the solar panels on the building where you are going to utilize the power. Engineer Golden and he were talking about opening discussions with the BPU and the State to do what's called "net-metering". You can take roughly 5 acres of land and put solar panels on it, we feel that would be enough to supply the schools, the police station, fire department, Hillside Park and all other municipal buildings. We would like to ask that if we need power why are you restricting us from putting it only on buildings where we need it. Why cant we do net-metering by using the power. We would try to get other towns involved in this process and perhaps do a 10 acre project. He stated our electric bill for 2009 was \$57,000. The Long Pond School was \$95,000. If we could do this in a solar array and do net-metering he believes Andover Township could be on the forefront.

He is asking for Andover Township to pass a resolution that the Township 100% supports this concept. It would be done in a very unobtrusive place, buffered by trees so no one can see it. He would like to go forward with Engineer Golden and push the BPU. Engineer Golden informed him he would work with him pro bono to a certain point and at that point in time a \$2,000 to \$4,000 budget would be appropriate. Mr. Boyce felt it is a great idea. He encouraged contacting Senator Oroho as a starting point. Attorney Semrau stated he would draft a resolution for the next meeting.

**LAND CONSERVANCY OF NEW JERSEY CONTRACT**

Mayor Walsh explained that the Committee discussed in Executive Session the possibly of cancelling this contract for the remainder of its term. He stated he believes much of this work can be done by the Open Space Committee and the Township Committee. If we need the Conservancy we can appoint them on an hourly basis.

Mr. Lensak moved to give the New Jersey Land Conservancy 30 days notice to cancel their contract, seconded by Mr. Boyce and he added a word of thanks to Sandy Uργο for all of her hard work. There was a roll call and a unanimous vote.

**RESOLUTIONS:****#R2010-143 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE  
DESIGNATING AUGUST 26, 2010 AS WOMEN'S EQUALITY  
DAY IN ANDOVER TOWNSHIP**

Mr. Boyce read this resolution, which was pulled from the Consent Agenda into the record. Mr. Boyce moved to adopt this resolution as presented, seconded by Mayor Walsh and carried unanimously. (See Insert Attached to These Minutes)

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

SCARC, Inc. – To Be Held on September 22, 2010 at Perona Farms

- a. R.L. 926 On Premise 50/50
- b. R.L. 927 On Premise Merchandise

PTA of SALEM DRIVE SCHOOL – To Be Held on October 4, 2010 at Farmstead Golf & Country Club

- a. R.L. 928 On Premise 50/50
- b. R.L. 929 Off Premise Merchandise

GINNIE'S HOUSE/SC Children's Advocacy – T To Be Held on October 2, 2010 at Safelite Auto Glass, 483 Rt. 206 North

- a. R.L. 930 Off Premise 50/50

Mr. Lensak moved to approve the foregoing 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 that she will be attending the League conference in November and she will pay for it. She believes there will be a great deal of information available. St. Paul's Abbey is still considered a COAH location. There is a non-profit group that is looking at the Abbey and the project will not cost the township anything.

The Fire Department held a wonderful Chicken BBQ on July 30<sup>th</sup>. There were about 140 takeout orders and they sold 400 tickets. Their next food function will be the Rib Fest.

**MR. LENSAK.** The Open Space Committee was discussed previously. The Environmental Commission recommended that we go with Sustainable NJ and grants are available from Walmart Corporation. We can receive funding based on many things we have already accomplished, such as the energy audits and farmland preservation. The only stipulation is the need for a resolution that the governing body endorses this grant application.

On September 26<sup>th</sup> the Township will sponsor the first annual Charity Softball Tournament. The tournament will begin at 11AM and its open to all residents, employees or volunteers, 18 or older. The application fee is \$20 per person. A team of 10 to 12 players the cost is \$150. All entries due September 12<sup>th</sup>. Lakeland Emergency Squad will provide refreshments. Mr. Lensak moved to endorse this event as a Township event, seconded by Ms. Phoebus and carried unanimously.

**MR. SMITH.** He reported that he was recently invited to judge the Sparta Township talent contest held on July 24<sup>th</sup>. There were 16 entries with some real talent. The winners will appear at the Farm & Horse Show this Thursday. Thursday is Senior Day with discounted tickets. There is a special event called the USO Variety Show at the Canteen.

Centenary College built a 500 seat theater. They are promoting their theater and doing a presentation before the Seniors to encourage their program. The Seniors will be assisting in the mailing of the tax bills this Wednesday. Their next meeting is this Monday and it's the annual picnic. Yankee Doodle will be shown.

**COMMITTEE REPORTS: (CONTINUED)**

**MR. SMITH.** Reporting on SWAC they introduced a new recycling logo and they provided containers to each municipality. He is working on an educational program for the Seniors just to make people more aware of recycling and how important and how easy it is. This month's meeting is cancelled due to summer recess. The next meeting is September 14<sup>th</sup>.

Reporting on the Board of Health, pneumonia and flu shots are being offered on October 14<sup>th</sup> at the Andover Senior Center and they are free to anyone over 65. A reasonable rate is available to those under 65. Skin cancer screening session is available free of charge to anyone on September 9<sup>th</sup> at Newton Hospital 9AM to 12 Noon. The next meeting of the Board of Health is September 15<sup>th</sup> at 7:30.

**MR. BOYCE.** He reported that he had a chance to meet Diana Francisco our new Court Administrator who is doing a fabulous job in that capacity and he commends Ms. Thompson for finding her. She carries both Clerk/Administrator experience as well as Municipal Court experience. She will be a fabulous addition to the municipality.

Reporting on the Board of Education he stated that vacations are taken during the month of August so things are slow. The next activity is September 1<sup>st</sup> for teacher in-service day. The first day of school is September 7<sup>th</sup>. There is a PTA Board meeting on September 9<sup>th</sup> at 7:30 at the Long Pond School. The Board of Education will meet on September 21<sup>st</sup>.

**RESOLUTION:**

**#R2010-151 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX  
AND STATE OF NEW JERSEY TO APPOINT DIANA FRANCISCO TO THE  
POSITION OF MUNICIPAL COURT ADMINISTRATOR EFFECTIVE  
AUGUST 15, 2010**

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

**MAYOR WALSH.** He reported that we recently conducted an interview with Standard & Poors with an up incoming bond sale and we received a double AA+ rating with a stable outlook. The Clerk/Administrator and Auditor Sarinelli were interviewed and they looked at some of the future projects as a result of the rezoning and that was beneficial in obtaining a great rating. The rating was primarily a result of the future outlook for the municipality. The way we do business does affect the tax base. He achieved a very high quality result.

Reporting on the DPW thus far, we have 20 roads oiled and stoned, with six more to do. Regarding the Recreation Department, the summer camps are done and they were once again a success.

Mayor Walsh asked the status of the garbage collection bids. Attorney Semrau stated that the bid specifications suggestions were put together and they are now under attorney review. Options of one, three, and five year bids will be available. It also calls for one day pick up, two day a week for Ascot and Rolling Hills, asking for an alternate of one day a week. There are also two different recycling options available. The law states that municipalities have to provide condominiums with the same level of service that we provide to all the other residents. We are going to ask for one day a week to see the differential. Mayor Walsh stated that the cost of this service could jump from \$600,000 a year to about a \$1 million.

Mr. Boyce stated that based on the result of the bid, we may have to go to the vote of the people to determine if they really want this service through the property taxes.

**REPORT FROM THE CLERK/ADMINISTRATOR** She reported interim CFO Eileen Kithcart's last day was this past Thursday. She has done a wonderful job in addressing all our outstanding audit recommendations. A letter of thanks and appreciation will be sent to her. She has certainly gone above and beyond what was expected in the four weeks she was here. We have posted the advertisement for the CFO vacancy on the League of Municipalities, the Tax Collector's/Treasurers & GFOA websites in addition to emailing copies to surrounding Clerks' Associations. In speaking with Interim CFO she will provide us with what she believes are the necessary qualifications of this position, things we should be looking for. She will also provide us with a plan on how to improve the functionality of the finance unit.

On July 15<sup>th</sup> SCMUA Board of Commissioners received a notice from the State that State Aid for Solid Waste Debt Service Assistance would be provided to Sussex County for this fiscal year. As a result, the Board passed a resolution at their August 4<sup>th</sup> meeting reducing their tipping fees from \$109 per ton which went into effect on June 1<sup>st</sup> to \$89 per ton to be effective 9/1/10.

On Thursday July 22<sup>nd</sup> Anthony Carlos, Affirmative Action Investigator conducted a public agency review to determine if we have been complying with Affirmative Action mandates and regulations. He reviewed contracts from 2007 through year-to-date 2010 and Andover Township is in full compliance at this time.

John Ursin called regarding Hudson Guild and he would like the governing body to consider giving municipal support in their application for conservation easements. In speaking with County Administrator John Eskilson, the County is making application to the State for funding and they need to identify specific projects. The State will not consider their application without. There is no cost to the municipality – it is about buying developers rights – property will never be developed. He does not need a letter or resolution at this time – a phone call will do. The Township Committee agreed to make this property part of the County's application.

Attorney Semrau recommended that if the County is going to make these applications, they should copy the Township on all correspondence so we know what we are saying yes to.

**REPORT FROM THE MUNICIPAL ATTORNEY** He reported last year by way of an amendment to the Master Plan there was a proposal to rezone an area of the Township known as the Hovnanian tract, the Planned Retirement Community zone. He stated he spoke to Planner McGroarty and he had said he would like for the Township Committee to reconsider this rezoning now that he is putting other land use documents in order. He asked if this ordinance could be placed on the agenda for consideration of introduction at the next meeting. The Township Committee agreed.

He then reported that the Rannou project, a COAH project was a subject of litigation from an objector. Last Thursday after review of trials briefs and oral argument, Judge Bozonelis found in favor of the Township and Land Use Board to all counts. Attorney Semrau stated none of the actions taken by this Township Committee or the Land Use Board relevant to the processing of the application for completion or notice was in fact found to be defective. What remains is the actual approval of the project in a separate litigation that is scheduled to go forward this fall. This is a major step closer to conclusion.

Mayor Walsh stated that in the past few years there have been sports camps held at our parks that people said was the high school practicing. He found that these coaches from the high school are charging the students for these day camps. He said that he would like to talk about issuing a field maintenance fee when camps are using our fields. He asked if the Committee would like to consider a fee schedule for these clubs. Following a short discussion, it was decided that a nominal fee would be charged and this matter will be discussed further with the Recreation Department.

**NEXT SCHEDULED MEETINGS:**

**September 13, 2010 & September 27, 2010  
Executive Session - 6:30 p.m./Regular Meeting - 7:30 p.m.**

**ADJOURNMENT** No further business appearing before the Committee at this time, Ms. Phoebus moved the meeting be adjourned at 9:41 P.M., seconded by Mr. Boyce 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 09<sup>th</sup> day of August 2010, that:

1. Prior to the commencement of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):

- ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
- ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
- ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
- ( ) b. (4) A collective bargaining agreement including negotiations.
- ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- ( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.

**Contract Negotiations:**

- 1. ***St. Paul's Abbey Due Diligence***
- 2. ***Land Conservancy of NJ/Open Space Committee***
- 3. ***9-1-1 Interlocal Agreements***
- 4. ***Bargaining Units***

**Attorney-Client Privilege:**

- 1. ***T. Sugar, Court Administrator***
- 2. ***Life Care Mews***

**Potential Litigation**

**Pending Litigation**

- 1. ***Krueger vs. Andover Township***
- 2. ***Testa vs. Andover Township***

( X ) a. (8) Personnel matters.

- 1. ***Position of Chief Financial Officer***
- 2. ***D. Francisco, Temporary Court Administrator***

( ) b. (9) Deliberations after a public hearing that may result in penalties.

- 1. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: August 09, 2010

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Moved: Phoebus      Seconded: Lensak  
Voted Aye: Boyce, Lensak, Phoebus, Smith, Walsh  
Voted Nay: None  
Abstained: None  
Resolution adopted. August 09, 2010

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