

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

SEPTEMBER 13, 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: 911 Contract – Shared Services – Borough of Hamburg; under Pending Litigation: Andover vs. Roberts. 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. ***Position of School Traffic Guard***
3. ***Sick Leave Buyback Policy***

Contract Negotiations:

1. ***St. Paul's Abbey Due Diligence***
2. ***911 Contract – Shared Services – Borough of Hamburg***

Attorney-Client Privilege:

1. ***Life Care Mews Restoration Plan***

Potential Litigation

Pending Litigation

1. ***Liquor License – Estate of Ray Cerasoli***
2. ***Andover vs. Roberts***

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

The Committee went into executive session at 6:40 P.M. Ms. Phoebus moved to adjourn executive session at 7:32 P.M., seconded by Mr. Lensak and carried unanimously.

REGULAR MEETING

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

APPROVAL OF CONSENT AGENDA ITEMS Mayor Walsh asked that the Consent Agenda be amended to include under Other Business; Approval of Raffle License #R.L. 932 – Off Premise Merchandise Raffle – Andover Regional PTA – to be held at Long Pond School, 707 Limecrest Rd., December 13, 2010. Ms. Phoebus asked that Resolution #R2010-154 be removed for further discussion. Mr. Boyce asked that Resolution #R2010-160 be removed for further discussion. Ms. Diane Gillespie asked to have Resolutions #R2010-155, #R2010-156, #R2010-157, #R2010-159 be removed for further discussion. Mr. Boyce moved the following consent items be approved as amended, seconded by Mr. Lensak 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 - \$2,085,702.40

**INTERIM CHIEF FINANCIAL OFFICER'S REPORT OF THE SALE OF
\$3,392,000 GENERAL IMPROVEMENT BONDS PURSUANT TO NJSA 40A:2-34**

**APPROVAL OF RAFFLE LICENSE - #R.L.931 – ON PREMISE 50/50
ANDOVER REGIONAL PTA – TO BE HELD ON OCTOBER 15,2010,
NOVEMBER 13, 2010, JUNE 10, 2011 – LONG POND SCHOOL,
707 LIMECREST ROAD**

**APPROVAL OF RAFFLE LICENSE - #R.L.932 – OFF PREMISE MERCHANDISE
ANDOVER REGIONAL PTA – TO BE HELD ON DECEMBER 13, 2010,
LONG POND SCHOOL, 707 LIMECREST ROAD**

***RESOLUTIONS:**

**#R2010-152 A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF
NEW JERSEY AUTHORIZING THE ESTABLISHMENT OF A RESERVE
FOR PRELIMINARY EXPENSES FOR IMPROVEMENTS TO GOODALE
ROAD, PHASE I**

**#R2010-153 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF
SUSSEX AND STATE OF NEW JERSEY TO ACCEPT THE LETTER
OF RESIGNATION FROM STEPHANIE MUHLENBRACH, SCHOOL
TRAFFIC GUARD FOR THE ANDOVER TOWNSHIP POLICE
DEPARTMENT EFFECTIVE IMMEDIATELY**

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

#R2010-154 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO CONSENT TO THE SUBMISSION OF THE TWA PERMIT APPLICATION TO BE FILED BY THE ANDOVER REGIONAL BOARD OF EDUCATION FOR MODIFICATION TO THEIR EXISTING WASTEWATER TREATMENT FACILITY AND AUTHORIZATION FOR THE CLERK/ADMINISTRATOR TO EXECUTE THE STATEMENTS OF CONSENT RESOLUTION

#R2010-155 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ANNUAL SICK LEAVE BUYBACK OPTION TO SUPERVISOR OF PUBLIC WORKS DARREN DICKINSON FOR 2010

#R2010-156 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ANNUAL SICK LEAVE BUYBACK OPTION TO CHIEF OF POLICE ACHILLE TAGLIALATELA FOR 2010

#R2010-157 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ANNUAL SICK LEAVE BUYBACK OPTION TO DEPUTY TREASURER MARYANN FRODELLA FOR 2010

#R2010-158 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO SUPPORT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE ANDOVER CROSSING PROJECT6

#R2010-159 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ANNUAL SICK LEAVE BUYBACK OPTION TO SERGEANT ERIC DANIELSON FOR 2010

#R2010-160 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE SUBMISSION OF AN APPLICATION FOR THE ACTION ALLIANCE GRANT FOR CALENDAR YEAR 2011 IN THE AMOUNT OF \$18,772.00

#R2010-161 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE IF NEW JERSEY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL PARTIAL 2009 & ALL 2010 & 2011 TAXES DUE TO THE ACQUISITION OF PROPERTY FROM BALLANTINE WOODS TO ANDOVER TOWNSHIP, AND TRANSFER OVERPAYMENTS MADE TO OTHER PROPERTIES

(See Inserts Attached to These Minutes)

Discussion took place regarding the pulled resolutions - #R2010-155,156,157 and 159 all of which pertained to the Township Committee authorizing the annual sick leave buyback option for 4 township employees. Resident, Diane Gillespie wanted an explanation as to how this policy works. Mayor Walsh explained any noncontractual employee may annually sell back to the Township any accrued unused sick time in his/her bank in excess of 75 days, in an amount not to exceed \$5,000. A noncontractual employee(s) must maintain at least 75 days in his/her sick bank. Sick days sold back are compensated at a rate of 75% of the employee's then-current per diem rate. Requests for sick time buyback must be submitted to the Administrator no later than September 1 of each year. If the request is accepted by the Township Committee, then payment shall be made on the first regular payday of November.

The Mayor then explained that it is actually a savings for the township to pay for these days at the rate of 75% in lieu of 100% if the employee were to use the days while still working. Also, in the past, the township has been hit with large sums to be paid for unused sick leave at the time of separation with an employee which at that time is compensated at the rate of 50%. This way, the employee does not accumulate such a large amount of sick leave which will mean money at retirement. Also, if the employee received compensation at this time at today's rate it will be less than if they are employed for a longer period of time and then get compensated at a higher rate at that time of retirement. Again he made it clear that each employee must maintain 75 days in their bank to make sure that the time is there if needed for serious illness, etc. At this time resident, Mr. Jim Woodstrom, stated his opinion on this policy in that it should be a privilege to have sick time and should not be a monetary gain for an employee.

At this time Mayor Walsh asked for a motion to approve the following Resolutions: #R2010-155, 156, 157 and 159. Motion was made by Mr. Boyce, seconded by Mr. Smith and carried unanimously.

Next Mayor Walsh asked Mr. Boyce to begin discussion as to why he asked for #R2010-160 to be pulled. Mr. Boyce explained that the township is authorizing the submission of an application for the Action Alliance Grant for Calendar Year 2011 in the amount of \$18,772.00. Mr. Boyce further explained for those who were not familiar with the Action Alliance some background on the work this organization does. The Alliance programs address each community's substance abuse prevention needs and problems. He mentioned that all you have to do is read the local paper and you will see articles on the spread of heroin in the county and it is a very worrisome situation. Our action alliance group includes Andover, Green and Newton and it began in 1989. Mr. Boyce commended this grant and he would like to offer to be the Liaison to this organization to make sure the grant money is spent wisely. All members concurred that Mr. Boyce represent the Township as the Liaison.

At this time Mayor Walsh asked for a motion to approve the #R2010-160. Motion was made by Mr. Boyce, seconded by Mr. Lensak and carried unanimously.

Next Mayor Walsh asked Ms. Phoebus to begin discussion as to why she asked for #R2010-154 to be pulled. Deputy Mayor Phoebus explained that she asked to have this Resolution pulled because she wanted more information on this before approving the resolution for the \$40,000 cost of this work. She understands that it is regarding the Treatment Works Approval permit application that the Andover Regional Board of Education needs to submit to the NJDEP in order to modify their wastewater treatment plant by decommissioning the chlorine for disinfection equipment and commission an Ultraviolet disinfecting unit.

The Mayor asked if there was anyone in the audience present to represent the Board of Education on this matter. A gentleman identified himself as Tom Bongiovanni, an engineer working with the firm that is representing the Board of Ed. Mr. Bongiovanni stated that he believed the \$40,000.00 cost is probably a bit over the real cost of the system. He believes that the Board of Ed intends to put the system in themselves to save on installation costs. That number should be halved. For permitting purposes we put a conservative number there. Mayor Walsh interjected – you put a conservative number there? – and Mr. Bongiovanni replied – conservative as in that we definitely won't exceed that number. Mayor Walsh stated that his problem with this is that the town went to them (Board of Ed) over 6 months ago to discuss this and ask them to get together with us so we could help them with this and we got the bum's rush. My feeling is that I would like to have the Board of Ed in front of us here to explain why this \$40,000 or \$20,000 is being... why they think they can put this in themselves also.

At this point Attorney Semrau asked Mr. Bongiovanni to once again state his name for the record. Mr. Bongiovanni complied. Mr. Semrau asked have you often had the consent of a municipality for a TWA and have you been through a review process with the Sussex County Health Department? Mr. Bongiovanni answered no. Mr. Semrau explained that the Sussex County Health Officer is the Health Officer in this community. He asked if the County had signed off on this or given a recommendation. Mr. Bongiovanni answered no.

At this point Committeeman Boyce asked if he could ask a question of Mr. Bongiovanni. Are they planning to have discharge of wastewater on Andover Township property? Mr. Bongiovanni answered that the existing system other than the disinfection equipment remains untouched so where the processed waste water was flowing beforehand will continue to flow to the same place, an unnamed tributary to Lake Iliff. Mr. Boyce interjected that perhaps we should name the tributary and Mayor Walsh interjected it is called our new Open Space. Deputy Mayor Phoebus stated it is our Open Space Acquisition. She explained that it is an above ground discharge plant and it does discharge on the Open Space Acquisition that Andover made which is at Lake Iliff. Deputy Mayor Phoebus continued that she would like to just see the Board of Ed send, besides you, send a representative to this Board to just explain their wastewater treatment plant. She ended with - that's her feelings.

Mr. Bongiovanni stated that he can answer questions that you have about it, that is his knowledge about it. Mayor Walsh asked why are they switching? Mr. Bongiovanni stated it will be a cost savings in the long run. They won't have to be buying chemicals on a monthly basis for the chlorination and subsequent dechlorination that is needed. They would have an ultraviolet system.

Mayor Walsh asked him if he knew much about their unit, the size of their unit? Mayor Walsh stated that he understands that basically it is being underused, correct? Mr. Bongiovanni answered yes. Mayor Walsh asked if they had asked for any help in making it so that they get all of the use out of that they need? Mr. Bongiovanni answered that it is permitted for 10,000 gallons per day and he believed that the school flow is 3,000 gallons a day. Mayor Walsh again asked if they had asked him how they could bring it up to snuff so that they don't have to – have they discussed anything about that with you? Mr. Bongiovanni replied - about expanding, introducing more wastewater to it: No. Not to my knowledge. Mayor Walsh asked wouldn't that save some money?

Deputy Mayor Phoebus interjected - If it ran up to its capacity it runs more efficiently, correct? Mr. Bongiovanni answered for the case of the ultraviolet system vs. the chemical system it would actually cost more money if you put more flow to that plant to chlorinate and dechlorinate, increase the water flow – to process the water flow. You would need more chemicals for the larger volume of water. Committeeman Lensak interjected you just said you were going over to the ultraviolet. Mr. Bongiovanni said yes. Mr. Lensak asked is that still the case if you go over to the ultraviolet? Mr. Bongiovanni continued that the ultraviolet is expandable to about 8,000 gallons a day. He then said I'm sorry and then continued after checking his paperwork – the same unit can process more than the permitted discharge. Mayor Walsh asked, more than 10,000 and Mr. Bongiovanni said yes. Mayor Walsh then said if they are only using 3,000 why are they spending this kind of money until they find a way to expand the use of it and maybe sell the space on it?

Mayor Walsh then interjected – these are the questions we should be asking them and not you and that are why I would like them to be here. Deputy Mayor Phoebus interjected - They could lease it, I know they don't want to sell the excess gallonage - but they can lease it in other words sell it per year to a some type of a portajohn company or something that would come in you know what I'm saying they could make an income off of it that would reduce the \$40,000 they are looking at here which is tax payer's money. Mayor Walsh then said - which is what we wanted to discuss with them 6 months ago and we got nothing.

At this time, Committeeman Smith asked to table this resolution until this is further investigated. Mayor Walsh asked for a motion to table, Committeeman Smith made the motion to table Resolution #R2010-154 for further investigation and Deputy Mayor Phoebus seconded the motion. At this time Attorney Semrau asked that before the roll call was called that he would like to ask Mr. Bongiovanni that when you do come back, I know that my recommendation is that he believes that the law provides that the health officer should also send a letter of recommendation up to the Township Committee after the health officer reviews the actual plans and proposal that is sent down to the DEP so that the Township Committee has the comfort level of what they need.

At this time, Committeeman Boyce volunteered to contact Superintendent Baggs tomorrow to ask that he or one of his representatives come to our next meeting to have a discussion about this. He tried to get a hold of him today to discuss it and he couldn't get him, he was busy but he would be happy to do this.

Committeeman Lensak had one more question of Mr. Bongiovanni. He asked of him if he knew if they were currently buying wastewater. Mr. Bongiovanni repeated the question and then said - not to his knowledge. When you say buying wastewater...? Deputy Mayor Phoebus interjected – Are they buying sludge to process through or are they not? Mr. Bongiovanni asked do you mean sea sludge? Mayor Walsh said that is what he was told last year. He was told by the Administrator and Superintendent they were buying sludge. Mr. Bongiovanni asked if the Township Committee would like him to get some background information on this and they all said yes.

He then went on to explain that the whole system works on a bacterial basis and if you don't have the bacteria present to do the thing it needs to do than you don't have a plant. The reasons why plants buy sludge are to introduce a new bacteria to process. Mayor Walsh interjected that if someone paid them to put it in instead of them paying someone to bring stuff in wouldn't that be a little bit better? Mr. Bongiovanni answered; typically, you can probably get sea sludge for free you just pay for hauling it. Mr. Walsh said what about portajohns wouldn't they pay you to just dump it there? Mr. Bongiovanni answered that is another kind of sludge it has to be from a plant process, not a portajohn which is septic sludge; it's a different bacterial process.

He then said that over the summertime when school is closed and they don't see a lot of flow they don't have a lot of food for the microorganisms to feed its possible they lose their bacterial population so he would imagine that they would have to have outside sludge. Deputy Phoebus asked Mr. Bongiovanni if it was possible for him to check to see if they are paying for the sludge or just the trucking of it. Committeeman Smith interjected that the trucking is probably the most expensive part of it. Deputy Mayor Phoebus interjected – what if they are paying for both?

Committeeman Lensak interjected that we would like a report on that and how that is working. Mayor Walsh interjected that the committee still had not finished voting on this. Mr. Lensak continued for the next meeting too he just wanted to get some information that you are saying that you have to buy a special sludge – Deputy Mayor Phoebus interjected – sea sludge – as opposed to – and I don't want to get too graphic or gross - that what comes out of the school is not treated, it is raw sewage – so why couldn't more raw sewage flow into that? Mr. Bongiovanni said that it could but it would probably take a few months to build up the bacterial population in order to have an activated sludge. Mr. Lensak continued it could be a gradually done too. Mr. Bongiovanni said in the mean time you wouldn't be meeting permitted effluent limits and DEP would get involved. Under an NJDEPS permit they have to reach a certain quality effluent the wastewater that comes out of the plant has to be tested at certain limits.

Mr. Lensak continued I understand but a gradual increase as opposed to one day just dumping off 10,000 you have to have the bacteria there to handle it so if you increase about 1,000 a month until you get up to the 10,000 and the bacteria has grown with the increase. Mr. Bongiovanni then said if the bacteria are not present to take care of the wastewater then it will discharge wastewater that hasn't met the effluent standards. Mr. Lensak said this is something that could be brought up and you don't have to buy sludge then you can get raw sewage. Mr., Bongiovanni answered you can but the process is longer and Mayor Walsh interjected – only if it goes down to a certain level, correct – only if it goes down to a certain level, if it's at a reasonable level to begin with – Mr. Bongiovanni answered the bacteria population - yes but it's not that case during the summertime. Mayor Walsh interjected that if the bacteria level remains high you don't have to do that slowly. Deputy Mayor Phoebus interjected – so if in the summer time if there was raw sewage being used in that plant it would run more efficiently? Mr. Bongiovanni answered it would probably not, and he further said he was taking a lot of liberties here since he doesn't exactly know what their process is on a day to day basis but I am surmising based on their use here that if it was used during the summertime they would not have to have sea sludge trucked in.

At this time, Deputy Phoebus interjected that we need to complete the vote by calling the roll. The roll was called and all members voted yes to table this resolution at this time.

***APPROVAL OF MINUTES**

**APRIL 26, 2010 EXECUTIVE SESSION
MAY 10, 2010 EXECUTIVE SESSIONS "A" & "B"
AUGUST 09, 2010 REGULAR MEETING**

APPROVAL OF MINUTES

1. APRIL 12, 2010 EXECUTIVE SESSION

At this time, Mayor Walsh called for a motion to approve the minutes of April 12, 2010 Executive Session. Ms. Phoebus made the motion, Mayor Walsh seconded the motion. Mr. Smith voted yes, Mr. Boyce and Mr. Lensak abstained.

REGULAR AGENDA

REPORT FROM THE FIRE CHIEF Chief Crater was not in attendance.

REPORT FROM THE RESCUE SQUAD CHIEF Lakeland Lieutenant reported a total of 109 calls for the month of August, 54 for Andover Township. They traveled 2,328 miles and logged 354 hours and 31 minutes. Year to date they have had 793 calls with 345 for Andover Township, 121 mutual aid for a total of traveled 15,864 miles and logged 2,361 hours and 14 minutes.

REPORT FROM THE CHIEF OF POLICE Chief Tagliatela reported calls of service for the month of August for Andover Township were 891. In Andover Borough there were 16, Hamburg reported 683 and 26 in Green Township bringing the total for the month to 1,616 and year to date total is 10,421 calls.

OPEN TO THE PUBLIC Doreen Keller of 34 Goodale Road asked to speak to the committee about an ongoing situation she has been dealing with at her residence which is a farm also. She is located across from the Goodale Road athletic fields and she reported that there is constant action taking place at the parking lot for the fields during the evening hours after the fields would be in use. She stated that she has witnessed very suspicious actions by people stopping at this location for short periods of time and interacting with other people in cars and then they speed off. She has called the police and they do respond but by the time they get there the people have left. She mentioned that several years ago there was a chain across the parking lot entrance and it would be locked at night after the appropriate hours of use for the fields and this seemed to help keep unauthorized activity from taking place there.

Mrs. Keller went onto to report how her private property has been trespassed upon whereby people have gone into her barn and then when they leave they leave the barn door open which is very dangerous for her animals. She stated that she stores medicines for her animals there and now has had to move them to a safer location. This whole situation is very distressing and she asked for the committee to approve having the chain put back at the entrance so that she might get some peace of mind.

Mayor Walsh asked for input from Chief Tagliatela and he concurred that having the chain there would be a deterrent. Mayor Walsh stated he will take care of this with the help of the Road Department Supervisor. The Road Department personnel can open the chain Monday – Friday mornings and the Police Department will lock the chain each evening and open and lock it on the weekends. This of course will be in effect while the fields are being used. They are usually closed for use at the end of November and stay closed until sometime in April, depending upon the weather. Mrs. Keller thanked the committee and Chief Tagliatela for their attention to this matter.

Next Mayor Walsh recognized Mr. Richard Collabelli of Ballantine Road. He stated that he felt compelled to come to this meeting to comment on an article in the Township Journal reporting on the August 9th Township Committee meeting in which an Andover Township resident, he believed his name was Mr. Woodstrom, made comments about the need for the Andover Township Police Department. He continued that after reading the article he feels that Mr. Woodstrom must never have needed the assistance or help from the Andover Township Police Department to have an opinion like this. He went onto to state that in the 5 years he has lived here he as well as his neighbors have called upon the police several times and not once were they disappointed in the response. He referred to different incidences ranging from house break ins with a pistol being stolen and Detective Danielson arrested the perpetrator and recovered it one week later and the serial number had been defaced.

OPEN TO THE PUBLIC (CONTINUED) (Mr. Richard Collabelli of Ballantine Road) Also he recounted another time when a neighbor had friends helping with cutting up fire wood. One gentleman nearly severed his arm with the chain saw. The call went into 911 and Patrolman Brian Kern responded within 10 minutes before the Rescue Squad and was knowledgeable enough to perform the proper first aid measures including applying tourniquet that saved the man from bleeding to death. He also recounted several other instances whereby he or neighbors found themselves calling on the police for assistance and not once were they ever disappointed in the professionalism and expertise they exhibited when responding to these calls.

In closing he once again stated that he could not understand how anyone can question the need of the Andover Township Police Department. Also he stated that he witnessed Patrolman Brian Kern, off duty, assisting elderly people changing their tire on Rt. 206. He also stated that he felt it was extremely disrespectful and disturbing to the family of Brian Kern as well as the fallen officer to comment that the township family should not have been able to take time off to attend the funeral of Patrolman Kern. He finished by saying that he is thankful everyday for the police who put their life on the line to protect the community. He also stated that contrary to Mr. Woodstrom's opinion, private businesses do shut down for funerals of employees or family members. You signs on doors all the time – Close for Death in the Family – etc.

Committeeman Boyce added that it is the Township Committee's opinion that if a township employee were to pass and other employees would want to attend the funeral they would be encouraged to do so to support the family and friends. As far as he knows no one put in for overtime or any extra type of salary for attending the Patrolman Kern's funeral. Also, the employees made sure they finished their work either before or right after attending the funeral so no work issues suffered for their absence. This township is a close knit community and that is something we should be proud of.

At this time Mayor Walsh recognized Jim Woodstrom, 821 Limecrest Road. Mr. Woodstrom began by stating that he is the person that Mr. Collabelli was referring to. He stated that number 1 not that he was against the police department...it's the number of police officers. You can have 10, 13, 20, 50, when does it stop. That is my contention was. As far as the funeral that was mentioned, you have personal days, vacation days, you take those to go to a funeral, nobody gives out paid holidays except maybe the township.

Next he spoke about police intimidation. He got a registered letter from the Andover Township Police Department. It was dated August 16th which was 1 week after the Township Committee meeting where he spoke out about the Police Department and 4 days after the article appeared in the Township Journal. This letter was about an abandoned automobile in my driveway and that I had to remove it. This automobile has been there for 4 years. It is my son's and he lost his license 4 years ago and has not been able to get a job to pay for the insurance. They had 4 years to send this letter but they waited until now to send it. He has no objections to this but Mr. Woodstrom stated that he wants to see if other people who have abandoned vehicles in their driveways received the same letter. He knows there are other such vehicles some that are totally demolished since he drove around town and took pictures. He wants to see the list of letters that went out from August 1st to September 13th. At this time, Mayor Walsh interjected that he does know that there are other letters that were sent out since he was shown them before they went out. He stated that no one is trying to hide anything here and he can get a copy of this information very easily. The Police Department has these copies of the letters and Mayor Walsh's recommendation was to send them out which is exactly what they should and did do.

Next Mr. Woodstrom brought up another incident he had a problem with recently. He has a chiminea which is a outdoor wood burning stove. He had it for 6 years. A fire marshal came once and said not to burn it after 12 midnight. He continued that he was watching a Rutgers football game around 11 pm on Saturday night and he and his son saw a brilliant light shine on their house. His son said it was a police car shining the light on their backyard. His son said he was going to call the police to see why they did that. The next thing the doorbell rang and my son opened the door to Detective Danielson. They spoke for awhile and then he left. I asked my son what did he want and he stated that Detective Danielson asked why they were against the Police. Mr. Woodstrom said who said we are against the police. Mr. Woodstrom then added that his son had a few drinks that night. He continued that his son asked Detective Danielson if their conversation was being taped and Detective Danielson at first said not then replied yes he was taping it. At this time Mr. Woodstrom stated that he wanted a copy of that recording because he knows that the police would have it.

OPEN TO THE PUBLIC (CONTINUED) (Jim Woodstrom, 821 Limecrest Road) He continued by saying that he started coming to the Township Committee meetings originally because he was not happy with things he read in the papers, he was not happy with the expenditures, not happy with all the employees they have been hiring and I'll tell you what I wouldn't want to have to sue the township for police harassment. He continued he wanted the tape, copies of all the letters that went to all the different people and he further stated let me tell you that I am not intimidated and if I have to go to a prosecutor it won't be the Sussex County prosecutor it will be the Federal because this is criminal. Committeeman Boyce interjected that if he wanted copies of documents he needs to file a freedom of information request. Mr. Woodstrom continued that he wanted to know where to go to get the copy of the tape of the conversation and at this time Township Attorney Semrau interjected the following: Mr. Woodstrom one thing I want to mention to you, not saying you are wrong or right, just want to remind you that this is a public meeting as you know and the things you are saying about individuals you are saying in a public forum that are not things that you can take back and erase. You can say whatever you want but I just want to remind you that if the things you are saying are not accurate and you are saying them against individuals, at this point Mr. Woodstrom interjected – I didn't say anything against an individual and Mr. Semrau continued – you did state, you did reference specifically certain officers- Mr. Woodstrom interjected – officers who came to my house – Mr. Semrau concluded with – I am just telling you, reminding you that you are at a public meeting making these statements. That is all I am saying. I can't give you any other advise but to that.

Mr. Woodstrom then asked where he can get this information is it the police department or the town hall. Mayor Walsh directed him to go Vita at town hall and to the police department for the chief's secretary for filing an opra request. At this time Mr. Woodstrom began speaking about another issue he is interested in which is the township's building inspector. He called all the towns in Sussex County – there are 8 boroughs, 1 town and 14 townships. One borough has a building inspector, that's Hopatcong, which he doesn't understand why they have one since their population hasn't changed in 20 years. The other town is Sparta which covers Sparta and Ogdensburg population is 3 times the size of us and they are about 3 times the size of us landwise. I don't know why they have a building inspector either. The other one is Hardyston, they cover Sussex, Hamburg, Franklin and the town of Newton a total of 29,000 people. We have a little over 6,000. The other one is Wantage. Their building inspector is under some type of investigation I haven't read in the paper because of issuing an improper or moving into a house without a CO. The largest township in this county is Vernon which has 24,000 people, 4 times our size and 4 times land wise bigger than we are. Has a part time building inspector he is 10 hours on Monday, 4 hours on Tuesday. Every other town in this county I called has a part time or shared building inspector.

At this time Committeeman Boyce interjected – so you suggest that we look at shared services, Mr. Woodstrom interrupted and continued – the freedom of information – I got all the contracts and stuff from the town which somebody had told the Township Journal that the nerve of me to ask for that stuff that is what it implied in the Township Journal, first of all of that should be on the web – not only should the contracts and all that information be on the web – at this point Mayor Walsh interjected – Is there a point – would you please get to a point – Mr. Woodstrom answered it should all be on the web and we don't need a full time building inspector. Mayor Walsh thanked Mr. Woodstrom.

Next Mr. Carafello of Eileen's Way was recognized. He commented on the sewage treatment plant at the Long Pond School. He stated that we need to continue in this direction with the school plant. We need to know information on the capacity and condition. We should be treating the plant as an asset. If it can generate revenue at some point. He finished with saying that he commended the job that Jim Cutler, building inspector does. Attorney Semrau stated that Jim Cutler has 5 or 6 different jobs and he is not a full time building inspector. Some of the other positions that were being compared are individuals who just have 1 title. The Mayor then concluded this has all been covered in the past and he is not going to keep beating a dead horse. The meeting was then closed to the public.

At this time Mayor Walsh read into the record notes and letters of support for the Road Department, Police Department and other township departments. One email was from a resident commending the Road Department's work on the mowing, curb repair, street sweeping and cleaning out of the detention basins. Another resident sent a letter commending the Police Department on what a wonderful job they do. She has had to call on them to help lift her fiancé who has a serious back problem. They always come promptly and have shown tremendous amount of care and concern. They always show professionalism and kindness.

Another letter which was dropped off at town hall by resident Patricia Geffken and she asked for it to be read at the next meeting. She referenced the article in the Township Journal of August 12th - "public employees under the microscope once again" - and stated that she was disgusted by it. She mentioned that she is a resident of the township for over 32 years and she can say that she has had contact with many of the township departments and employees including the tax collector, building department, recreation department, DPW and the Police Department. On every single occasion, the employees of Andover Township have been unfailingly courteous and helpful. She has had to count on the Police Department for assistance through the years usually in an emergent situation and they are always there, calm and professional. They are a credit to their department and we are fortunate to have such a dedicated force and she feels that we need each and every one of them. Also a note from the Andover Subacute and Rehab Center was read expressing gratitude for the fine work of the Road Department and their quick response time and expertise in fixing the drain located in front of their building.

Mayor Walsh then read a letter from a representative of the local Senior Citizen's organization, Mrs. Lois McCue. Unfortunately the organization got involved with a unscrupulous bus tour company unbeknownst to them. There were deposits collected and given into this company and when the time came closer to their planned trip, they became aware that they were dealing with scam artists. They contacted the Andover Township Police Department and Detective Danielson began an investigation. Through numerous phone calls, in depth searching and strong perseverance by Detective Danielson enough evidence was uncovered to turn the case over to the local prosecutor's office. After a four month investigation the \$5,000.00 was returned to the Andover seniors. She stated that it is her pleasure to thank the Andover Township Police Department and Detective Eric Danielson for their fine work and many hours that were spent to have the \$5,000.00 returned to the Andover Seniors. She is very proud to be a resident of Andover Township where tax dollars are put to good use. At this time, Committeeman Boyce added that it is nice to receive letters giving praise and appreciation for a job well done. That is unfortunately not always the case.

ORDINANCES: (INTRODUCTION)

Deputy Mayor Phoebus stepped down from the dais for this introduction.

1. **NO. 2010-10 AMEND CHAPTER 190 "ZONING"**
TO ELIMINATE THE PLANNED RETIREMENT COMMUNITY ZONE

"AN ORDINANCE AMENDING ARTICLE IV ENTITLED "ESTABLISHMENT OF ZONES" AND ARTICLE V ENTITLED "USE AND BULK REGULATIONS" IN CHAPTER 190 ENTITLED "ZONING" TO ELIMINATE THE PLANNED RETIREMENT COMMUNITY (PRC) ZONE DISTRICT AND TO MODIFY ARTICLE IX ENTITLED "ZONE MAP", §190-74, "BOUNDARIES" TO EFFECT SAID ZONE CHANGE ON THE TOWNSHIP'S ZONING MAP AND TO REZONE THE AREA IN QUESTION TO THE R-2.5 SINGLE FAMILY RESIDENTIAL ZONE DISTRICT"

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2010-10, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on October 25, 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 – abstain

Mr. Smith – yes

Mayor Walsh – yes

ORDINANCES: PUBLIC HEARING**1. NO. 2010-09 AMEND AND SUPPLEMENT 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"

Mr. Boyce moved to open the public hearing on this ordinance, seconded by Ms. Phoebus and carried unanimously. Seeing no hands, Mr. Lensak closed the public hearing, seconded by Ms. Phoebus 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 August 9, 2010, was advertised according to the law and was brought before the public for final consideration. There being no objections, Mr. Smith moved the adoption of the above entitled ordinance, seconded by Ms. Phoebus. Roll call vote:

Mr. Boyce – yes

Mr. Lensak – yes

Ms. Phoebus – yes

Mr. Smith – yes

Mayor Walsh – yes

OLD BUSINESS**1. DISCUSSION REGARDING THE POSSIBLE AMENDMENT OF CHAPTR 20 "ANIMALS" TO INCLUDE POT BELLY PIGS:**

Discussion took place that the pot belly pig needs to be on acreage with fencing and water and needs to be housed away from neighbors and water streams and really should have a limit on the number a resident would have. The resident stated that it is a domesticated pet and if that be the case it should be kept indoors like other domesticated pets. Deputy Mayor Phoebus stated that these pigs do grow to a large size and it would be inhumane to keep them in small cages or areas. Committeeman Smith stated that he is not in favor of changing the ordinance to allow this in the township, but he was in favor of allowing a resident to come in for a variance which would allow the surrounding property owners the opportunity to voice their opinions at the time of the variance hearing. All of the other members agreed that this would be the way to go. Attorney Semrau then stated that this means that the ordinance stays the same without any amendment.

NEW BUSINESS**1. DISUCSSION REGARDING A PROPERTY MAINTENANCE ORDINANCE:**

Attorney Semrau mentioned that he had discussion with Administrator Thompson that she has been approached regarding the condition of a residence on Bernard Drive in the township which the Abandoned Property Ordinance does not fit the bill. Actually it has been determined that there are 7 properties in the township that would fall into this category, requiring a more forceful ordinance. Discussion took place that the township does not want to be getting into an area where people are going to be told to paint a certain color, landscape, etc. That is not the case here. The Abandoned Property Ordinance only allows the township to act if the taxes are not current. In the case of the house on Bernard Drive the taxes are current.

Deputy Mayor Phoebus mentioned that at an upcoming Land Use Board meeting on September 21st, this topic will be discussed. It was determined that Mr. Cutler could attend the LUB meeting to give and get some insight. The Land Use Board then can offer their thoughts on this Property Maintenance Ordinance to the Township Committee.

NEW BUSINESS, cont.**2. FAILING ASPHALT AT BLOCK 29/LOT 3 ON LENAPE AVENUE AND DISCUSSION OF VARIOUS REPAIR OPTIONS**

Discussion took place regarding this problem and how to proceed. Engineer Golden has recommended solutions to fix the problem but it is his opinion nothing should be done until the property owner agrees to remedy the erosion of the soil by installing some type of wall or fill in the area with soil. Committeeman Boyce looked at the site and he concurred that it doesn't make sense to do anything until the underlying problem is fixed. Mayor Walsh also agreed. Attorney Semrau suggested that Engineer Golden go back to the resident and ask them to consider doing their part and then the township will proceed.

COMMITTEE REPORTS:

MR. SMITH. He reported that the Seniors assisted in the mailing of the tax bills recently. They help with other mailings and it is a significant savings to the township. August 12th was senior day at the State Fair. On August 16th the seniors held their yearly picnic Yankee Doodle Dandy was shown. At September 7th meeting the staff of the new theatre at Centenary College provided entertainment. The new theatre is state of the art and upcoming performances will be outstanding. Some of the productions will include Neil Simons Prisoner of Second Avenue, the NJ Ballet will be there in October and during the holidays they will do the musical Oliver.

He also mentioned the aforementioned situation with the senior organization and their problem with the scam regarding their bus trip to Nova Scotia. It was a terrible situation posing a significant lose if in the end the result was not as positive as it was. Again he offered the thanks to the Andover Township Police Department and in particular Detective Danielson.

He then reported on information he learned at the Sussex County Solid Waste Advisory Committee. The growing issue of recycling was discussed and the SCHD is looking to have a stronger enforcement program. The question came up on who would be doing the actual enforcement and the answer was the individual municipalities which is not good news since we have limited personnel. The county will be issuing warnings and then subsequently issuing summonses. The summonses would actually go to the towns and then the towns would be responsible for enforcing the summonses. So in essence the townships will be responsible for executing the county's decisions. We have a Recycling Coordinator, Robyn Hattersley, but there is a question on the exact requirement for a certified coordinator and how each town's person gets certified in order to handle this enforcement activity. There are courses offered through Rutgers but depending upon the person taking the course and their position in the municipality will determine whether it is a short course offered locally or a year long course offered at Rutgers which is very cost prohibitive. The state is at least giving until the end of 2011 to determine how each municipality handles this requirement.

Committeeman Smith also reported that out of the entire county, Andover Township comes in 6th place with the total amount of recycling tonnage reported which is 41%. This is very encouraging. The state goal is 50% and the state is only at 37%. Out of the 21 counties in the state Sussex County is near the bottom at 17th place which is very discouraging. So Andover Township is doing our part but other municipalities need to get on board because funding is affected by your tonnage totals. Mr. Smith said there seems to be apathy on the part of the municipalities even as far as the lack of attendance by each municipality at the Solid Waste meetings on the county level. We know that we are a responsible community and will continue to work toward getting our totals up. We need to get our businesses to do a better job with recycling because that is our weak spot.

COMMITTEE REPORTS: (CONTINUED)

MR. SMITH. Next he reported on the Board of Health. Flu Shots are now being offered throughout the county at different locations. Please call the Board of Health office at town hall and Jackie can refer you to the schedule. The next Board of Health meeting will be this week on September 15th.

MR. BOYCE He reported that the children are now back in school and Back to School Night for FMB School is set for September 16th and for Long Pond School it is September 23rd. The next Board of Ed meeting is on September 21st at 7:30 pm at Long Pond School. That is the only meeting in September. He did spend time at the bus stop on Newton-sparta Road and Linda Lane which is the stop that no longer has a crossing guard present due to retirement. The police department has been handling the stop but that is a temporary situation. After much consideration it has been determined that this stop does not require a crossing guard. At this time Committeeman Lensak questioned if at a Board of Ed meeting was there any mention of ant penalties received by the Board re the sewage treatment plant. Mr. Boyce stated that he understood that that topic might have been discussed after he left the meeting so he intends to look into that.

MAYOR WALSH He reported on the DPW. They have just finished the oil and stone treatment for the roads. They covered 31 streets. In November leaves will be picked up. They must be in paper bags only. The DPW does all the repair work on township vehicles. We have a very competent mechanic. Brush pick up might have to be reconsidered due to the continued budget cuts imposed by the Governor. A new chipper is very expensive.

The DPW, Recreation, Coaches from the sports organizations in the township will meet tomorrow to discuss how the township can afford to keep the fields in the excellent condition they are in now. We have spent approximately a half million dollars in the past several years on redoing the fields and maintaining the fields and we will not allow over use of the fields to cause this work to become undone. Andover Township seems to have become the go to place for all of the sports in the area. We need to encourage these programs to go to Andover Borough, Green Township and Newton to make sure that all the municipalities share in this cost. We are considering asking for donations from each program to be placed in the maintenance fund for the fields. Mayor Walsh asked the other committee members their opinion on this. More discussion took place and the consensus is that we indeed need to ask for some help from each organization and asking for a stipend from each organization is sensible.

Mayor Walsh then spoke about the budget. We are at 63% as of August, which is right on. Of course 1 snow storm could mess it all up. Committeeman Smith asked if it was possible to have the Finance Office generate the budget report like in the past in spread sheet form. Mayor Walsh said he will ask them to do that.

MS. PHOEBUS. She reported on Land Use first. At the September 21st LUB meeting they will be discussing the redevelopment of Rt. 206 with Planner McGroarty. They will also be discussing the Property Maintenance Ordinance discussed earlier tonight. She reported that representatives from some large corporations have shown interest in coming to Andover Township. They are looking at some properties already zoned correctly. John Drake, SC Planning Office/Economic Development has been working with them. She also reported that WaWa got final approval on Rt. 206 but according to their attorney this project will be put on the 2011/2012 calendar.

She wanted to voice public thanks to the Andover Township Fire Department for assisting at her private residence while she was away and treating her elderly mother so kindly. They had a great golf outing. She thanked all the hard work to make the outing a success.

MR. LENSAK. He reported that the plans for upcoming Charity Softball Tournament is coming right along. We have 7 teams signed up and paid for with 1 more team expected. It will take place on Sunday, September 26th. Lakeland Emergency Squad will provide refreshments.

COMMITTEE REPORTS: (CONTINUED)

MR. LENSAK. He reported that he was distressed to learn at the squad meeting that the state is making it more difficult to be a volunteer with rescue squads. This is a shame since volunteerism is the backbone of the communities. He hopes to follow up on this. He commented that he did have copies of the letters commending the police but Mayor Walsh beat him to the punch.

Reporting on the Environmental Committee he stated that Christine Kretzmer gave him a good report. They will be appointing a Vice Chair at the next meeting. Member Kathrine Richardson has been appointed as the Secretary. He called up Christine to speak re the Policy and Procedure By-Laws for the Environmental Committee. She reported that there were questions as to which by laws and rules and regulations they are supposed to be following. Committeeman Lensak gave the committee a copy of what was in the township ordinances and they differed from what member Diane Gillespie had. Mayor Walsh commented that he had never seen the by-laws being referred to. These by-laws were given a legal review by Attorney Semrau in 2006 they were adopted in 2007 but need to be adopted annually by the Environmental Commission. If you don't adopt it annually it doesn't apply. Mayor Walsh commented that these rules are so overstretching that it is so hard to get people to volunteer that making them follow these rules and regs would be too much for the average person. After all these members are appointed by the Township Committee not the Environmental Committee. The state statutes label the Environmental Committee as an advisory board. Committeeman Lensak suggested that these rules and regulations need to be following state statute.

REPORT FROM THE MUNICIPAL ATTORNEY Mr. Semrau reported that we have received the judgement in the Testa case and it has been served on all of the parties so the township is officially dismissed from that. There is a case management conference next Tuesday in connection with the zoning pertaining to concrete type plants. Those are the 2 major issues. Discussion took place in Executive Session tonight regarding St. Paul's Abbey and shared services agreements with other municipalities regarding 911 services.

NEXT SCHEDULED MEETINGS:

September 27, 2010

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

Committeeman Smith asked if we needed to discuss whether we will have the meeting on October 11th. It was decided to discuss that at the next meeting.

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Smith moved the meeting be adjourned at 9:25 P.M., seconded by Ms. Phoebus and carried unanimously.

Respectfully submitted,

Tom Walsh, Mayor

**Jackie Huelbig,
Assistant Municipal Clerk**

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Andover on the 13th day of September 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:

- 3. ***St. Paul's Abbey Due Diligence***
- 4. ***911 Contract – Shared Services – Borough of Hamburg***

Attorney-Client Privilege:

- 1. ***Life Care Mews Restoration Plan***

Potential Litigation

Pending Litigation

- 3. ***Liquor License – Estate of Ray Cerasoli***
- 4. ***Andover vs. Roberts***

(X) a. (8) Personnel matters.

- 1. ***Position of Chief Financial Officer***
- 2. ***Position of School Traffic Guard***
- 3. ***Sick Leave Buyback Policy***

() 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: September 13, 2010

Moved: Phoebus Seconded: Lensak
Voted Aye: Boyce, Lensak, Phoebus, Smith, Walsh
Voted Nay: None
Abstained: None
Resolution adopted. September 13, 2010
