

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

SEPTEMBER 27, 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 6:45 P.M. by Mayor Walsh, followed by a salute to the flag.

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

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: Open Space Committee/NJ Land Conservancy and under Pending Litigation: State vs. Roberts. Mr. Lensak asked that the Kilroy Road Drainage Issue be removed and tabled until the Municipal Engineer is present. On a motion by Mr. Lensak, seconded by Mr. Smith, the resolution to go into executive session to discuss

Personnel Matters:

1. ***Position of Chief Financial Officer***

Contract Negotiations:

1. ***Rolling Hills Condominium Association/Municipal Services Agreement***
2. ***Open Space Committee/NJ Land Conservancy***

Attorney-Client Privilege:

Potential Litigation

1. ***Kilroy Road Drainage Issues (Removed)***

Pending Litigation

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

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:48 P.M. Mr. Smith moved to adjourn executive session at 7:15 P.M., seconded by Ms. Phoebus and carried unanimously.

EXECUTIVE SESSION: Mayor Walsh asked for a motion for a second Executive Session to discuss under Attorney-Client Privilege regarding Current Drive and Payne Road. On a motion by Mr. Lensak, seconded by Ms. Phoebus, the resolution to go into executive session was carried unanimously.

The Committee went into executive session at 7:15 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 Ms. Phoebus moved to approve the agenda, seconded by Mr. Lensak and carried unanimously.

APPROVAL OF CONSENT AGENDA ITEMS Ms. Phoebus moved the following consent items be approved, seconded by Mr. Smith and carried unanimously.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

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

APPROVAL OF RAFFLE LICENSES

- A. **ANDOVER REGIONAL PTA**
 #RL 933 ON-PREMISE MERCHANDISE
 #RL 934 ON-PREMISE 50/50
 TO BE HELD AT LONG POND SCHOOL ON NOVEMBER 13, 2010

- B. **PRIDE FOUNDATION, INC.**
 #RL 935 ON-PREMISE MERCHANDISE
 #RL 937 ON-PREMISE 50/50
 TO BE HELD AT THE HILLSIDE PARK HALL ON NOVEMBER 06, 2010

***RESOLUTIONS:**

#R2010-162 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO ISSUE A TAX REFUND TO PARK FINANCE, LLC IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE # 07-00002 SOLD FOR DELINQUENT TAXES FOR BLOCK 38, LOT 21, IN THE AMOUNT OF \$35,317.19

#R2010-163 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 THE 2009 BODY ARMOR FUND IN THE 2010 MUNICIPAL BUDGET

#R2010-164 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY RECOGNIZING THE MONTH OF OCTOBER TO BE ANDOVER TOWNSHIP DOMESTIC VIOLENCE AWARENESS MONTH

#R2010-165 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE NON-UNION EMPLOYEES TO USE THE ELECTION DAY FLOATING HOLIDAY ON MONDAY, DECEMBER 27, 2010 AS THE OFFICIAL HOLIDAY AND AUTHORIZE THE CLOSING OF THE MUNICIPAL BUILDING

(SEE INSERTS ATTACHED TO THESE MINUTES)

CONSENT AGENDA: (CONTINUED)**APPROVAL OF MINUTES**

**MAY 24, 2010 EXECUTIVE SESSION
JUNE 14, 2010 EXECUTIVE SESSION**

REGULAR AGENDA

OPEN TO THE PUBLIC James Woodstrom of Limecrest Road stated sometimes he feels vindicated when he reads the newspapers. He said at the August meeting he complained about the excessive salaries for the municipal employees and police officers. He said there was a recent article in the Star Ledger saying the State of New Jersey has the highest paid police officers in the nation. He suggested that all employee contracts along with their job descriptions and salaries be posted on the municipal website. Clerk/Administrator Thompson stated many documents are but it is not cost effective to place all on the website. She informed him that most public records are available upon request and can be emailed or faxed without cost to him. Attorney Semrau also stated that it is costly to maintain records online.

Mr. Woodstrom also spoke about the expenses two years ago for the League of Municipalities Conference. Mr. Smith stated all of his expenses were paid out of pocket except for two night stay at the hotel. Ms. Phoebus added that her trips to the League conference have been at her own expense.

Mayor Walsh asked Mr. Woodstrom if he has attended board of education or a freeholder meetings because of some his concerns pertain to them. He also suggested that Mr. Woodstrom contact the state. Mayor Walsh remarked that the township has been diligent in cutting expenses and does not have the money or the time to put all municipal records on the website. He stated the OPRA process if the least expense route. Attorney Semrau said one of the expenses if for the cost of record maintenance.

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

RESOLUTIONS

#R2010-168 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

Ms. Phoebus asked that this resolution be tabled again and Mr. Smith agreed saying he doesn't know any more now than he did two weeks ago. Mayor Walsh explained that when the Board of Education was preparing for their budget he received a call as did Mayor Morgan from Andover Borough and they wanted to meet. They wanted to explain how the budget was going to look. Discussions then began regarding the wastewater treatment plant and how they have spent a great deal of money on trying to get it to capacity. They had stated to him it was being underused and they had to spend money to get the bacteria levels up. When he heard that he said if it's being underused perhaps we could sell space on this system. At that time Mr. Baggs had informed him he would be interested in hearing about that. Knowing that Ms. Phoebus knows more about wastewater treatment facilities than he does, he asked her to handle this issue. As a result, she has received a great deal of blame for this issue.

RESOLUTIONS CONTINUED)**#R2010-168 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**

He added that they will be spending anywhere from \$20,000 to \$40,000 on this modification and the Committee would like to know if what we are consenting to is right, wrong or indifferent. We want to know if we can help them and we asked them to be here this evening and they refused. We asked them to bring reports and they refused. He added that this isn't the proper way for a board of education and the township committee to work together.

He once again invited them to attend the next meeting to discuss this and see if we can help them in any way. Everything begins with the start of a dialogue. Attorney Semrau explained that what the board of education is asking for is consent as a governing body. He said it is required that the health officer tell the township committee that he is satisfied from a compliance standpoint that there aren't any other public health or safety type issues and that this matter is pending with the NJDEP. The process does ask for input from the health department and as a matter of course the Committee would ask the question if they want consent from this governing body what does the health officer think of the application. The application also asks if there are any pending ordinance violations. The DEP will ask if the governing body gave consent to this, do you have any concerns and the only way to find out is by asking the appropriate professionals. Mayor Walsh stated the Committee does understand that the ultraviolet process is much better than the chlorine but there are other questions that we would like to have answered.

Ms. Phoebus stated she researched their system and it's an aboveground discharge plant and it is to handle 10,000 gallons per day. It is currently handling 4,000 with 1,000 of that being considered safety gallonage. It is really only handling 3,000 gallons per day. The problem is created when we get to August and the plant is really handling under that 3,000 mark. When that happens the bacteria count builds up in the plant and that is why the engineer that was here at the last meeting mentioned the system needs sea sludge. She said she does not know the cost of shipping that sludge but her research shows that it has to come from a marsh that is fed by salt water. If the plant was operating up to capacity it would then operate much more efficiently. She stated that the ultraviolet light process they are asking for is a much better process and she agrees with that. She wants to see their documentation from the DEP on this plant because it discharges in the township's open space that we acquired through county and NJ Land Conservancy funding. She added that she believes we have a vested interest in how this plant operates. We owe it to the taxpayers to see what this plant is doing and if we could get this plant operating to its capacity by leasing that gallonage or working with the school it would be a win-win for everyone.

Ms. Phoebus moved to table this resolution for the next meeting, seconded by Mr. Lensak and carried unanimously.

OLD BUSINESS**POSSIBLE SCHEDULING OF A MEETING ON OCTOBER 11, 2010**

Mayor Walsh explained that a meeting is required that week because the bids for Perona Road Reconstruction are due on October 6 and we need to review and award sometime that week to begin the preconstruction process by the middle of the month. He suggested a special meeting for that purpose. It was decided that a special meeting be scheduled for October 12, 2010 beginning at 5PM for a resolution awarding the contract for Perona Road and Approval of Vouchers.

OTHER BUSINESS**APPROVAL OF RAFFLE LICENSE - ROTARY CLUB OF HAMPTON TOWNSHIP
#RL 937 OFF-PREMISE 50/50 - TO BE HELD ON MAY 3, 2011 AT THE
NEWTON COUNTRY CLUB**

Mr. Lensak moved to approve this license, seconded by Mr. Smith. Roll call vote:

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

COMMITTEE REPORTS:

MS. PHOEBUS. She congratulated Mr. Lensak and Mayor Walsh for yesterday's charity softball game. She thanked everyone for participating in this event.

She stated that the County Planning Board meeting has been cancelled for the second month in a row. Reporting on land use she stated that Wawa has submitted their request to headquarters for 2011 construction. The Land Use Board is putting together a subcommittee to review all ordinances so that they are easier to interpret. Mr. Cutler has been asked to be a part of this subcommittee. This review will make future ordinances easier for the zoning officer to interpret and thereby eliminating the need to send applicants to the Land Use Board.

The Fire Department will be hosting its annual Rib fest on Oct. 23rd. Tickets can be purchased from any fire department member next month.

She stated she will have a report on the COAH project for the next meeting.

MR. LENSAK. He reported on the Grand Opening of the Cigar Room II. He said it was great to see a new business open in the township. He thanked the police department for the placement of the sign trailer warning of the pedestrian traffic on Newton-Sparta Road.

He then attended the ceremony for the opening of the Memorial Garden in the Newton Square that was to memorialize all branches of the military service. The Master Gardeners' were awarded the plaque for taking care of this.

He reported that the Lakeland Emergency Squad provided refreshments during the softball game. A full accounting will be made available. They provided great food for the event. He thanked everyone who helped out to make the charity softball tournament a success. All the volunteers including Jackie and Gerald Huelbig, Mike Morel, Ed Burgio, Charles Grotyohann, Christine and Tom Kretzmer, Eric and Debbie Danielson, Gail Phoebus and everyone else you helped out. Over \$1500 was raised for charity. Third place winners received about \$160, second place \$320 and first place will receive over \$1100 for donation to their charity. He asked that these groups be asked to the October 25 meeting to receive their checks.

Reporting on the police department, Sgt. Danielson informed him that two young men were apprehended that had broken in to numerous cars in the area. A citizen assisted in this arrest. The township received a letter complimenting Andover Township Police Officer, Jason Mills and Danielson from John Ivanhoe of Belvidere, for their help with a flat tire on August 28. Ivanhoe is 81 years old and his wife is on oxygen. "They were gentlemen and we were grateful they were there," Ivanhoe wrote.

COMMITTEE REPORTS: CONTINUED

MR. SMITH. Reporting on the seniors, their next meeting is October 4 and the two issues that will take place is the nominating committee for the 2011 officers and the audit committee will be selected.

Mr. Smith then reported on SWAC stating that at the last meeting they issued the 2008 recycling statistics. By the time they receive this information it is two years old. They spoke about what can be done to accelerate the reporting and provide information that is more accurate. Mr. Smith reported that Andover Township was sixth best in the County, which is outstanding at a 47 percent recycling rate. The State goal is 50 percent. The bad news is we dropped to 7th place and to 41 percent. Sussex County is 17th out of 21 counties. He added that there are very few representatives from very few municipalities that attend these monthly meetings. The recycling rate is related to the attendance at the meetings. SWAC is now trying to visit various towns and encourage representation of this committee.

In reference to the State's Best Practices questionnaire one question has to do with recycling and it's any town that has maintained a recycling rate of 35 percent or above and the only ones in the County who have achieve this goal are Andover Township, Green, Lafayette, Montague, Stanhope and Walpack.

Reporting on the Board of Health, he stated flu shots are available at the Senior Center. Andover seniors are eligible for free flu and pneumonia shots on Oct. 14, by appointment only. Shots are \$15 for anyone under the age of 65. Appointments are required and the number is 973-579-0570. Their next meeting is October 20.

MAYOR WALSH. He reported on Recreation stating there was a meeting with all the leagues and they all agreed to donate funds for field maintenance in an attempt to offset some of the costs. He said that he will be meeting with the Mayor of Green Township to talk about cooperation between the two municipalities.

He then reported on the DPW stating all the roads have been oiled and stoned and Dorset Farm roads will be swept this week. Perona Road Reconstruction II Project bid opening is scheduled for October 6.

He reported on the Grand Opening for the Cigar Store on Newton-Sparta Road. He then reported on the success of the first annual Charity Softball game. He also thanked everyone who made the event a huge success.

REPORT FROM THE CLERK/ADMINISTRATOR She reported on September 10th Governor Christie signed the OPRA fee legislation reducing the fees to actual costs, five cents for letter and seven cents for legal. This legislation becomes effective on November 9.

On Friday she attended the Sussex County Clerk's meeting and Erma Gormley, Marge McCabe and Brian McNeely. The Clerk's had an opportunity to review the voting machines. They are the same machines except for the fact that the software has been upgraded. The format is more graphic and the first page is strictly an instruction page. This new system calls places all the choices on the last screen and in addition a confirm button has been added.

Because of these upgrades those poll workers that have trained under the old system have decided they do not want to retrain. The Board of Elections is seeking poll workers and if anyone is interested they can visit the website for additional information.

REPORT FROM THE MUNICIPAL ATTORNEY He reported that the Kruger litigation stating that a pre-trial conference was held and a trial date has been set. There will be some preliminary motions. He said that we intend to file a motion to dismiss the complaint. He then said that often times there are requests made to place certain items on a website. He said when it comes to contracts there is some legislation and it has been pending for some time to put budgets, contracts, etc. on the internet. The concern that has been expressed is in fact the cost and time. Not only to place these items on the website but to also maintain it so there is up to date documents.

Attorney Semrau also mentioned regarding salaries that in Bergen County the medium salary is over \$120,000 for the police department. He cautioned when you are looking at studies you always have to look at the services that you receive at home and nowhere else.

Ms. Phoebus asked that the Committee direct the Clerk/Administrator to obtain the DEP reports on the school's wastewater treatment plant. There was a consensus.

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Lensak moved the meeting be adjourned at 8:15 P.M., seconded by Ms. Phoebus and carried unanimously.

Respectfully submitted,

Tom Walsh, Mayor

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

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION "A"

BE IT RESOLVED by the Township Committee of the Township of Andover on the 27TH 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.

Personnel Matters:

1. ***Position of Chief Financial Officer***

Contract Negotiations:

1. ***Rolling Hills Condominium Association/Municipal Services Agreement***
2. ***Open Space Committee/NJ Land Conservancy***

Attorney-Client Privilege:

Potential Litigation

Pending Litigation

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

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:48 P.M. Mr. Smith moved to adjourn executive session at 7:15 P.M., seconded by Ms. Phoebus and carried unanimously.

- () 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 27, 2010

Moved: Lensak Seconded: Smith
Voted Aye: Lensak, Phoebus, Smith, Walsh
Voted Nay: None
Abstained: None
Absent: Boyce
Resolution adopted. September 27, 2010

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION "B"

BE IT RESOLVED by the Township Committee of the Township of Andover on the 27TH day of September 2010, that:

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

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

Contract Negotiations:

Attorney-Client Privilege:

- 1. Current Drive and Payne Road**

Potential Litigation

Pending Litigation

- (X) a. (8) Personnel matters.

- () 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 27, 2010

Moved: Lensak Seconded: Phoebus
Voted Aye: Lensak, Phoebus, Smith, Walsh
Voted Nay: None
Abstained: None
Absent: Boyce

Resolution adopted. September 27, 2010
