

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

SPECIAL MEETING

OCTOBER 12, 2010

5:00 P.M.

CALL TO ORDER The special meeting of the Andover Township Committee was called to order at 5:06 P.M. by Mayor Walsh, followed by a salute to the flag.

ROLL CALL: Present: Mr. Lensak, Mr. Smith, Mayor Walsh,
Absent (Excused) Ms. Phoebus, Mr. Boyce
Also present: Attorney Semrau

OPEN PUBLIC MEETING STATEMENT Statement of compliance with Chapter 231, P. L. 1975 was made by Mayor Walsh.

APPROVAL OF AGENDA Mr. Lensak moved to approve the agenda, seconded by Mr. Smith and carried unanimously.

PUBLIC COMMENTS Kim Hiscano of Stag Pond Road informed the Township Committee that the Division of Fish and Wildlife is considering comments with regards to the Commercial Shooting Preserve on the Hudson Farm West property. She said local residents including Andover Township residents filed a suit alleging that the DEP Fish and Wildlife had erred in issuing their license because they had not satisfied the mandated which says they assess the reasonable public interest before issuing the license.

Mr. Smith asked who was notified of the public comment period. This public notice was printed in the NJ Herald and also made available to those individuals who had a interest in this license process. She asked if Andover Township would consider posting this notice on the municipal website. Copies of the notice was provided to each member of the Township Committee.

There was then discussion regarding the last paragraph of the public notice that states "pending completion of the public comment period, DFW will issue another annual renewal of Hudson Farm's license, since the Appellate Division did not revoke or invalidate the license or renewals.

Attorney Semrau, to be clear on Ms. Hiscano's request reiterated that she would like the governing body to consider a resolution identifying some concerns. She added she would like to have mentioned in this resolution that the governing body is an interested party. He then stated if you come back and ask for a resolution, the governing body needs to understand the extent of the application and what's involved. She then asked if a resolution was needed in order for the Committee to write a letter. Attorney Semrau replied it would take an action of the Committee to do so. He said she would have to present something in writing with general concerns to the Committee in order for them to review the other side of this matter. If the Committee were to adopt a resolution they would have to make sure everyone was treated fairly.

PUBLIC COMMENTS (CONTINUED) Mayor Walsh then asked the difference between a shooting preserve and a wildlife preserve. He provided some examples such as Whittingham's, which is State owned. He explained they drop tons of birds. He asked what is the difference of what the State allows on their own property and what they would allow on private property. Ms. Hiscano could not provide an answer. She said one concern they have is there are hundreds of birds with overlapping shooting. She said she has no idea to what degree they are going to use this property but the State license lets them. The total license is for 23,000 birds.

She then voiced her concern regarding the level of noise from this activity. Attorney Semrau suggested when she submits her comments she can copy the Township Committee so they can see what her concerns are that she raised. She will email the letter to the Clerk who will forward it to the Township Committee. Attorney Semrau stated he would like to tell their attorney we may receive some public comments, and if he has anything he or his client would like to add, he should send a letter to the Township.

Diane Gillespie of Andover-Mohawk Road questioned the Roseville Road Speed Limit ordinance asking if someone will be providing an explanation as to why the limit is being changed. Mayor Walsh explained Roseville Road has no speed limit as this time and because of that the general limit is 50 miles per hour. This high rate of speed is unsafe on this road. Sgt. Murrell will be present at the October 25th meeting to provide rationale for this change. He added that the law requires a study be performed and that was done and is available.

She then spoke about her road where drivers travel at a high rate of speed and perhaps a study should be done. Mayor Walsh explained that you have to be careful because the formula calls for an 85 percentile and there is a chance that the study could cause an increase in the speed limit.

Ms. Gillespie then asked if there is anyway a resident making a report or complaint that it can be kept anonymous. Mayor Walsh believed that any information regarding work being done without a permit and reported to the construction office should be kept confidential. Ms. Gillespie said she did make a complaint at one time and her name was brought in. She said it appears there is another house having work done and there is no permit posted in the window. Mayor Walsh said she could also ask if permits we pulled by asking by block and lot.

She then stated that she agrees with what Ms. Hiscano had spoken about and as resident things have really changed in the neighborhood since that facility has started raising pheasants. She said she has pheasants on her property. She stated she has seen more red foxes and coyotes than ever before. She stated her concern for area children. She said they are encouraging more predators. Mayor Walsh said that in all areas of the County people have seen in general, an increase of all wildlife such as deer, bear, and coyotes. She also spoke about the constant noise from the shotguns.

Suzy von Lengerke of Stag Pond Road provided a history of her family and hunting on their property going back years, stating that her property started as a hunting area. She said they have been characterized as anti-hunting and they are not. She reiterated what Ms. Hiscano stated earlier adding that they are moving in and they are changing the use of this property. The property was once used for raising horses. She said it is frustrating for her to have their peace and quiet change because of a new neighbor and use. She said that this is a private use.

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

APPROVAL OF VOUCHERS FOR PAYMENT Mr. Smith moved to approve the bills list as presented, seconded by Mr. Lensak and carried unanimously. (See Insert Attached to These Minutes)

RESOLUTION

#R2010-167 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AWARDING THE BID FOR THE PERONA ROAD RECONSTRUCTION PROJECT - PHASE II TO DIRTWORX EXCAVATING, LLC IN THE AMOUNT OF \$76,548.74

The State late last week announced that the funding would no longer be available and yesterday they announced that the funding was put back in place. Mayor Walsh asked if this award to contingent upon availability of the State funds through the DOT grant.

Mayor Walsh asked for a motion to approve the foregoing resolution subject to funds being made available from the State. Mr. Lensak asked if the Engineer reviewed these bids because there is a discrepancy of almost 80% from the lowest to the highest bidder. Engineer Golden did review and found the lowest bid to be responsive. Mr. Lensak moved to adopt this resolution as amended, seconded by Mr. Smith and carried unanimously. (See Insert Attached to These Minutes)

ORDINANCE: INTRODUCTION

NO. 2010-11 TO AMEND CHAPTER 10 "TRAFFIC" ROSEVILLE ROAD

"AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AMEND CHAPTER 10 "TRAFFIC" SECTION 10-19 ENTITLED "SPEED LIMITS" ON CERTAIN ROADS WITHIN THE TOWNSHIP"

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2010-11, 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:

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

Mr. Smith reported there have been some issues with the Seniors in terms of insurability and liability. He said it's unclear how safe we are and he asked the Committee if we can authorize Attorney Semrau to look further into that issue. Mayor Walsh totally agreed.

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Smith moved the meeting be adjourned at 5:51 P.M., seconded by Mr. Lensak and carried unanimously.

Respectfully submitted,

Tom Walsh, Mayor

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