

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

OCTOBER 25, 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 following be added to the Executive Session agenda: Under Contract Negotiations:

**4. SENIOR SERVICES POLICY
UNDER CONSENT AGENDA – RESOLUTIONS
TO AMEND RESOLUTION #2010-173 TO READ BLOCK 153/LOT 27 IN THE
AMOUNT OF \$10,029.00.**

TO ADD UNDER CONSENT AGENDA – RESOLUTIONS

**7. #R2010-175 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY
AUTHORIZING THE USE OF COOPERATIVES FOR THE PERONA
ROAD RECONSTRUCTION PROJECT - PHASE II**

On a motion by Mr. Lensak, seconded by Ms. Phoebus, the resolution to go into executive session to discuss

Personnel Matters:

1. Police Department Matters/Structure

Contract Negotiations:

- 1. St. Paul's Abbey Due Diligence**
- 2. Open Space Application – Lake Paulinskill Property**
- 3. Shared Services Agreements – 9-1-1 Contracts &
Positions of Tax Collector/Chief Financial Officer**
- 4. Senior Services Policy**

Attorney-Client Privilege:

- 1. Current Drive & Payne Road**
- 2. Lake Iliff Property Acquisition**

Potential Litigation:

Pending Litigation:

- 1. Krueger vs. Andover Township**

, was carried unanimously.

(See Insert Attached to These Minutes)

EXECUTIVE SESSION (CONTINUED) The Committee went into executive session at 6:32 P.M. Mr. Smith moved to adjourn executive session at 7:24 P.M., seconded by Mr. Lensak and carried unanimously.

Mayor Walsh asked that there be a second Executive Session adding under Attorney-Client Privilege: 3. Kilroy Road Drainage. Mr. Lensak moved to go into Executive Session at 7:25 P.M., seconded by Ms. Phoebus and carried unanimously. Mr. Smith moved to adjourn executive session at 7:40 P.M., seconded by Mr. Boyce and carried unanimously.
(See Insert Attached to These Minutes)

REGULAR MEETING

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

APPROVAL OF CONSENT AGENDA ITEMS Mr. Boyce moved the following consent items be approved, seconded by Ms. Phoebus and carried unanimously. Mr. Lensak abstained on PO 10-01207 Mayor Walsh abstained on PO 10-01208 and PO 10-01199.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

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

ACCEPTANCE OF TAX COLLECTOR'S SEPTEMBER REPORT - \$14,698,315.33

**RELEASE OF ROAD OPENING CASH BOND – ROBERT MOONEY
ESCROW #T-13-56-717-304 IN THE AMOUNT OF \$250.00**

***RESOLUTIONS:**

#R2010-168 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE PURCHASE OF ICE CONTROL MATERIALS (SALT AND GRITS) FOR THE DEPARTMENT OF PUBLIC WORKS

#R2010-169 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH SPACE FARMS, INC. FOR DEER CARCASS RECOVERY/REMOVAL FROM THE TOWNSHIP'S ROADWAYS AND ROAD RIGHT-OF-WAYS EFFECTIVE OCTOBER 31, 2010 THROUGH OCTOBER 31, 2011

#R2010-170 RESOLUTION FOR AUTHORIZATION TO ACCEPT THE PARIS GRANT IN THE FORM OF TEMPORARY STAFF RESOURCES AND MATERIALS PROVIDED BY THE COUNTY OF SUSSEX ACTING AS PARIS GRANT SHARED SERVICE PROJECT MANAGER

#R2010-171 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO REQUEST THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF THE 2010 BODY ARMOR FUND IN THE 2010 MUNICIPAL BUDGET

***CONSENT AGENDA: (CONTINUED)**

#R2010-172 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ISSUE A TAX REFUND TO US BANK CUST FOR PRO CAPITAL I, LLC IN REGARDS TO THE REDEMPTION OF A NON-ISSUED TAX SALE CERTIFICATE SOLD FOR DELINQUENT TAXES FOR BLOCK 153/LOT 26 IN THE AMOUNT OF \$5,346.77

#R2010-173 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO ISSUE A TAX REFUND TO US BANK CUST FOR PRO CAPITAL I, LLC IN REGARDS TO THE REDEMPTION OF A NON-ISSUED TAX SALE CERTIFICATE SOLD FOR DELINQUENT TAXES FOR BLOCK 153/LOT 26 IN THE AMOUNT OF \$5,346.77

(See Inserts Attached to These Minutes)\

REGULAR MEETING**APPROVAL OF MINUTES****SEPTEMBER 27, 2010 REGULAR MEETING**

Mr. Lensak moved to approve these minutes as presented, seconded by Ms. Phoebus. Roll call vote:

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

JULY 12, 2010 EXECUTIVE SESSION

Mr. Boyce moved to approve these minutes as presented, seconded by Ms. Phoebus. Roll call vote:

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

AWARDS PRESENTATION - FIRST ANNUAL TOWNSHIP CHARITY SOFTBALL GAME

FIRST PLACE WINNER – LAKE LENAPE LODGE SOFTBALL TEAM FOR THERESA HAMMLER MEMORIAL SCHOLARSHIP FUND - \$1,120.12

SECOND PLACE WINNER – DORSET FARMS TEAM FOR LAKELAND EMERGENCY SQUAD – \$320.04

THIRD PLACE WINNER – ANDOVER TOWNSHIP T & S FOR BODHI FOOD BANK - \$160.02

The winning teams along with their selected charities were present to accept Certificates of Appreciation and donation checks.

Matt Lally from Team Dorset Farms remarked on the wonderful event and hopes that this will become an annual experience. He thanked all who were involved including Mayor Walsh, Mr. Lensak, the Recreation Committee. He was happy to announce that on behalf of his team they presented Lakeland Emergency Squad with an additional gift of \$320.04, bringing their donation to \$640.08.

Lastly, Mayor Walsh and Mr. Lensak as members of Team T & S presented a check to representatives for the Bodhi Food Bank. Mayor Walsh and Mr. Lensak then presented reimbursement checks they received to the Bodhi Monastery. These checks totaled \$140.00 in additional donation to their charity. The MVP award was presented to Matt Lally from Team T & S.

AWARDS PRESENTATION - FIRST ANNUAL TOWNSHIP CHARITY SOFTBALL GAME
(CONTINUED)

Mr. Lensak thanked everyone who worked on the Committee to make this event the huge success it was. He thanked the Mayor Walsh, Ms. Phoebus, Ed Burgio. Special thanks to Jackie Huelbig for keeping track of the team registrations. Her husband Gerald also assisted to make this possible.

OPEN TO THE PUBLIC Stan Christdlous of 6 Wisteria Road asked what the policy is for use of the email list that was developed originally for use for the Mayor's Newsletter. Mayor Walsh said he doesn't believe we are even using the newsletter at this time. Attorney Semrau provided background on the email list stating this list that Mr. Smith had last year was used to disseminate weekly information to the recipients on a weekly basis. This newsletter was sent from his municipal email account. This year there was a request made by the administration for the actual list of addresses so if the administration wanted to continue this type of information service, the addresses were on file in the Clerk's office. He added that there is case law that supports the fact that the email addresses are public records and obtainable through OPRA.

The understanding was that the administration through the Township would take those addresses and it would then be the Township's responsibility. Mr. Christdlous stated that it appears to him Mr. Boyce used a scrub version of that list to send emails that attack citizens and that are self-serving. I said he did not think that was the purpose of this list.

Mr. Boyce explained about six months ago he filed an OPRA request to get that list and the purpose was both to communicate the positive things that are going on in town but also to develop a line of communication with our residents. During that time, he said he added many new names to that list that he has collected. About once a month, he sends out an email with comments on matters that are going on with the town that he is involved with. He always encourages people to write back whether they agree or not. Mr. Christdlous stated that Mr. Boyce attacked Mr. Woodstrom. Mr. Boyce stated he did not attack him but simply used his comments, some of which he agreed with and others he did not. He used them to explain his complaint and what he thought was the proper response. He further explained that his emails contain an option to unsubscribe to these messages.

Attorney Semrau stated when Mayor Smith sent his newsletter out it was from his municipal account and he had him take a look to make certain from a legal prospective it wasn't representing anything from the town that would be contrary or out of line from the standpoint from the mayor's office. What Mr. Boyce is doing is he is sending out emails from his private account and sending it out as a citizen of the township expressing his views. He did file an OPRA request for this information and he does provide the unsubscribe option at the beginning of his emails. This is a new area of law and to him Mr. Smith's newsletter was as mayor and Mr. Boyce's is coming from his private account, sending a message as a citizen. He does identify the fact that he is also a member of the Township Committee.

Mr. Christdlous added that Mr. Boyce's emails can be misleading because of his identification as Township Committee member. Mr. Boyce agreed to make a change to his emails adding the line that he is not representing the Township Committee.

Diane Gillespie of Andover-Mohawk Road stated to Attorney Semrau she was glad he explained the distinction in the emails because she also felt it was an attack on Mr. Woodstrom. She said that if when the public speaks during a meeting may become information in an upcoming email, people may be reluctant to make their feelings known. She felt that residents' names did not have to be used in the emails. She then stated she contact John Paff and informed him that she felt very uncomfortable with the recent Committee meetings referring to heated discussions between a resident and the Committee.

Mr. Boyce explained that he is not trying to offend anyone with these comments, but only trying to inform. He then proceeded to explain some of those issues that were said at prior meetings that he believed were not appropriate such as employees attending a funeral for a fellow police officer.

OPEN TO THE PUBLIC (CONTINUED) He said when he wrote the emails he was not attacking the gentleman, didn't use his last name, but used his name in a way to explain what goes on in the town. He added that if he were upset he would speak to him directly. Ms. Gillespie stated she would be extremely upset if this email was about her.

Mr. Lensak stated that if you were misquoted in an email you should have an opportunity to reply and make that be known. He added that if you come to a public meeting, to speak during the public portion and say something, those comments made are public knowledge. All that is said during a public meeting is also reported in the newspaper. Everything is on the record here.

Mr. Lensak said he took exception about the political nature of the emails. He said he could pull some past Mayoral emails that were of a political nature. Ms. Phoebus stated that Attorney Semrau explained it that when it was coming as a mayor's newsletter it was coming from the mayor and the governing body, approved by the attorney. Mr. Boyce's emails are coming from his personal account. Attorney Semrau wanted to be clear that there is no dialogue going on between the Committee members which would temper the Open Public Meetings Act. He then spoke about the creation of the municipal accounts for each Township Committee member. He said based on all the communications he has seen, the Committee has been extremely good about not discussing anything through emails.

He added that Mr. Boyce has a right as a resident and we need to be concerned about his own free speech rights to say he can communicate via email. There is not much we can do when someone is communicating as an individual except to say and make it clear the writer is a member of the governing body. Both newsletters are well within their purview as a resident or an elected official. An individual can OPRA the same email list but we should be careful we don't go too far and say to anyone you have to watch what you say. When someone comes before the Committee to speak as a member of the public, you are putting yourself close to equal footing to the people on the dais.

Ms. Gillespie then asked about the status of Resolution #R2010-174 and all the discussion that lead to placing this back on the agenda. Mayor Walsh stated there will be discussion at the time we reach that item.

She then wanted to talk about an Environmental Commission internal concern. Two meetings ago Mr. Lensak and Mayor Walsh had a discussion regarding the Commission's bylaws and the Committee's policies and procedures in which her name was brought up. She provided her background when it came to preparing bylaws for various organizations. The intent of creating bylaws is to ensure all members are aware of their responsibly and ensures consistency when members are replaced. She stated her disappointed that Mayor Walsh and Mr. Lensak had questions and then deemed the document invalid. She said that the minutes from their August 5, 2010 Environmental Commission meeting states "Mike Lensak asked that the Committee members look at the resolutions and bylaws of the Committee to use as reference to the goal of the Environmental Commission. Those minutes were approved and she asked what happened since that meeting to change his mind. She said through her research she could not find anything where the Township Committee could arbitrarily invalidate the Commission bylaws.

Attorney Semrau said in 2006 and 2007 he was asked to review bylaws of the Environmental Commission. He had minor comments and revisions and it is his understanding that the Commission did adopt those bylaws. He explained every year when the Commission reconvene, one of the first things to do is adopt bylaws. She said none of them was under the impression that needed to be done. Future Commissions are not bound by bylaws that were adopted in 2007. Mayor Walsh added that the Chair of the Commission was blindsided because she never received a copy of those bylaws.

Mr. Lensak said that members of the Commission at their first meeting of the year berated the Chair, Christine Kretzmer asking her about her qualifications and what gave her the authority to serve as chair. She never received these bylaws until August. Once he saw the bylaws he spoke to the attorney who advised him that they should be reviewed and voted on by each new Commission each year.

OPEN TO THE PUBLIC (CONTINUED) Ms. Gillespie said she has done everything possible to try and help. She added that with every new member, we always asked every new member to explain their background and we would offer them ours in an attempt for each of us to better get to know one another. She said when asked for copies of the bylaws, she provided them.

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

ORDINANCES: INTRODUCTION

**NO. 2010-12 ISSUANCE OF FRANCHISE TO SERVICE
ELECTRIC CABLE TV OF NEW JERSEY, INC.**

“AN ORDINANCE GRANTING MUNICIPAL CONSENT TO THE ISSUANCE OF A FRANCHISE TO SERVICE ELECTRIC CABLE TV OF NEW JERSEY, INC. TO CONSTRUCT, OWN, OPERATE, EXTEND AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF SAID MUNICIPAL CONSENT AND PROVIDING FOR THE REGULATION AND USE OF SAID SYSTEM”

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2010-12, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on November 08, 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	

ORDINANCES: PUBLIC HEARING

**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”

Ms. Phoebus has recused on this matter. Attorney Semrau asked that this ordinance be tabled in order to make certain amendments to this ordinance. He said when it went back to the Planning Board after their careful review of the ordinance, an additional block and lot were identified that should be part of this ordinance. The best way to remedy that is to move to table, we will incorporate the amendment suggested into the ordinance and when it comes back there will be one advertisement. It will then be in accordance with what was intended.

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 September 13, 2010, was advertised according to the law for public hearing this evening. Mr. Lensak moved this ordinance be tabled in order to incorporate the amendments as recommended, seconded by Mr. Boyce. The public hearing will be held on November 22, 2010. Roll call vote:

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

ORDINANCES: PUBLIC HEARING (CONTINUED)**NO. 2010-11 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 OF ANDOVER"***

Mr. Smith moved to open the public hearing on this ordinance, seconded by Mr. Boyce and carried unanimously. Seeing no hands, Ms. Phoebus closed the public hearing, seconded by Mr. Smith 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 October 12, 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

RESOLUTIONS**#R2010-174 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**

Mr. Boyce explained that he and Mr. Lensak met with the School Superintendent Bernie Baggs and Business Administrator Terry Van Auken, their Building/Grounds Supervisor Janusz Berghoff and their engineer Ed Enright. Christine Kretzmer, Environmental Commission Chair, and two board members, Linda Gianni and Chris Pierson were also there. This resolution was tabled since the September 13th meeting in order to obtain additional information on this plant. Municipal approval is required by the DEP when modifications are made to a treatment works facility. Everyone agrees the improvement to ultraviolet light is the better alternative and it eliminates the problem of disseminating chlorine into the water.

In this meeting, Mr. Boyce stated most of the information was received and Mr. Lensak did ask some very good questions regarding the cleanliness of the water coming out of the plant which does discharge on some of our open space land. Mr. Lensak explained that the light treatment will take away the need for the chlorine and sodium sulfide. The problem is there is a C-1 waterway nearby so he specifically asked the engineer about the discharge. The engineer replied three times, the discharge will meet the permit levels of the DEP for a C-1 discharge. Mr. Boyce added that this plant was built in 1966 designed to last 30 years and it has been 44 years. Mr. Lensak said this plant is monitored on a monthly basis and we had them commit to giving us the analysis each month. The Environmental Commission will be copied as well as the Committee and Administrator.

With that said, both Mr. Lensak and Mr. Boyce recommend that the Committee consider this resolution for adoption.

RESOLUTIONS (CONTINUED)**#R2010-174 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**

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

(See Insert Attached to These Minutes)

OLD BUSINESS**NEW BUSINESS****FARMLAND PRESERVATION APPLICATION – SCOTTO LAND INVESTMENTS
BLOCK 161/LOTS 3 & 3.01 AND BLOCK 163/LOT 2 – APPROXIMATELY 285 ACRES**

Ms. Thompson informed the Township Committee she received a letter from the State Agriculture Development Committee stating they received an application from the property owner to sell the development easement on these properties. Both the municipality and the county were informed of the easement sale applications so they may comment with any comments prior to the SADC's consideration. Mayor Walsh stated these properties yield the township over \$35,000 a year in taxes. There will be a significant reduction if this application is approved by the State.

Ms. Phoebus said that this property is all zoned industrial. Within the last month, someone approached him to sell the property and his going rate was \$9.6 million. All of a sudden, we are looking at a farmland preservation application, which she said makes no sense to her. Attorney Semrau explained the development rights are restricted and therefore will have limited uses. Following a short discussion, it was decided that Attorney Semrau will review the letter, talk to the Planner and ask him how this fits into the Master Plan. The Township Committee delegated Ms. Phoebus and Mr. Lensak to review the information and if necessary voice an objection on behalf of the entire Committee.

OTHER BUSINESS

**APPROVAL OF RAFFLE LICENSE – ST. JOSEPH'S REGIONAL SCHOOL
RL #938 – OFF PREMISE MERCHANDISE TO BE HELD AT PERONA FARMS
ON FEBRUARY 26, 2011**

**APPROVAL OF RAFFLE LICENSE – SUSSEX COUNTY FELLOWSHIP FOR
ANIMALS – RL #939 – ON PREMISE MERCHANDISE TO BE HELD AT FARMSTEAD
GOLF & COUNTRY CLUB ON DECEMBER 5, 2010**

**APPROVAL OF RAFFLE LICENSES – NORTHWEST JERSEY READING COUNCIL
RL #940 – ON PREMISE 50/50 AND RL #941 – ON PREMISE MERCHANDISE
TO BE HELD AT FARMSTEAD GOLF & COUNTRY CLUB ON NOVEMBER 30, 2010**

**APPROVAL OF RAFFLE LICENSE RL #938A – ST. JOSEPH'S HOME & SCHOOL
ASSOCIATION – OFF PREMISE MERCHANDISE TO BE HELD ON FEBRUARY 26,
2011 AT PERONA FARMS (AMENDED COST OF TICKET FROM \$25 TO \$20)**

Mr. Smith moved to approve the foregoing licenses as presented, seconded by Mr. Boyce. Roll call

vote:

Mr. Boyce – yes

Ms. Phoebus – abstain

Mayor Walsh – yes

Mr. Lensak – yes

Mr. Smith – yes

COMMITTEE REPORTS

MR. SMITH. He reported on the recent SWAC meeting when they brought up the issue of the closing of the landfill in 2017. They discussed three alternatives: (1)a new location, (2)operate as a transfer point and attempt to find another State to accept the solid waste or (3)other technology. A special consultant was brought in and they developed an interesting technology and its where you take high pressure torches which liquefies the solid waste materials (gasification) that turns it into a plasma which runs generators and ultimately produces electricity. He said that this option is obviously the silver bullet. He said the SWAC Commission will be involved in making recommendations to the County.

MR. BOYCE. He reported on the Action Alliance Program and at the time, the Committee adopted the resolution to support them in their grant application, he volunteered to serve as their liaison. When he attended their meeting and they ask him to be their chairman. He explained that he is helping them set up drug education seminars. The first is tomorrow night at Long Pond School at 7PM. With the drug problem growing in Sussex County, there are more arrests everyday and this is a real risk for our teenagers. There is another seminar scheduled for November 30.

Mr. Boyce said he attended a school board meeting about a month ago and he was surprised to see some animosity towards this Committee. One member said he was seething and the issue was we had hired a consultant to review their budget once it failed by the voters of the township. Mr. Boyce explained to the school board why the Committee did what they did. He proceeded to explain to the audience what he said at that meeting. That being said, he explained that there needs to be better communication between the Committee and the school board. Linda Gianni suggested before he could, we create a liaison committee, a committee comprised of two Township Committee members, two Borough Council members and two Board members, along with their administrators. He said they could meet once a month reviewing their budget and talk about new things coming in an attempt to better educate everyone on their budget. He asked for a consensus of the governing body and they all agreed with this concept.

MAYOR WALSH. He reported that contract negotiations will begin shortly with the dispatchers and department of public works unions. Meetings will be scheduled for November and information will be brought back to the Committee for discussion.

The Perona Road second phase has begun today regarding the drainage and paving of this road.

At this time Mayor Walsh asked for a motion to withdraw the Township's applications for the Paulinskill Project and the Green Acres Entry Grants both at \$500,000. He explained that since there are no projects planned at this time the funds can be used elsewhere and when we have a potential plan, we can then reapply for these funds.

Ms. Phoebus moved to withdraw these applications, seconded by Mr. Boyce and carried unanimously.

MS. PHOEBUS. She thanked the fire department for accepting her as their liaison because there meetings are a great deal of fun while getting a great deal of work accomplished. She reported on the success of the annual Rib Fest Dinner this past Saturday night.

She then reported on COAH stating last week she and Ms. Thompson were invited to attend a meeting with the Commissioner of the DCA in Newton. There were 45 people in attendance. During that meeting, the questions was raised about Affordable Housing and Ms. Grifa said that right now the S-1 Bill died in the Assembly and at this point there are no changes in COAH. When asked about municipalities with Third Round Certification the Commissioner stated there are about 63 municipalities in the State with this certification and we should continue with our plan and actively pursue what we have started. Ms. Phoebus said we are going to pursue with the St. Paul's Abbey due diligence. There are some non-profits interested in this project and this will be good for the citizens of Andover Township. She reported on the Tool Kit from the Governor's office and appartantly no legislation has been passed to support this concept.

COMMITTEE REPORTS (CONTINUED)

MR. LENSAK. He reported that the Economic Development Committee did not meet and Lakeland Emergency Squad raised \$120 selling refreshments at the charity softball game. He met with the Police Chief on his department and happy to report things are moving along quite well.

Mr. Lensak then reported on Open Space and Environmental Commission meetings that has been reported earlier in the evening through the public portion.

REPORT FROM THE CLERK/ADMINISTRATOR She reported that Election Day is next Tuesday November 2nd beginning at 6AM through 8PM. The last day to accept applications for Vote by Mail process is tomorrow. The County Clerk's office must receive the application no later than tomorrow by the close of day. Voting can be done in person at the Clerk's office until 3PM on November 1st. For additional election information see anyone in the Clerk's office.

REPORT FROM THE MUNICIPAL ATTORNEY He mentioned discussion in Executive Session earlier regarding Current and Payne Roads. We receive correspondence from attorneys in this matter with regard to a private resident do some improvements to Payne Road. There was another letter stating the improvements are not necessary because the DPW has taken action on this roadway. The consensus of the Committee is to leave things status quo because of the work done by Public Works.

With respect to the Lake Iliff access property, a resident took some samples at this location and there were some elevated levels of fecal coliform so the Administrator has closed access to the property, which all parks are closed this time of the year anyway. We will ask for a representative from the Environmental Joint Insurance Fund to give the Township some advice as to how to see those levels be reduced. More samples may be taken by them at the site.

He then reported that the Township continues their long term planning to ensure affordable housing compliance no matter what the rules and guidelines are. The Committee tonight took action with respect to the St. Paul's Abbey lease to continue it so that it has that right and protection going forward against future high density type of development.

NEXT SCHEDULED MEETINGS: **October 25, 2010**
 November 22, 2010

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

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Smith moved the meeting be adjourned at 9:14 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 25TH day of October 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. ***Open Space Application – Lake Paulinskill Property***
- 3. ***Shared Services Agreements – 9-1-1 Contracts & Positions of Tax Collector/Chief Financial Officer***
- 4. ***Senior Services Policy***

Attorney-Client Privilege:

- 1. ***Current Drive & Payne Road***
- 2. ***Lake Iliff Property Acquisition***

Potential Litigation:

Pending Litigation:

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

- (X) a. (8) Personnel matters.
 - 1. ***Police Department Matters/Structure***
- () 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: October 25, 2010

Moved: Lensak Seconded: Phoebus
Voted Aye: Boyce, Lensak, Phoebus, Smith, Walsh
Voted Nay: None
Abstained: None
Resolution adopted. October 25, 2010

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION "B"

BE IT RESOLVED by the Township Committee of the Township of Andover on the 25TH day of October 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:

4. Senior Services Policy

Attorney-Client Privilege:

1. Kilroy Road Drainage

Potential Litigation:

(X) a. (8) Personnel matters.

- () b. (9) Deliberations after a public hearing that may result in penalties.
 - 2. 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: October 25, 2010

Moved: Lensak Seconded: Phoebus
Voted Aye: Boyce, Lensak, Phoebus, Smith, Walsh
Voted Nay: None
Abstained: None
Resolution adopted. October 25, 2010
