

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

NOVEMBER 08, 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 6:33 P.M. by Deputy Mayor Phoebus, followed by a salute to the flag.

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

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

EXECUTIVE SESSION: On a motion by Mr. Smith, seconded by Mr. Boyce, the resolution to go into executive session to discuss

Personnel Matters:

1. ***Position of Municipal Court Judge***

Contract Negotiations:

1. ***St. Paul's Abbey Due Diligence***
2. ***Rental of Lower Level of Hillside Park Barn***
3. ***Computer Services and Website Maintenance***
4. ***Shared Services Update***

Attorney-Client Privilege:

Potential Litigation:

Pending Litigation:

1. ***Krueger vs. Andover Township***
2. ***Ray C. Inc. vs. Andover Township***

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:35 P.M. Mr. Boyce moved to adjourn executive session at 7:16 P.M., seconded by Mr. Smith and carried unanimously.

A recess was called at this time.

REGULAR MEETING

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

APPROVAL OF CONSENT AGENDA ITEMS Attorney Semrau stated with respect to Resolution #R2010-178, that this resolution be amended to include Green Township with a minor revision with respect to indemnification language, which was discussed in Executive Session. Mr. Smith moved the following consent items be approved, as amended, seconded by Mr. Boyce and carried unanimously.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

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

ACCEPTANCE OF TAX COLLECTOR'S OCTOBER REPORT - \$16,334,658.42

***RESOLUTIONS:**

#R2010-176 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO REQUEST THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF A \$1,843.39 DRUNK DRIVING ENFORCEMENT FUND IN THE 2010 MUNICIPAL BUDGET

#R2010-177 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO EXTEND THE TERM OF THE INTERIM CHIEF FINANCIAL OFFICER

#R2010-178 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ENTER INTO A THREE YEAR INTERLOCAL AGREEMENT FOR 9-1-1 SERVICES WITH THE BOROUGH OF ANDOVER FOR A THREE YEAR PERIOD BEGINNING JANUARY 01, 2011 THROUGH DECEMBER 31, 2013

#R2010-179 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO REQUEST THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF A \$6,794.00 CLEAN ENERGY AUDIT PROGRAM GRANT IN THE 2010 MUNICIPAL BUDGET

#R2010-180 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO CANCEL THE BALANCE IN THE RESERVE FOR PRELIMINARY EXPENSES FOR IMPROVEMENTS TO GOODALE ROAD, PHASE I

(See Inserts Attached to These Minutes)

***APPROVAL OF MINUTES**

**AUGUST 09, 2010 EXECUTIVE SESSION
SEPTEMBER 13, 2010 REGULAR MEETING
OCTOBER 25, 2010 REGULAR MEETING**

APPROVAL OF MINUTES**OCTOBER 12, 2010 SPECIAL MEETING**

Deputy Mayor Phoebus asked that these minutes be carried to the next meeting due to a lack of voting quorum.

REPORT FROM THE FIRE CHIEF There was no report at this time.

REPORT FROM THE RESCUE SQUAD CHIEF There was no report at this time.

REPORT FROM THE CHIEF OF POLICE Chief Tagliatela reported for the month of October there were 648 calls for Andover Township, there were 10 for Andover Borough, Hamburg Borough had 375 and Green Township, 37 calls. Year to date as of November 7 there were 13,306 calls for service.

OPEN TO THE PUBLIC Seeing no hands, Deputy Mayor Phoebus closed the public portion of this meeting.

ORDINANCES: PUBLIC HEARING**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”

Deputy Mayor Phoebus opened the public hearing for this ordinance. Seeing no hands, she closed the public hearing.

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 25, 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 Mr. Boyce. Roll call vote:

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

COMMITTEE REPORTS:

MR. SMITH. He reported the Senior Citizens Club will celebrate Thanksgiving at Farmstead on Monday, November 15. The next regular meeting is scheduled for December 6 at the Senior Center in Andover Borough.

Reporting on the Board of Health the New Jersey Department of Agriculture they reported there was no major infestation detected in Andover Township from the fall gypsy moth egg mass survey. He added that the free rabies clinic is scheduled for January 7 for all cats and dogs.

Mr. Smith spoke about the SWAC meeting for tomorrow night and the major issue is the closing of the local landfill in 2017.

COMMITTEE REPORTS (CONTINUED)

MR. BOYCE. He reported that the Action Alliance Anti-Drug meeting was held on October 26 at the Long Pond School. He thanked Sergeant Danielson and Officer Mosner for presenting an excellent discussion of the growing drug problem in Sussex County. They expressed a real concern for marijuana possession that has skyrocketed in the past year. Several days following that meeting there were 3 or 4 busts on Stickles Pond Road and three of our young people were arrested for illegal marijuana possession. There was also an underage drinking party. The officers had explained that underage drinking is becoming a huge problem. He stated that are continuing our efforts and there is another meeting on November 30 at the school. They will invite all the parents to attend and bring their children.

Mr. Boyce added that Judge Mulhern gave notice that he decided not to continue beyond his current term, which expires December 31st. He thanked the Judge for many years of service to the township. A subcommittee has been selected to interview candidates.

MS. PHOEBUS. She congratulated the fire department and the current president Rick Melfi, their current chief Dan Crater and past chief Gil Tagliatela were in the audience for returning \$5,000 offered to them in their budget for their use this year. The department notified the Township that they would like to return the funds in order to offset any shortfalls in the budget. She said the department does fundraisers all year long to raise money so for them to return these funds is truly remarkable. Our volunteers and residents work very hard together to help the taxpayers and the governing body.

She then congratulated Rick Melfi and the Economic Development Advisory Committee in receiving a nomination from the Economic Development Partnership. She read the letter announcing the nomination for the Municipal Award. Deputy Mayor Phoebus stated it is through the hard work of the EDAC of the Township that this nomination was made possible. There is a Land Use Board meeting tomorrow night.

REPORT FROM THE CLERK/ADMINISTRATOR She reported the Cub Scouts from Troop 81, Den #2 visited the municipal building, the DPW garage, and the police headquarters last Thursday in an effort to obtain their government badge. Everyone introduced themselves and gave a short report on what they do. The scouts asked great questions.

REPORT FROM THE MUNICIPAL ATTORNEY Because of the recent decision relating to COAH at the next meeting he should have more information from the League of Municipalities relative to the third round rules. He will provide a report at that time. On the Krueger litigation, there is a challenge from a Sparta resident on this matter. With respect to the Ray's Inn liquor license, we did receive a final order from the Office of Administrative Law that the matter has been dismissed.

Mr. Smith moved to change the next meeting from November 22, 2010 to November 29, 2010, seconded by Mr. Boyce and carried unanimously.

NEXT SCHEDULED MEETINGS: **November 29, 2010, December 13, 2010, December 27, 2010**
Executive Session - 6:30 p.m.; Regular Meeting - 7:30 p.m.

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Smith moved the meeting be adjourned at 7:51 P.M., seconded by Mr. Boyce and carried unanimously.

Respectfully submitted,

Tom Walsh, Mayor

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

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Andover on the 08TH day of November 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. ***Rental of Lower Level of Hillside Park Barn***
- 3. ***Computer Services and Website Maintenance***
- 4. ***Shared Services Update***

Attorney-Client Privilege:

Potential Litigation:

Pending Litigation:

- 1. ***Krueger vs. Andover Township***
- 2. ***Ray C. Inc. vs. Andover Township***

- (X) a. (8) Personnel matters.
 - 1. ***Position of Municipal Court Judge***

- () 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: November 08, 2010

Moved: Smith Seconded: Boyce
Voted Aye: Mr. Boyce, Mr. Smith, Deputy Mayor Phoebus
Voted Nay: None
Absent: Mr. Lensak, Mayor Walsh
Resolution adopted. November 08, 2010
