

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

NOVEMBER 29, 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 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: On a motion by Ms. Phoebus, seconded by Mr. Smith, 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. ***Shared Services Agreement Update – Positions of Tax Collector/Chief Financial Officer***
4. ***Dispatcher's Union Negotiation update***

Attorney-Client Privilege:

1. ***Open Space Application – Lake Paulinskill Property - Federal Forest Legacy Application***
2. ***Recycling and Solid Waste Removal Bid Proposal Attorney Review***

Potential Litigation:

Pending Litigation:

1. ***Krueger vs. Andover Township - Update***
2. ***Ray C. Inc. vs. Andover Township – Update – Liquor License***
3. ***Leenstra vs. Richard Then, ET AL - Update***

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:34 P.M. Mr. Boyce moved to adjourn executive session at 7:35 P.M., seconded by Mr. Lensak and carried unanimously.

REGULAR MEETING

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

APPROVAL OF CONSENT AGENDA ITEMS Mayor Walsh asked that Resolution #R2010-185 be amended to include a not to exceed \$4,000 clause. Mr. Smith asked that Resolution #R2010-187 be removed from the consent agenda for discussion. Ms. Phoebus moved the following consent items be approved, seconded by Mr. Boyce and carried unanimously.

CONSENT AGENDA:**OTHER BUSINESS:**

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

***RESOLUTIONS:**

#R2010-181 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND TO OLLIE JENSEN IN THE AMOUNT OF \$1,139.92 FOR AN OVERPAYMENT IN THE FOURTH QUARTER 2010 TAXES FOR BLOCK 135, LOT 13

#R2010-182 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND TO ANDREW & KATRINA MULVIHILL IN THE AMOUNT OF \$7,573.89 FOR AN OVERPAYMENT IN THE THIRD QUARTER 2010 TAXES FOR BLOCK 65, LOT 1.05

#R2010-183 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 HAMBURG BOROUGH FOR A THREE YEAR PERIOD BEGINNING JANUARY 01, 2011 THROUGH DECEMBER 31, 2013

#R2010-184 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A STORMWATER EASEMENT FOR DISCHARGE AND DRAINAGE FROM JOHN A. NYSTRAND, JR.

#R2010-185 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT AN INTERIM TREASURER

#R2010-186 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY APPOINTING A PRIVACY OFFICIAL FOR COMPLIANCE OF HIPPA

(See Inserts Attached to These Minutes)

RESOLUTION REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION**#R2010-187 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY WITH REGARD TO THE 2010 BUDGET APPROPRIATION TRANSFER - \$48,015.00**

Mr. Smith stated this resolution is a transfer of funds between various accounts. One of the accounts that funds are being transferred to is garbage and it is a substantial amount. Due to the increase in tipping fees July 1st and then an amended amount September 15th, but still it remained an increase is the reason for the shortfall in the budget line item. Mr. Smith then questioned the transfer to fund Unemployment Insurance. This is due to the extensions on the current cases on file.

Attorney Semrau stated there is \$34,000 being transferred out of the Legal budget. Mayor Walsh first thanked the Fire Department because \$5,000 of this transfer resolution is from their Operating Budget that they offered to be returned to the General Account. With regard to the Legal budget it is because we have not used our allotted funds for this line item. He explained that Attorney Semrau reduced his hourly salary in January, the Land Use Board has done a great job in keeping these expenses down and the Clerk/Administrator who doesn't contact the Township Administrator everyday. There are many factors that have kept this line item down in 2010. Attorney Semrau added that it is a function of how efficiently the entire township is running. He offered kudos to the entire Committee and the administration. Mr. Boyce said by keeping this area of the budget down we are in a position to transfer these funds to areas where we are over budget. Many of these items are beyond our control when drafting the budget.

Mr. Boyce moved to adopt the foregoing resolution as presented, seconded by Mr. Smith and carried unanimously.
(See Insert Attached to These Minutes)

APPROVAL OF MINUTES**SEPTEMBER 13, 2010 EXECUTIVE SESSION**

Mr. Boyce moved to approve the foregoing minutes as presented, seconded by Ms. Phoebus and carried unanimously.

OCTOBER 12, 2010 SPECIAL MEETING

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

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

REGULAR AGENDA

OPEN TO THE PUBLIC Jesus Cepero of 22 Perona Road voiced his concern regarding the parking of an oversized vehicle on his street. He questioned the police department who then directed him to the municipal building. When visiting the town hall he was informed to attend a Committee meeting. Following discussion of this matter, it was apparent that this is a zoning issue and the matter will be turned over to the Zoning Officer for his attention.

James Woodstrom of Limecrest Road stated he is aware the township is in contract negotiations with the DPW and Dispatchers unions. He asked the Committee to keep in mind the County lost 49 employees through attrition and they plan to lay off additional personnel. They also plan on freezing wages for the coming year. He added that the President said all employees in his administration will be subject to a pay freeze for the next two years. He then mentioned where the ex-mayor of Byram asked the town council to eliminate health benefits for anyone who wasn't a full time employee. This matter went to a vote of the public and it passed. He mentioned his shock of the cost of some of the health plans.

COMMITTEE REPORTS (CONTINUED)

MS. PHOEBUS. There is no longer a council managing the affordable housing and it is under the State Planning Board control. There are only a few municipalities with third round certification. After a four hour meeting it was clear that both bills are looking at how they will determine the formula for the third round. If a municipality has not met their first and second rounds, those municipalities will be penalized. She explained we need to meet 55 units for those two rounds. She stated we are working on that goal.

MR. LENSACK. He reported there was a fire the other night in Andover Township who happens to be a good friend of his. He said it was heartwarming to see the fire department coming out of the house with mementos to bring the family.

Reporting on the police department he read a letter into the record stating that on behalf of Lodge 177 they have reached a decision that they will continue to provide compensatory time in lieu of overtime for court presence for 2011. He thanked the department for their offer. He then mentioned that the police department had an interaction with the Violence Awareness Week at the FMB School. There were officers who attended domestic violence training, and alcohol test operator courses.

Mr. Lensak then announced that Andover Township received an award from the Sussex County Economic Development Partnership for the Municipal Award. He, Mr. Boyce and Mayor Walsh attended the luncheon celebration. A great thanks went to Mr. Melfi who had the vision to start our EDAC with the prodding of Ms. Phoebus. This committee has changed the attitude of Andover Township and we are receiving all of positive feedback from businesses moving into town. Mayor Walsh held the plaque and read it to the public.

Mayor Walsh stated that Andover Township received a compliment from Mr. Nicholson, president of Eastern Propane and associated with Lakeland Bank and he said this is one of the nicest towns he has ever worked with and he has worked all over the country.

MR. SMITH. Reporting on the Senior Citizens they will be celebrating Christmas at the Andover Inn on December 6th and on December 20th they will hold their regular meeting and elect officers for 2011. The free rabies clinic is scheduled for January 7th at the DPW garage. Dogs will be vaccinated from 5 to 7PM and 7 to 8 for cats. The next Board of Health meeting is December 15th at 7:30 at the Municipal Building.

Reporting on SWAC they met on November 9th at the County building and the biggest issue facing this commission is what recommendations will be made when the landfill reaches capacity and closes in 2017. The next meeting is December 14th at 7:30.

MR. BOYCE. He reported that we are in the process of appointing a new municipal judge to replace the retiring Judge Mulhern. The field has been narrowed to three candidates. Interviews will take place this week. He stated that he hopes to have a recommendation to the full committee by the next meeting.

A letter from Linda Gianni, president from the School Board will be arriving this week. This will be an invitation to the Committee to participate in a liaison committee with the Borough and School Board. This is important to open the lines of communication with the Board. We will talk about our budgets and welcome suggestions on what we can do to reduce spending.

The Action Alliance will hold another seminar tomorrow night at Long Pond School at 7PM and its design to shield our kids with assets. The children are surrounded by many challenges and this meeting is being presented by Becky Carlson at the Center for Prevention and Counseling. It should be a fun and interactive workshop for parents and youth of all ages.

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Andover on the 29TH 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):

- (x) 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.
- (x) b. (4) A collective bargaining agreement including negotiations.
- (x) 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. ***Shared Services Update – Positions of Tax Collector/Chief Financial Officer***
- 5. ***Contract Negotiations Dispatch Union***

Attorney-Client Privilege:

- 1. ***Open Space Application – Lake Paulinskill Property – Federal Forest Legacy Application***
- 2. ***Recycling and Solid Waste Removal Bid Proposal Attorney Review***

Potential Litigation:

Pending Litigation:

- 1. ***Krueger vs. Andover Township***
- 2. ***Ray C. Inc. vs. Andover Township***
- 3. ***Leenstra vs. Richard Then, ET AL - update***

- (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 29, 2010

Moved: Phoebus Seconded: Smith
Voted Aye: Boyce, Lensak, Phoebus, Smith, Walsh
Voted Nay: None
Abstained: None
Resolution adopted. November 29, 2010
