

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

DECEMBER 13, 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 6:31 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. Boyce, the resolution to go into executive session to discuss

Personnel Matters:

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

Contract Negotiations:

1. ***A. Tagliatela, Police Chief***
2. ***St. Paul's Abbey Due Diligence***
3. ***Shared Services Agreement Update – Positions of Tax Collector/Chief Financial Officer – 9-1-1 Interlocal Agreement with Green Township***
4. ***Dispatchers' Union Negotiation Update***
5. ***Lake Lenape Association & Forest Lake Clubs – Dam Restoration Projects***
6. ***DPW Sidebar Agreement Discussion***

Attorney-Client Privilege:

1. ***Recycling and Solid Waste Removal Bid Proposal - Attorney Review***

Potential Litigation:

Pending Litigation:

, was carried unanimously.
(See Insert Attached to These Minutes)

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. Boyce and carried unanimously.

REGULAR MEETING

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

APPROVAL OF CONSENT AGENDA ITEMS Mayor Walsh asked that resolutions #R2010-194 and #R2010-196 be added to the Consent Agenda. Ms. Phoebus 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 Inserts Attached to These Minutes)

ACCEPTANCE OF TAX COLLECTOR'S NOVEMBER REPORT - \$3,360,193.83

**APPROVAL OF RAFFLE LICENSE – #RL 942 – ON PREMISE 50/50
NEWTON PRIDE FOUNDATION TO BE HELD AT THE HILLSIDE PARK BARN
ON FEBRUARY 25, 2011**

***RESOLUTIONS:**

**#R2010-188 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF
SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE
EXECUTION OF AN INTERLOCAL SHARED SERVICES AGREEMENT
WITH THE TOWNSHIP OF WANTAGE FOR THE PROVISION OF
ANIMAL CONTROL SERVICES**

**#R2010-189 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF
SUSSEX AND STATE OF NEW JERSEY AWARDDING THE CONTRACT
FOR THE MAINTENANCE AND SUPPORT OF THE TOWNSHIP'S
COMPUTER NETWORK**

**#R2010-190 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF
SUSSEX AND STATE OF NEW JERSEY AWARDDING THE CONTRACT
FOR THE MAINTENANCE AND SUPPORT OF THE TOWNSHIP'S
WEBSITE**

**#R2010-191 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF
SUSSEX AND STATE OF NEW JERSEY TO ACCEPT THE
PROPOSAL FOR FUNDING FROM THE ANDOVER TOWNSHIP
HOUSING TRUST FUND IN THE AMOUNT OF \$25,951.36 AS
APPROVED BY THE LAND USE BOARD**

**#R2010-192 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF
SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE CHANGE
ORDER NO. 1 TO THE EXISTING CONTRACT FOR THE PERONA
ROAD - PHASE II PROJECT FOR AN INCREASE IN THE CONTRACT
AMOUNT OF \$9,000 TO INCLUDE GUIDERAIL INSTALLATION**

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

#R2010-194 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO ECOLSCIENCES, INC. FOR PHASE I/ PRELIMINARY ASSESSMENT OF THE ST. PAUL'S ABBEY

#R2010-196 A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE CHANGE ORDER NO. 1 TO THE EXISTING CONTRACT FOR THE DESIGN-BUILD PERFORMANCE SPECIFICATION - PHOTOVOLTAIC SYSTEM

(See Inserts Attached to These Minutes)

***APPROVAL OF MINUTES:**

NOVEMBER 29, 2010 REGULAR MEETING

APPROVAL OF MINUTES

NOVEMBER 08, 2010 REGULAR MEETING

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

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

REGULAR AGENDA

***SWEARING IN CEREMONY
POLICE OFFICER EDWARD DIKLICH***

Officer Diklich was sworn in while his wife held the Bible. A round of applause followed.

***SPECIAL PRESENTATION TO THE ANDOVER TOWNSHIP
VOLUNTEER FIRE DEPARTMENT***

Assistant Chief Joe Steinwand was present and approached the dais. Mr. Lensak read a letter from the residents of Dorset Farms. Each year at Thanksgiving a group at Dorset get together to raise money to donate to a worthy charity. This year they designated the Andover Township Volunteer Fire Department to be the recipient of this gift. A check in the amount of \$1,000 was –presented to the department. The families who contributed to the gift were the Carrs, the Doles, the Spences, the McGauleys, the Fields, the Alpaughs, the Mays and Lallys. He also mentioned families from outside the township who contributed.

PRESENTATION - Land Preservation Program Discussion - Trust For Public Land Kathy Haake of Trust for Public Land was present and they are a land conservation organization. She is here today to speak about the Beazer property in Andover Borough. They have the property under option to acquire for open space but they are short on funds.

PRESENTATION - Land Preservation Program Discussion - Trust For Public Land The property consists of a total of 290 acres, 235 in Andover Borough. The purchase price is confidential at this time but they expect to have to raise about 3 to 4 million dollars. They are asking the Borough to raise significant funds but due to their size it is very difficult. They are going outside for funding. She was hoping that Andover Township would be interested in acquiring those 40 acres in the township. At the six month and twelve month marks they need to prove to the landowner that they have funding commitments and if they don't, they will lose their option.

She said she isn't looking for an answer this evening but she wanted the Committee to be aware of what is going on and if they have any ideas she would love to hear them. Following a brief discussion the Township Committee decided to forward this information to the Open Space Committee for their review.

OPEN TO THE PUBLIC Carla Kostelnik, Chair of the Open Space Committee was present to report that there was a meeting of the Open Space Committee scheduled but they failed to present a quorum. Those present did have a short discussion one item being the Lake Iliff acquisition off Limecrest Road. She said there is no reason why in addition to the idea of having a place to portage boats to use the lake without a dock that we could join with the school and develop an environmental eco center study. The area is ecologically rich because of the wetlands. She added that the Commission never had any intention of calling the area a bird sanctuary, but their intention was to catalog birds in that location. The Committee thought it was a great idea.

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

OTHER BUSINESS:

RESOLUTIONS:

#R2010-193 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AWARD BID FOR SOLID WASTE AND RECYCLING COLLECTION SERVICES FOR THE TOWNSHIP OF ANDOVER

Mayor Walsh stated that the lowest bidder was Blue Diamond and following a short discussion it was determined that Option Five is the exact service that is currently being provided to the residents. The annual cost for this service is \$438,000, with a five year total of \$2,190,000. The savings over the current contract is \$144,000 a year.

On a motion by Mr. Smith, seconded by Mr. Boyce and carried unanimously, the foregoing resolution was adopted by the governing body as presented.
(See Insert Attached to These Minutes)

Mr. Boyce commented that this decision was hanging over their heads for quite some time worrying that the bids would come in too high. They came in under what we have been paying. It is also one of the most important services that we provide our residents and not all towns do. This bid will allow us to maintain the identical service that we have been giving our residents for the last five years, including the recycling. It allows us to save money. The Committee had agreed that a five year commitment makes the most sense because of the unknown factor if we had to go out for bid in one or three years.

NEW BUSINESS

DISCUSSION REGARDING RENTAL FEE SCHEDULE FOR HILLSIDE PARK HALL AND HILLSIDE HOUSE FOR 2011

Following a short discussion, it was decided that the rates will remain unchanged for 2011.

OTHER BUSINESS**DISCUSSION TO CHANGE 2011 REORGANIZATION MEETING TO JANUARY 7TH**

Mr. Boyce asked for this change stating that some may not be back from that holiday weekend. Following a short discussion, Mr. Boyce moved to change the date of the 2011 Reorganization meeting to January 7th at 6:30. Motion was seconded by Mayor Walsh and carried unanimously.

COMMITTEE REPORTS:

MS. PHOEBUS. She reported that the Fire Department at their December meeting voted on their 2011 officers. Rick Melfi will remain as the President, Dan Crater is their Chief, Joe Steinwand is the Assistant Chief, Deb Danielson is their Treasurer and Steve Dugan is the Secretary.

Regarding Land Use matters she mentioned the Bill in the Assembly that they are trying to pass concerning COAH. She said she talked to Planner McGroarty about this proposed Bill and he is not impressed with this concept. Affordable Housing is here to stay and as far as we can figure, Andover Township has never been compliant with Rounds I and II. The only question at this time is the methodology with Round III. We need 44 rental units and we have four. We had approval earlier this evening to proceed with the Phase I Environmental Study at the Abbey. This study will allow us to see what type of issues the existing building has.

She then reported on a nonprofit group that is very much interested in this project but because the tax credits have changed. She felt this project could qualify for Brownfields funding. They are waiting to see what is in store for the funding. On Thursday she will be showing the Abbey to a for profit company from Montclair. They are very interested and because they are not a nonprofit company, they do not have to go for tax credits.

MR. LENSAK. Because he has been recuperating from surgery he has not been in a position to attend the Open Space, the Rescue Squad and Environmental Commission meetings to provide a report. Reporting on the Police Department he commented on the newest edition to the Department. He was informed that Officer Diklich did a great job at the academy.

He reported on the solar project stating that we did approve expansion of the project. We were allowed to expand by 20%. We had the ability to do more because the room was available and the bids came in less than anticipated. This addition will help offset the usage both at the municipal building and the DPW garage.

MR. SMITH. He reported the Seniors celebrated their Christmas luncheon this year at the Andover Inn, complimenting the restaurant for a fine meal. Their next meeting is scheduled for December 20th for the purpose of doing the annual audit and electing officers for 2011.

Reporting on the Board of Health, the County is indicating they no longer can provide water-testing services for municipalities. The municipalities will have to absorb the cost and responsibility. This topic will be discussed this week on December 15th. The Rabies Clinic is scheduled for January 7th at the DPW garage. Cats will be vaccinated from 5PM to 7PM and dogs from 7PM to 8PM. Vaccinations are mandated to be done every three years.

Mr. Smith reported on the last SWAC meeting when they discussed a significant change effective January 1, 2011. As of that date you will no longer be able to dispose of electronic equipment curbside. He said there was no thought given as to how we can dispose of this equipment. SCMUA has issues with this and they said they will have a plan before the end of the year. The next meeting is December 14th at 7:30 at the County Administration Building.

COMMITTEE REPORTS (CONTINUED)

MR. BOYCE. He informed that the Liaison Committee with the School District is set to have its first meeting on December 20th at 5PM. Mr. Lensak and he will attend. The purpose of this committee is to bring together the governing bodies of Andover Borough, Andover Township with the School District to talk about their budget so we can have better communication going into the next budget cycle. They hope to have meetings once a month.

He reported that the Municipal Court Committee met to conduct interviews for Municipal Judge. He recommended at this time that the position be filled by James Devine. There were four candidates interviewed and three are currently municipal judge. The other is an area attorney. He stated they were all very qualified and we had good candidates to choose from. He stated that we found that Judge Devine was the best candidate and it was unanimous.

He has served 17 as Judge in Sussex County. He served as Municipal Prosecutor and was once a Public Defender for Andover Township. He currently serves in a Joint Court in Frankford, which encompasses 6 municipalities. He also sits for Franklin and Vernon Courts. He works an average of 8 – half days per month, about 30 hours in these courts. He is looking for additional courts. He has worked with Tony Arbore and Court Administrator Diana Francisco in other courts.

Mr. Boyce also indicated that we can save a great deal of money by getting our judicial library online rather than the hard copies volumes.

RESOLUTION:

#R2010-195 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT JAMES G. DEVINE, ESQ. AS MUNICIPAL COURT JUDGE FOR THE TOWNSHIP OF ANDOVER FOR A THREE YEAR TERM BEGINNING JANUARY 1, 2011 THROUGH DECEMBER 31, 2013

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

Attorney Semrau explained the appointment is effective for January 1, 2011 and technically, it should be made at that time. He recommended that this action be reaffirmed at the 2011 Reorganization meeting.

MAYOR WALSH. He reported on the Perona Road project stating that the road is complete. The only outstanding item is the installation of the guardrail which was approved as a change order this evening. He thanked the DPW for pushing through this project before the first snowfall.

Reporting on the Finance Committee, the work on the 2011 budget is slow because of contract negotiations and our search for a permanent CFO.

REPORT FROM THE CLERK/ADMINISTRATOR She reported that the NJ Clean Energy Grant application was completed and filed with the State.

REPORT FROM THE MUNICIPAL ATTORNEY He stated he was asked to review the possibility of a merger of the Environmental Commission and Open Space Committee. He said there is an ordinance for both entities. The Environmental Commission is statutory so it cannot be changed. To achieve the same goal is to take the Open Space Committee and amend the ordinance to say those members will be members of the Environmental Commission. Then you can maintain or add however members you want you are not presently sitting on the Environmental Commission.

REPORT FROM THE MUNICIPAL ATTORNEY (CONTINUED) The other alternative would be to occasionally have joint meetings of both boards. Mayor Walsh explained that many members serve dual membership for both. He asked if we could call the Environmental Commission the Open Space Committee also. Attorney Semrau stated it could be done but you would have to amend the ordinance. Ms. Phoebus provided her opinion as to why the boards should remain separate. Mr. Smith echoed those comments and added that though they have a lot in common they are very separate. They stated by joining these boards we are not sure what the efficiencies would be. Mr. Lensak and Mayor Walsh explained the purpose of this would be to streamline the process and save money. All members provided great argument for both sides.

Hearing comments from Environmental Commission/Open Space Committee members Carla Kostelnik and Diane Gillespie it was decided at this time to proceed at the reorganization meeting with due course and if the Committee sees fit after that to make changes they could do so after that meeting.

At this time Rescue Squad Chief Reidmiller asked if she could give her monthly report. For November 2010 they ran 112 calls with 51 in Andover Township. There was one fly out, and total hours for the month were 395. They traveled 2000 miles. To date they responded to 580 calls in Andover Township for a total in all municipalities 1,138 calls. There were 4000 hours for a total of 23,000 miles.

Mayor Walsh thanked everyone including all the municipal departments, the professionals, the members of the governing body, stating this is his third year serving as Mayor and this has been the easiest and most successful year. There was a good budget, we received various awards because this Committee worked very hard. He thanked them and Ms. Thompson commenting he has finally worked with an Administrator who knows what they are doing. He mentioned the Kern family and that we will be thinking of them through the holiday season. He wished everyone Happy Holidays.

Mr. Boyce commended Mayor Walsh for doing a fabulous job under sometimes, trying circumstances. People do not truly realize how many hours he puts in for this town and it is greatly appreciated.

NEXT SCHEDULED MEETINGS: Reorganization Meeting on January 7, 2011 - 6:30 p.m.

ADJOURNMENT No further business appearing before the Committee at this time, Ms. Phoebus moved the meeting be adjourned at 8:38 P.M., seconded by Mr. Smith 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 13TH day of December 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. ***A. Tagliatela, Police Chief***
- 2. ***St. Paul's Abbey Due Diligence***
- 3. ***Shared Services Agreement Update – Positions of Tax Collector/Chief Financial Officer – 9-1-1 Interlocal Agreement with Green Township***
- 4. ***Dispatchers' Union Negotiation Update***
- 5. ***Lake Lenape Association & Forest Lake Clubs – Dam Restoration Projects***

Attorney-Client Privilege:

- 1. ***Recycling and Solid Waste Removal Bid Proposal - Attorney Review***

Pending Litigation:

- (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: December 13, 2010

Moved: Phoebus Seconded: Boyce
Voted Aye: Boyce, Lensak, Phoebus, Smith, Walsh
Voted Nay: None
Abstained: None
Resolution adopted. December 13, 2010
