

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

FEBRUARY 28, 2011

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 Boyce, followed by a salute to the flag.

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

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

EXECUTIVE SESSION: Mayor Boyce asked to amend the Executive Session to include CONTRACT NEGOTIATIONS: 5. A. TAGLIALATELA, POLICE CHIEF. Ms. Phoebus moved to amend the Executive Session as presented, seconded by Mr. Walsh and carried unanimously. On a motion by Ms. Phoebus, seconded by Mr. Walsh, the resolution to go into executive session. Ms. Phoebus moved to amend the agenda to include discussion under CONTRACT NEGOTIATIONS: SOLAR PROJECT, seconded by Mr. Walsh and carried unanimously.

Personnel Matters:

Contract Negotiations:

1. ***St. Paul's Abbey Due Diligence***
2. ***Shared Services Agreement Update – Position of Tax Collector & Part Time Clerk-Typist***
3. ***Forest Lakes Dam Restoration Project/Co-Borrowers Agreement***
4. ***Dispatcher's Union Contract Status Report***
5. ***A. Tagliatela, Police Chief***
6. ***Solar Project***

Attorney-Client Privilege:

Potential Litigation:

Pending Litigation:

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

The Committee went into executive session at 6:36 P.M. Ms. Phoebus moved to adjourn executive session at 7:43 P.M., seconded by Mr. Smith and carried unanimously.

REGULAR MEETING

Following Roll call Mr. Walsh made a motion to excuse Mr. Lensak this evening, seconded by Ms. Phoebus and carried unanimously.

Mayor Boyce read the Executive Session agenda items.

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

APPROVAL OF CONSENT AGENDA ITEMS Mayor Boyce asked that Resolution #R2011-43 be removed from the Consent Agenda for further discussion. He also asked that Resolution #R2011-47 be modified to include the wording "the resolution is being adopted for the sole purpose of promoting affordable housing in Andover Township". Mayor Boyce explained Resolution #R2011-45 and #R2011-51 for the execution of the loan agreements for Lake Lenape and Forest Lakes. Mayor Boyce asked that the consent agenda be further amended to include the following:

8. **#R2011-50 RESOLUTION TO AMEND RESOLUTION #R2011-17 "CASH MANAGEMENT PLAN" TO INCLUDE THE DEPUTY TREASURER TO THE LIST OF AUTHORIZED ACCOUNT SIGNATURES**
9. **#R2011-51 RESOLUTION AUTHORIZING THE EXECUTION OF A NJDEP LOAN AGREEMENT AS CO-BORROWER WITH FOREST LAKES CLUB, INC.**

Ms. Phoebus moved the following consent items be approved as amended, seconded by Mr. Smith and carried unanimously.

CONSENT AGENDA:**OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT
(See Inserts Attached To These Minutes)

APPROVAL OF RAFFLE LICENSE – SUSSEX COUNTY INTERFAITH HOSPITALITY NETWORK – RL# 952 – ON PREMISE 50/50 TO BE HELD ON APRIL 02, 2011 AT PERONA FARMS

APPROVAL OF RAFFLE LICENSE – PRIDE FOUNDATION, INC. - RL #953 ON PREMISE 50/50 TO BE HELD ON APRIL 29, 2011 AT HILLSIDE PARK BARN

ACCEPTANCE OF THE TREASURER'S REPORT FOR THE MONTH ENDING JANUARY 31, 2011

***RESOLUTIONS:**

#R2011-44 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE RELEASE OF CERTAIN EXECUTIVE SESSION MINUTES OF THE TOWNSHIP OF ANDOVER

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

#R2011-45 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE EXECUTION OF THE LOAN AGREEMENT BETWEEN THE LAKE LENAPE ASSOCIATION AND THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION AS THE CO-BORROWER TO FUND THE REHABILITATION OF THE LAKE LENAPE DAM

#R2011-46 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY THAT THE SECRETARY OF LAKE LENAPE ASSOCIATION BOARD OF DIRECTORS IS AUTHORIZED TO EXECUTE A LOAN AGREEMENT WITH THE STATE FOR REHABILITATION OF THE LAKE LENAPE DAM – BORROWERS RESOLUTION

#R2011-47 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY CONSENTING TO THE PROPOSED SUSSEX COUNTY WASTEWATER MANAGEMENT PLAN AMENDMENT ENTITLED “ST. PAUL’S ABBEY SEWER SERVICE AREA LIMIT AMENDMENT”

#R2011-48 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT GAIL D. LINCOLN AS CLERK-TYPIST FOR THE TAX COLLECTOR’S OFFICE

#R2011-49 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE AN EMERGENCY TEMPORARY APPROPRIATION TO THE 2011 TEMPORARY BUDGET

#R2011-50 RESOLUTION TO AMEND RESOLUTION #R2011-17 “CASH MANAGEMENT PLAN” TO INCLUDE THE DEPUTY TREASURER TO THE LIST OF AUTHORIZED ACCOUNT SIGNATURES

#R2011-51 RESOLUTION AUTHORIZING THE EXECUTION OF A NJDEP LOAN AGREEMENT AS CO-BORROWER WITH FOREST LAKES CLUB, INC.

(See Inserts Attached To These Minutes)

***APPROVAL OF MINUTES:**

NOVEMBER 29, 2010 EXECUTIVE SESSION
DECEMBER 13, 2010 EXECUTIVE SESSION

RESOLUTIONS**#R2011-43 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY OPPOSING ASSEMBLY BILL A-2095 AND SENATE BILL S-818 WHICH REVISE REQUIREMENTS FOR MEDICAL SERVICE DELIVERY**

Mayor Boyce explained this resolution stating that Assembly Bill A-2095 and Senate Bill S-818 are currently undergoing an examination by both State legislative bodies. The intent of A-2095 and S-818 is to regulate the emergency medical services system, referred to as inefficient and lacking in accountability by the sponsors of this legislation. It is apparent that these bills, while seemingly beneficial, set forth a number of requirements that will have a deleterious impact on New Jersey Municipalities and volunteer rescue squads. He stated that it amazes him that in this day and age when we have all that is going on in this State, that the legislature comes out with a bill that would virtually destroy the Lakeland Emergency Squad and make so many restrictions on it that we would not be able to afford this service as a municipality. He read some of the requirements of this bill mentioning the following.

1. Qualification and training levels that will discourage and/or overly burden volunteer rescue squad members, reducing volunteer participation in rescue squads;
2. Creation of a new Office of Emergency Services in the Department of Health with all costs associated in appointing and maintaining a new bureaucracy;
3. The requirement that two (2) emergency medical technicians ride in every ambulance at all times, again burdening volunteer rescue squads leading to their demise;
4. Creation of a new State Fund and directing the assessment and collection of fees (taxes) in support of same;
5. Establishment of the titles of State Medical Director for Emergency Medical Services and three regional medical directors who will undoubtedly require appropriate staff to support said titles; and
6. By default, municipalities in the absence of viable volunteer rescue squads shall remain responsible for providing Basic Life Support services through the hiring of personnel or by contracting with a service provider (area hospital) to provide ambulance support; and

The unspoken consequence of said legislation will be the end of volunteer rescue squads across New Jersey. The cost to provide Basic Life Support Services will increase dramatically as a result of the loss of volunteers and volunteer rescue squads.

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

(See Insert Attached to These Minutes)

PUBLIC PORTION Tony Massaro of Current Drive voiced his concerns with the current fence ordinance and the height limitation at six feet. Mr. Walsh stated that Mr. Massaro had called him regarding this matter and he then contacted Mr. Cutler and asked him for his thoughts. He asked Mr. Cutler what the problem would be to increase the height limitation to eight feet. Mr. Cutler had told him that on some of these postage stamp size properties, an extremely high fence would be obtrusive to the neighbors. Ms. Phoebus added that if she were to fence off her entire road frontage with an eight foot fence, that would stop all migration of all animals. There was discussion regarding the variance process and what it would cost for a resident to apply for an exception to the ordinance. Mr. Massaro replied that an eight fence could be overlapped with a space enough for an animal to pass through. The resident would still have their privacy.

Attorney Semrau asked if the Committee would like to hear from its Construction Official regarding the height limitation. They agreed to ask Mr. Cutler his thoughts to an eight foot fence.

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

OLD BUSINESS**REVIEW AND CONSIDERATION OF ORDINANCE AMENDMENT REGARDING CHAPTER 30, SECTION 30-10 "FEES" UNIFORM CONSTRUCTION CODE**

Mayor Boyce explained that this matter came before the Committee at the last meeting with a request for the Construction Official to review some of the decreases in this amendment. Mr. Smith stated that it is difficult to review these changes as it is presented and asked if the changes can be shown as the current fees on one side with the proposed fees on the right hand of the sheet. Ms. Thompson stated she will ask Mr. Cutler to place the changes on a chart to see from left to right what amendments he is proposing.

NEW BUSINESS

Ms. Phoebus asked the Township Committee to allow her to investigate some type of wall art for the wall behind the dais. She informed the Committee of what the Andover Township logo stands for and she felt that after all these years something else should replace this woodwork. She will report back at the next meeting what she finds. Mayor Boyce and Ms. Phoebus spoke briefly about a contest to create a new seal for the Township. Mr. Smith then spoke about the newest letterhead with the trees, lake and ducks. Mr. Smith said he liked Mayor Boyce's idea to open this to the schools as a contest for the students. Mayor Boyce added he would like to see a slogan for Andover that would coincide with the Economic Development Committee's efforts. Ms. Phoebus will review various options and make those available to the Committee at the next meeting.

COMMITTEE REPORTS

MS. PHOEBUS. She reported on the Fire Department stating a meeting was held with their Chief and President, along with EMC Danielson, Mr. Flammer, Mr. Cutler, Ms. Thompson and herself regarding the issue of fire hydrants. She said these hydrants must be brought up to code. Letters need to be sent to the systems' owners to conduct a flow test. This meeting was to discuss procedure of this issue and it was decided that the Fire Official, Mr. Flammer will send letters to all water companies and asking them to flow test and maintain their hydrants. He will be requiring a test be done, scheduling each unit a date and time for the test and he will witness each test. Written documentation will be provided to him, the administration and the fire department for their records. She added there are hydrants that don't seem to work at all and they are not being fixed or bagged to indicate that are not functioning.

The fire department members indicated that one of their members contacted the County and through their GIS department are able to provide the township with mapping showing the location of each fire hydrant. In discussing this matter it was apparent with Lake Lenape Water Company, there are 11 fire hydrants and we pay \$3000 annually to the water company for them to maintain each of their hydrants in addition for the township's use of each. Ms. Thompson contacted the water company and spoke to Jeff Fuller and he said he has documentation that these hydrants are functioning and they have been inspected by the DEP. Copies of this paperwork was never sent to the township officials. Mr. Walsh reviewed the reports which show work was only done about 11 times dating back to 2008. Most of the work was done in 2008, with a few in 2009 and 2010. Nothing has been done thus far in 2011. Ms. Phoebus stated that the fire department is not comfortable hooking up to these hydrants because they are not confident they are in proper working order.

There was a short discussion regarding the agreement, which was executed over 50 years ago. No one seems to have a copy of this document. She added that we pay the Town of Newton for use of five hydrants and it is not the same amount per hydrant. Mr. Walsh stated he would like to cancel the agreement with Lake Lenape Water Company. Ms. Phoebus stated he did produce a compliance inspection from the DEP. Attorney Semrau stated the BPU is involved so he will find out what options are available to the township. Ms. Phoebus also noted that there is no ordinance to indicate who shall remove snow from around the hydrants following a storm. Attorney Semrau stated he will provide an evaluation for the next meeting.

COMMITTEE REPORTS (CONTINUED)

MS. PHOEBUS. She then reported on the Economic Development Committee on Mr. Lensak's behalf. They would like the Township Committee to consider a ordinance on abandoned structures in the commercial zones. On Route 206, there are about six potential structures. Mr. Cutler cannot do anything with those buildings until the roof falls in. A copy of Sparta's ordinance was reviewed but it was quite lengthy at 22 pages. Ms. Phoebus stated she spoke to Planner McGroarty about this ordinance and he agrees. Mr. Smith asked if we could get some idea as to what the cost of this type of ordinance may be. Attorney Semrau stated the planner, engineer and planner costs for about two to three hours each and the cost of publication. We may be looking at about \$2000. He said he would take about an hour's time prepare a short summary for the next meeting so the Committee can determine if there is an interest.

MR. SMITH. He reported on the Seniors and they will be celebrating St. Patrick's Day at Sheridan's Lodge on March 21. The next meeting is March 7. The Board of Health's next meeting is March 16 and SWAC meets on March 8.

The Finance Committee has been meeting regularly and we have put out budgets to each person responsible for a budget, both employees and volunteers. He stated we have received feedback from all but the Open Space Committee. He mentioned the Committee has met with individuals and reviewed their budget wish lists, asking them for justification for their increases. The State is going to provide the same State Aid figure as they did in 2010. He then stated that he does not know how the rest of the Finance Committee is in total agreement with him but his personal goal is to make a recommendation to this Township Committee for a zero budget.

MR. WALSH. Reporting on contract negotiations, he stated he and Mr. Lensak have met with the Dispatchers and talks have gone very well. The union understands the economic turndown and all have been very amicable. Everything should be wrapped up in the next couple of weeks.

He reported on the DPW stating Mr. Lensak and he met with officials from Extreme Energy Solutions. We entered into a 60 day trial period with them. They are installing the product into some of our fleet for free for 60 days. It is supposed to lower our emissions and improve our fuel consumption. On diesels, these components will actually clean the stacks as they work. The engines will get longer life. He stated that after 60 days if we see improvement, we would come before the Committee and ask if we want to enter into an agreement. They say we should see a couple a miles per gallon savings on fuel use and burn cleaner with less repairs. Mr. Smith stated he read the contract but he said it looks to him that if we go into this trial and they can prove its beneficial to the Township, we have no choice but to sign an agreement. Mr. Walsh stated that said that the Township could back out of this trial period at any time for any reason. Mr. Walsh stated he asked Mr. Lensak to send it to Attorney Semrau for his review. Attorney Semrau stated he will review the agreement now. Mr. Walsh stated that the installation is scheduled for this Wednesday at 7:30AM. Attorney Semrau will review the agreement and let Mr. Walsh know.

He then met with the DPW Supervisor Dickinson and there are many potholes around town. The asphalt plant is not open. As soon as it does, those holes will be addressed. He then stated that the backend of Stickles Pond Road might be resurfaced this year.

He then stated he had a meeting with the little league and girls' softball officials. He said their schedules were reviewed and they tend to run into problems when they involve the travel program. Some of those children are not from Andover Township. They cut the few Andover children from their teams and then they want to use our fields. The groups meet before the start of the season and those teams made up primarily of Andover Township children have first choice to the use of the fields.

COMMITTEE REPORTS (CONTINUED)

MAYOR BOYCE. He reported that the School Board meets tomorrow night at 7:30 and encourages all to attend. They are finishing up their budget which has to be presented to the public in April. On March 10, Mr. Lensak and he will be attending the liaison committee meeting with the School Board and Andover Borough. He said he did received an update that it looks like Governor Christie has provided the Andover School District an additional \$142,000 in State Aid. Mr. Smith added if someone could convey to the Board of Education our goals of a flat budget and we would appreciate if they would follow suit and attempt the same. Mr. Boyce replied that they have taken seriously the need to control their need to control the budget and keep the teachers union contract down as we are attempting to do so.

OTHER BUSINESS**APPROVAL OF RAFFLE LICENSE #RL 954 FOR OUR LADY OF CONSOLIDATION CHURCH – OFF PREMISE 50/50 TO BE HELD ON MAY 12, 2011 AT FARMSTEAD GOLF & COUNTRY CLUB**

Mr. Walsh moved to approve this license as presented, seconded by Mr. Smith. Roll call:

Mr. Lensak – absent

Ms. Phoebus – abstain

Mr. Smith – yes

Mr. Walsh – yes

Mayor Boyce - yes

REPORT FROM THE CLERK/ADMINISTRATOR She reported on the PARIS Grant and the County has completed the work of organizing the records in the lower level of the municipal building. She will be meeting with Dan Freed from the County Records Management Office to review the next phase of this process. They will register with the NJ Division of Archives Management and enroll in the Artemis Program which will allow electronic filing of records destruction forms. Boxes have been earmarked for destruction by the County. Shelving has been provided to better organize the second records room through funding available by the Paris Grant.

REPORT FROM THE MUNICIPAL ATTORNEY He remarked that on the agenda was the approval of both lake restoration loans, which the Committee took much thought in 2008, and action being taken this evening to see this partnership to fruition. He stated that the Township continues to work with a potential developer for the St. Paul's Abbey.

He also mentioned that the work they do in representing municipalities, he said for Andover Township, the transparency is at a high level. He said when he reviews the executive sessions and the mayor indicating what goes on in executive, to the best of his ability it is exactly what should be done. He mentioned the email policy for the governing body and the way emails are used and not taken to the point where there is communications where there are meetings going on. He said there are a number of allegations in other communities about those type of things going on. It is important to continue to maintain these records accurately. He referenced a resolution this evening regarding the release of executive session minutes and that is a continuous resolution to authorize the administrator/clerk and the attorney's office to release these minutes without waiting for the next meeting. There is quite a savings to the residents because the municipality is not tied up in legal disputes for not handling these issues properly.

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Smith moved the meeting be adjourned at 8:44 P.M., seconded by Mr. Walsh and carried unanimously.

Respectfully submitted,

Phil Boyce, 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 28TH day of FEBRUARY 2011, 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. ***Shared Services Agreement Update – Position of Tax Collector & Part Time Clerk-Typist***
- 3. ***Forest Lakes Dam Restoration Project/Co-Borrowers Agreement***
- 4. ***Dispatcher's Union Contract Status Report***
- 5. ***A. Tagliatela, Police chief***
- 6. ***Solar Project***

Attorney-Client Privilege:

Pending Litigation:

- (x) a. (8) Personnel matters.
- () 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: February 28, 2011

Moved: Phoebus Seconded: Walsh
Voted Aye: Phoebus, Smith, Walsh, Boyce
Voted Nay: None
Absent: Lensak
Resolution adopted. February 28, 2011
