

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

MARCH 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: Mr. Lensak, Ms. Phoebus, Mr. Smith
Mr. Walsh, Mayor Boyce
Also present: Attorney Semrau

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

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

Personnel Matters:

1. ***B. Flammer, Fire Official***
2. ***J. Cutler, Construction Official***

Contract Negotiations:

1. ***St. Paul's Abbey Due Diligence***
2. ***Police Dispatcher's & DPW Union Contracts Status Reports***
3. ***A. Taglialatela, Police Chief***

Attorney-Client Privilege:

Potential Litigation:

Pending Litigation:

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

The Committee went into executive session at 6:30 P.M. Mr. Walsh moved to adjourn executive session at 7:57 P.M., seconded by Ms. Phoebus and carried unanimously.

REGULAR MEETING

APPROVAL OF AGENDA Mayor Boyce stated there will be a brief executive session at the end of this meeting but he does not anticipate any formal action be taken. Mr. Lensak moved to add a second executive session at the end of the regular meeting for the purpose of Contract Negotiations: A. Tagliatela, Police Chief and to approve the agenda as amended.. Motion was seconded by Mr. Walsh and carried unanimously.

APPROVAL OF CONSENT AGENDA ITEMS Ms. Phoebus moved the following consent items be approved, seconded by Mr. Walsh and carried unanimously.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Inserts Attached to These Minutes)

ACCEPTANCE OF THE TREASURER'S REVISED REPORT FOR THE MONTH ENDING JANUARY 31, 2011 & REPORT FOR THE MONTH OF FEBRUARY 28, 2011

***RESOLUTIONS:**

#R2011-56 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND TO CORELOGIC IN THE AMOUNT OF \$1,777.35 FOR AN OVERPAYMENT IN THE FIRST QUARTER 2011 TAXES FOR BLOCK 128, LOT 7

#R2011-57 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY ENDORSING THE SUBMISSION OF THE 2010 RECYCLING TONNAGE GRANT APPLICATION TO THE NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

#R2011-58 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR UNEMPLOYMENT COMPENSATION INSURANCE FUND REQUIRED BY N.J.S.A. 40A:4-39

#R2011-59 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE AN EMERGENCY TEMPORARY APPROPRIATION TO THE 2011 TEMPORARY BUDGET

#R2011-60 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR OUTSIDE EMPLOYMENT OF OFF-DUTY MUNICIPAL OFFICERS REQUIRED BY N.J.S.A. 40A:4-39

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

#R2011-61 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY REQUESTING PERMISSION FOR THE UNIFORM FIRE SAFETY ACT PENALTY MONEYS REQUIRED BY N.J.S. 52:27D-192

(See Inserts Attached to These Minutes)

APPROVAL OF MINUTES:

FEBRUARY 28, 2011 EXECUTIVE SESSION

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

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

REGULAR AGENDA

PUBLIC PORTION James Woodstrom of Limecrest Road stated he has had a shed up for 10 years and in 1997, 1998, 1999, 2000 and several times in 2011 he came down to the town hall and asked if he needs a building permit for a shed. In 2002 he bought a tractor and then decided to build a shed and since November 21, 2001. Since that time the building inspector has come to his house for various inspections and he has also visited his neighbor where he had view of the shed from there. His neighbor has also had three different inspections through the years. Mr. Woodstrom stated he has been voicing his opinion that we do not need a full time building inspector. Last Thursday he received a notice of violation for not getting a permit for a shed. His neighbor received a notice for erecting a shed and swimming pool without permits. For 10 years he was either not doing his job or this is some type of intimidation tactic.

Mr. Woodstrom then stated he has copies of Saturday’s Daily Record regarding why the State is laying off their code officials. The reason is there is no construction going on. He said Andover Township also has no construction.

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

RESOLUTIONS

#R2011-62 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX STATE OF NEW JERSEY TO ACCEPT THE LETTER OF RESIGNATION FROM WILLIAM FLAMMER, FIRE OFFICIAL

Mr. Lensak moved to adopt the foregoing resolution as presented, seconded by Mr. Walsh. Attorney Semrau stated the Clerk received the letter of resignation for this evening by Mr. Flammer, effective immediately. The motion was carried unanimously. (See Insert Attached to These Minutes)

ORDINANCES: INTRODUCTION**NO. 2011-01 AN ORDINANCE TO AMEND CHAPTER 190 "ZONING"**

"AN ORDINANCE AMENDING CHAPTER 190 ENTITLED "ZONING" OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AMEND ARTICLE II, SECTION 190-4 TO ADD NEW DEFINITIONS, TO AMEND ARTICLE IV TO ESTABLISH A NEW ZONE DISTRICT TO BE KNOWN AS THE "C/I – COMMERCIAL/ INDUSTRIAL" ZONE DISTRICT, TO AMEND ARTICLE IX TO MODIFY THE TOWNSHIP'S ZONE MAP TO REFLECT THE BOUNDARIES OF THE NEW 'C/I' ZONE DISTRICT, TO AMEND ARTICLE V TO ESTABLISH THE PERMITTED PRINCIPAL AND ACCESSORY USES OF THE 'C/I' ZONE DISTRICT, TO MODIFY THE PERMITTED PRINCIPAL AND ACCESSORY USES OF THE I/A-2 ZONE DISTRICT AND TO MODIFY ARTICLE V TO PROVIDE LOT AREA AND BULK STANDARDS FOR THE C/I ZONE DISTRICT"

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2011-01, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on April 25, 2011 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. Lensak – yes

Ms. Phoebus – yes

Mr. Smith – yes

Mr. Walsh – yes

Mayor Boyce – yes

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

Following a conversation regarding the need for additional information and taking into consideration that our proposed fees are somewhat in line with other municipalities, the Committee decided to send this draft back to the construction office for further review and explanation of the changes being considered.

NEW BUSINESS

PAY TO PLAY ORDINANCE DRAFT REQUEST Ms. Phoebus stated she spoke to Attorney Semrau after the last meeting regarding her concerns over some groups throughout New Jersey calling themselves PACS. Sometimes these groups get together and they accumulate funds and these funds are given to people running for municipal offices. In return, not being said, they expect certain people hired to do jobs within that municipality.

Attorney Semrau said the State has enacted Pay to Play legislation and it calls for professionals to disclose their political contributions. If there is over \$300 paid to any particular campaign then the position has to go out for request for proposals. That professional can then be appointed even if a larger contribution was made to a campaign. It also gives municipalities the opportunity for more restrictive rules. A number of communities, about 100, have taken it upon themselves to adopt local Pay to Play Ordinances. A draft was provided to the governing body for their review and comment. This Ordinance drafts states that if a contractor were to make a contribution greater than \$300 they would be precluded from being hired by the municipality. This Ordinance would cover every appointment except those that go out for formal competitive bid. The Ordinance, if adopted, would be filed with the State Attorney General's Office.

Attorney Semrau stated he wants to further review this Ordinance draft and coordinate with the Clerk as to terminology regarding any type of proposal within this Ordinance.

NEW BUSINESS: (CONTINUED)**#R2011-63 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AWARDING THE CONTRACT TO PROVIDE ALARM SYSTEM MONITORING AND ANNUAL INSPECTIONS FOR THE FIRE ALARM SYSTEMS AT THE MUNICIPAL BUILDING, DEPARTMENT OF PUBLIC WORKS GARAGE, HILLSIDE HOUSE AND HILLSIDE PARK HALL TO ABCODE SECURITY**

Ms. Thompson explained requests for proposals were received and Abcode Security submitted the lower proposal, copies provided to the Township Committee with a draft resolution. Mr. Walsh moved to adopt the foregoing resolution as presented, seconded by Ms. Phoebus and carried unanimously. (See Insert Attached to These Minutes)

Mayor Boyce stated he met with Superintendent Bernie Baggs and Mayor Morgan of Andover Borough at the Community School Night. They are presenting their new budget this evening at the school and they would like to come once again before the Township Committee to discuss their budget. Mr. Baggs suggested an alternative format to the customary presentation. There are four scheduled hearings on this issue and the Committee members could go to one of these meetings. Another option is to do a workshop with school board if we need to spend more time. The Committee agreed to attend the four available scheduled meetings.

Mayor Boyce stated there is a scheduled ice cream social for election night. Attorney Semrau cautioned them to check this out because it may be found to be improper to do so to encourage voting. The school officials should check with the County Superintendent.

Attorney Semrau stated this governing body is in a bit of a situation when the school board comes before them. It appears that they are almost seeking an endorsement. Ultimately, this Committee is the Board of Appeal. He said that this Committee going to their meeting may be the better thing to do.

OTHER BUSINESS**APPROVAL OF RAFFLE LICENSES**

1. **OUR LADY OF LAKE CHURCH TO BE HELD ON MAY 13, 2011 AT FARMSTEAD GOLF & COUNTRY CLUB**
 - a. **On Premise 50/50 Raffle #RL955**
 - b. **On Premise Merchandise Raffle #RL956**
2. **ARC OF SUSSEX COUNTY TO BE HELD ON JUNE 21, 2011 AT NEWTON COUNTRY CLUB**
 - a. **Off Premise 50/50 Raffle RL#957**

Mr. Walsh moved to approve the foregoing licenses as presented, seconded by Mr. Lensak. Roll call vote:

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

COMMITTEE REVIEW OF THE 2011 MUNICIPAL BUDGET DRAFT

Mayor Boyce explained that all members received a copy of the latest budget draft along with a memo from CFO Magura. This memo indicates that a significant number of cuts in this proposed budget need to be addressed. Mr. Smith stated this is a first draft and there have been no cuts made. The bad news is that if we were to look at a flat tax increase we would have to cut \$586,000 from this budget. The second element is we are required to cut \$47,000 under the CAP to meet the State requirements. The revenues are being anticipated down a huge amount, \$467,000. He stated he has questioned that number. Another issue is the Capital requirement which is up \$242,000 this year. The auditors are recommending that full amount be paid off in the same year the expense is acquired.

COMMITTEE REVIEW OF THE 2011 MUNICIPAL BUDGET DRAFT (CONTINUED) Mr. Smith then stated that we should not look to reduce the surplus at all this year. The biggest expense in this budget is in Salaries and Benefits. He said it may come to the point where we may have to consider terminating some employees to make our goal. The auditor provided four figures each representing from a zero increase to a three cent increase. He said his goal would be a zero increase. He does not know if we can get there, but that should be our target.

Mr. Walsh remarked on some of the line items saying some issues should be further reviewed. There are figures in the revenue that should not be listed as revenue in 2011. Mr. Smith stated the Auditor will not recommend zero. Ms. Phoebus stated \$5000 was omitted from this budget as aid to the fire department. This amount was returned to the budget by the department last year but they need it this year. Mr. Smith stated the Finance Committee is looking for suggestions and recommendations on this draft. Mayor Boyce added that Mr. Smith has done a good job meeting with all department heads, going over the budget line by line. He said that sometimes department heads pad their budgets a bit to cover unforeseen expenses. Mr. Smith said we looked at some and made small modifications but nothing drastic was done. He wanted to see what the overall picture was going to look like.

Following a detailed discussion of this draft budget it was recommended by the Committee that this draft be further reviewed for additional cuts and adjustments. Mr. Smith said he feels the same as everyone else and believes we are all going in the same direction. He is asking for input from each Committee member. The Finance Committee will meet again. Mr. Walsh suggested each liaison sit with their departments to see where additional cuts can be made.

RESOLUTION

#R2011-64 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AUTHORIZING AN INTERLOCAL SERVICE AGREEMENT WITH THE COUNTY OF SUSSEX FOR THE POSITION OF FIRE OFFICIAL SERVICES

Attorney Semrau stated that there was discussion earlier this evening about perhaps going with the County for fire official services. Attorney Semrau read the following:

WHEREAS, due to the resignation of William Flammer, Fire Official there is a vacancy in this position; and,

WHEREAS, the Township of Andover desires to participate in a shared services agreement with the County of Sussex for the fire official services; and,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Andover, County of Sussex and State of New Jersey to hereby appoint the County of Sussex by way of shared services, to service the Township as the fire official; and,

BE IT FURTHER RESOLVED, that the County of Sussex shall serve as the fire official for a fee whereby the Township would retain ten percent (10%) of such fees that are paid; and,

BE IT FURTHER RESOLVED, that the agreement is within the discretion of the administrator; and,

BE IT FURTHER RESOLVED, that the Township shall pay the County of Sussex the onetime fee of \$1500 for the computer system service implementation and this payment shall be subject to certification of funds by the Chief Financial Officer.

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

(See Insert Attached To These Minutes)

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

Contract Negotiations:

3. A. Tagliatela, Police Chief

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 9:02 P.M.

RECESS WAS CALLED AT THIS TIME

EXECUTIVE RESUMED AT 9:15 P.M.

Mr. Walsh moved to adjourn executive session at 9:53 P.M., seconded by Ms. Phoebus and carried unanimously.

NEXT SCHEDULED MEETINGS: Regular Meeting April 11, 2011
Regular Meeting April 25, 2011

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

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 9:53 P.M., seconded by Ms. Phoebus and carried unanimously.

Respectfully submitted,

Phil Boyce, 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 28TH day of MARCH 2011, that:

1. Following 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. Police Dispatcher's & DPW Union Contracts Status Reports**
- 3. A. Tagliatela, Police Chief**

Attorney-Client Privilege:

Pending Litigation:

- (x) a. (8) Personnel matters.
 - 1. B. Flammer, Fire Official**
 - 2. J. Cutler, Construction Official**
- () 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: MARCH 28, 2011

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

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION "B"

BE IT RESOLVED by the Township Committee of the Township of Andover on the 28TH day of MARCH 2011, that:

2. Following 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:

3. A. Tagliatela, Police Chief

(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: MARCH 28, 2011

Moved: Walsh Seconded: Phoebus

Voted Aye: Phoebus, Walsh, Lensak, Boyce

Voted Nay: None

Absent: Smith

Resolution adopted. MARCH 28, 2011
