

**ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES**

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

**APRIL 11, 2011**

**REGULAR MEETING – 7:30 P.M.**

**EXECUTIVE SESSION TO FOLLOW**

The regular meeting of the Andover Township Committee was called to order at 7:30 P.M. by Deputy Mayor Lensak, followed by a salute to the flag. Deputy Mayor Lensak read that adequate notice of this meeting has been posted in accordance with the Open Public Meetings Act.

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

**REGULAR MEETING**

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

**APPROVAL OF CONSENT AGENDA** 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 TAX COLLECTOR'S MARCH 2011 REPORT - \$117,221.69***

***APPROVAL OF RAFFLE LICENSE – HILLTOP COUNTRY DAY SCHOOL-  
RL# 958 – ON PREMISE 50/50 AND RL#959 – ON PREMISE MERCHANDISE  
TO BE HELD ON MAY 17, 2011 AT NEWTON COUNTRY CLUB***

***APPROVAL OF RAFFLE LICENSE – SUSSEX COUNTY WOMEN'S FORUM –  
RL #960 – ON PREMISE 50/50 AND RL #961 – ON PREMISE MERCHANDISE  
TO BE HELD ON JULY 16, 2011 AT HILLSIDE PARK BARN***

**\*RESOLUTIONS:**

**#R2011-65 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE  
TO RENEW THE CONTRACT TO PROVIDE ELEVATOR  
MAINTENANCE AND REPAIR SERVICES AT THE MUNICIPAL  
BUILDING TO MORRIS COUNTY ELEVATOR, INC.**

**\*CONSENT AGENDA: (CONTINUED)**

**\*RESOLUTIONS: (CONTINUED)**

**#R2011-66 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ACCEPT THE RESIGNATION OF LINDA PAOLUCCI, LAND USE BOARD ADMINISTRATOR, LAND USE BOARD SECRETARY AND COAH MUNICIPAL HOUSING LIAISON EFFECTIVE APRIL 29, 2011**

*(See Inserts Attached to These Minutes)*

**APPROVAL OF MINUTES**

**MARCH 14, 2011 REGULAR MEETING**

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

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

**REPORT FROM THE FIRE CHIEF** Chief Crater reported 26 calls for the month of March for a total of 410.2 hours, 110 calls year to date for a total call hours of 1,487.2.

**REPORT FROM THE RESCUE SQUAD CHIEF** The Lakeland Chief was not available this evening.

**REPORT FROM THE CHIEF OF POLICE** Chief Tagliatela reported calls for service for the month of March in Andover Township were 777, Andover Borough had 13, Hamburg had 533 and Green Township 26 for a total of 1,339. The year to date total is 3,767.

**REGULAR AGENDA**

**PUBLIC PORTION** Alex Gilsenan of Andover-Mohawk Road questioned if the Lakeland Emergency Squad was still receiving payments from the nursing home for response to calls. Mr. Walsh stated that the squad is supposed to receive \$100 a call. Ms. Phoebus said she is not sure if they are still receiving this donation. She said we should be asking the squad. Ms. Thompson will research the matter and report back.

Seeing no other hands, Mr. Walsh moved to close the public portion, seconded by Ms. Phoebus and carried unanimously.

**FINANCE COMMITTEE STATUS REPORT AND COMMITTEE COMMENTS REGARDING THE 2011 MUNICIPAL BUDGET DRAFT**

Deputy Mayor Lensak stated he did review the draft and he questioned if we are looking to introduce this budget tonight. Mr. Smith replied no. He added we cannot introduce at this time with the budget work product in this form. He commented this budget has to go back to the auditors and the earliest we could introduce is at the April 25<sup>th</sup> meeting.

Mr. Smith provided background stating that we went a good part of this year without a CFO which is a critical part of the budget process. We have since appointed Gail Magura who is here tonight and she has been a real asset to the municipality and a tremendous help in pulling this budget together. We took a cursory look at the budget, making some minor cuts and sent it to the auditor. It came back with a 10 cent increase. We then approached the Committee and the suggestion of workshops was raised.

**FINANCE COMMITTEE STATUS REPORT AND COMMITTEE COMMENTS**  
**REGARDING THE 2011 MUNICIPAL BUDGET DRAFT (CONTINUED)**

He said they believed a series of three would be needed in order to ascertain where we could cut. He said that idea was rejected and placed back in the hands of the Finance Committee. Mr. Smith said they cut everything that could be cut. He stressed these are only suggestions, and the Committee can accept or reject them.

Mr. Smith stated we needed to cut \$610,000 out of the initial budget in order to come to a flat rate. We went through it and came up with \$661,000 in cuts. What that would mean is a reduction in taxes by almost one cent. The biggest portion of the budget is salary, wages and benefits. That totals over \$4 million. We cut everything we could cut; we didn't touch the surplus, which is your cushion in the event of any real problems. The auditors always suggest we not do that. The first suggestion was to eliminate Committee health benefits and salaries. A suggestion was made to make the newsletter electronic and only send hard copies upon request. Another is to replace the Land Use Board Secretary with either part time or shared service position. Recommendations are being made as to various staff reductions. He stated we are not able to discuss specifics in this area. Mr. Lensak questioned who "we" is. Mr. Smith replied the Finance Committee.

We are recommending limitations to overtime and suggesting no Capital Expenditures which is new vehicles, equipment and non-emergency road repairs. Reductions to contributions to the fire department and rescue squad are also recommended. He also suggested cutting back 33.3% contribution to the Seniors, suspending the remaining recreation programs for the year, turning off street lights, to name a few. Mr. Walsh asked if we received a bill for this service so far this year. Mr. Smith asked CFO Magura if these amounts are pro-rated to include amounts already encumbered. She replied no. The last item is to eliminate town provided cell phones.

Deputy Mayor Lensak asked if Mr. Smith spoke to any departments to ask how these actions would impact the town. He replied no. He said we spoke to them initially and that was the last interview. Deputy Mayor Lensak asked if we were to cut two police officers, what the impact is in overtime and unemployment insurance. Mr. Smith stated we are not able to discuss specifics on cuts. Mr. Smith said we need to speak to the Police Chief to discuss the impact. Mr. Smith stated we haven't spoken to the Chief because these are only recommendations and we do not know if these changes will be accepted by the governing body. Mr. Smith added that he had suggested workshops. Deputy Mayor Lensak stated that this task was given to him in January. Mr. Smith replied that we did not have a CFO and we can't do a budget without one. Mr. Lensak stated we had a part time CFO. The part time CFO's did not have the time to spend collecting the figures to begin the budget process. Their objective was to clean past issues so the permanent CFO could concentrate on the budget process once they were appointed.

Mr. Lensak stated going through some of these cuts, some of the ramifications can be quite costly. Mr. Walsh asked if an increase in unemployment insurance was included in this budget. CFO Magura replied no. Mr. Lensak then asked CFO Magura if she looked at these numbers. He asked if this is responsible and the town can act on this. She replied, not all. She added that we cannot present a budget on something that hasn't been implemented. She said you have to present your budget based on what your circumstances are now because if you choose to make cuts in your budget and you can implement the changes that warrant the cuts, you will be short at the end of the year. She said you have to put in place your cuts before you do your budget. Following further discussion on this matter, Deputy Mayor Lensak recommended that you go to the Mayor and we get another set of eyes on this budget. Mr. Smith agreed because that is what he had recommended originally, that Mr. Lensak rejected.

Mr. Lensak moved to have the Mayor appoint someone to work on this budget, seconded by Mr. Smith and carried unanimously.

**OTHER BUSINESS****APPROVAL OF RAFFLE LICENSES**

1. **ST. JAMES' EPISCOPAL CHURCH – RL # 962 – ON PREMISE 50/50 TO BE HELD MAY 23, 2011 AT FARMSTEAD GOLF & COUNTRY CLUB**
2. **NEW JERSEY FORESTRY ASSOCIATION – RL #963 – ON PREMISE 50/50 TO BE HELD ON MAY 18, 2011 AT PERONA FARMS**

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

Mr. Lensak – yes  
Mr. Smith – yes  
Mayor Boyce – absent

Ms. Phoebus – abstain  
Mr. Walsh – yes

**COMMITTEE REPORTS**

**MR. SMITH.** Reporting on the Seniors they elected Marlene Copolino as the Senior of the Year. On May 16<sup>th</sup> they will be sponsoring the Safe Drivers' Course and that will be presented by AARP. He also stated that the Master Gardeners will be conducting a special presentation, the date has yet to be determined. The next meeting will be April 18<sup>th</sup> at the Senior Center in the Borough.

The next meeting of the Board of Health is April 20<sup>th</sup> at 7:30. SWAC will meet tomorrow night at the County Freeholder's Room at 7:30.

**MR. WALSH.** He reported that the Environmental Commission met last week and as of January 2011, the Sussex County Chamber of Commerce nominated the Commission's Green Team for the Business Partnership Award. The Green Team will have a kick off event either in April or May at the Hillside House. They will participate in the Sussex County Bird and Natural Festival on June 11<sup>th</sup> and 12<sup>th</sup> and Greener/Cleaner Andover Day. They will also participate in the Rain Garden Training Program on April 27<sup>th</sup> at Hillside Park. They reviewed several applications before the Land Use Board and they are presently working on creating a recycling project with the two schools using grant funds. They will try to do a seedling give-away centered around Earth Day. They was also discussion regarding a possible movie night at Hillside Park in conjunction with the Recreation Committee. They are trying to secure funds for this activity.

With regard to the DPW he reported that due to the talents of Road Laborer/Mechanic Barry Howell he took pieces from four different trucks, welded the parts to make an extra plow. He also stated that negotiations are continuing with the dispatchers and DPW.

**MS. PHOEBUS.** With regard to the affordable housing, the Abbey project seems to be moving along. There was another break in at the Abbey and the police and DPW have secured the building again. She reported that they are working with a company named RPM with trying to finalize a developer's agreement. The County approved additional gallonage in their wastewater treatment plant so the plant can accommodate the 60 units proposed at the Abbey.

Reporting on the fire department, the Venison Dinner was once again a success. The Open Space Committee has not met but there are plans to meet later this month.

**MR. LENSAK.** He echoed that the Venison Dinner was great. The Economic Development Committee will be meeting on Friday at 8AM. The Recreation Committee will be meeting tomorrow night. Public is encouraged to attend. He sated everything is running smooth with police and rescue. He reported on the Greener/Cleaner Andover Day this past Saturday. There were 200 plus people cleaning in their groups around the town. He also stated that our Green Team was honored to be nominated by the Chamber of Commerce, but the Sussex County Community College won it their category.

**COMMITTEE REPORTS: (CONTINUED)**

**MR. LENSAK.** Bill Butler from Cartridge World was awarded for Customer Service. Jimmy's Italian Restaurant is in the Borough but Jimmy is a resident of Andover Township and he won the Beautification Award. The new pizza parlor opened today in the Andover Plaza. Mr. Lensak reported that the Andover Subacute won the Herzenberg Award for the Health and Welfare for the County residents.

Mr. Lensak then provided a 30-day update on the Interchargers that were installed on police and DPW vehicles. He stated we are showing an increase on most of the vehicles but more importantly, the trucks are showing evidence they are running cleaner. On one test it's down to what a Prius emits. The feedback is also from the DPW and police officers in support of the written report from the contractor.

**REPORT FROM THE CLERK/ADMINISTRATOR** She reported on attending the Clerks' Association Conference attending seminars for credits to renew her license. She also reported on attending the recent 208 Water Quality meeting in which the only item on the agenda was the gallonage increase for the St. Paul's Abbey project that she abstained.

**REPORT FROM THE MUNICIPAL ATTORNEY** He reported that an update was received on the revised agreement for St. Paul's Abbey. It will take some time because this is a significant part of this process. If this developer were to enter into an agreement, it would relieve the township from the financial obligation.

With regard to the fire hydrants in Lake Lenape he found that the tariff submitted to the BPU many years ago names Andover Township as the responsible party. He said he has been advised there are two ways to remove the name from the tariff. He said we can wait for a rate increase or by consent. He said he drafted a letter to the Lake Lenape Property Owners Association and ask for them to voluntarily consider this responsibility of the fire hydrants for the community.

**EXECUTIVE SESSION:** Ms. Phoebus asked that the executive session be amended to include under Attorney-Client Privilege: Sewer Service Areas. Mr. Walsh asked that the issue of Staff Reductions be listed under Personnel Matters. On a motion by Mr. Walsh, seconded by Ms. Phoebus, the resolution to go into executive session to discuss

**Personnel Matters:**

1. ***Position of Land Use Board Administrator/  
COAH Municipal Housing Liaison***
2. ***Staff Reductions***

**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:**

1. ***Sewer Service Areas***

**Potential Litigation:****Pending Litigation:**

, was carried unanimously. Formal action may be taken.  
(See Insert Attached to These Minutes)

The Committee went into executive session at 7:59 P.M. Mr. Walsh moved to adjourn executive session at 8:55 P.M., seconded by Ms. Phoebus and carried unanimously.

**ORDINANCES: INTRODUCTION**

**NO. 2011-02 TO AMEND SALARY ORDINANCE**

***“AN ORDINANCE TO AMEND THE 2008 SALARY ORDINANCE OF THE TOWNSHIP OF ANDOVER, ORDINANCE #2008-09 TO PROVIDE AND DETERMINE RATES OF COMPENSATION FOR EMPLOYEES OF THE TOWNSHIP”***

***BE IT RESOLVED*** by the Mayor and Committee of the Township of Andover, that Ordinance #2011-02, 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 – absent	

**NEXT SCHEDULED MEETINGS:** Regular Meeting April 25, 2011  
Regular Meeting May 09, 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 8:58 P.M., seconded by Ms. Phoebus and carried unanimously.

Respectfully submitted,

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Phil Boyce, Mayor

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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 11<sup>TH</sup> day of APRIL 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. Position of Land Use Board Administrator/  
COAH Municipal Housing Liaison**
- ( ) 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: APRIL 11, 2011

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Moved: Walsh      Seconded: Phoebus  
Voted Aye: Phoebus, Smith, Walsh, Lensak  
Voted Nay: None  
Absent: Boyce  
Resolution adopted. APRIL 11, 2011

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