

**ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES**

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

**APRIL 25, 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 6:33 P.M. by Mayor Boyce, followed by a salute to the flag.

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

Clerk/Administrator Thompson read the following message from Mr. Smith. "Due to a long standing previous commitment, I am unable to attend the Committee meeting on April 25, 2011. The Administrator has emergency contact information if needed. I will meet with her upon my return to react to or prepare for anything necessary."

**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. Lensak, the resolution to go into executive session to discuss

**Personnel Matters:**

1. **J. Casella, Police Dispatcher**
2. **E. Diklich, Police Officer**
3. **J. Wunder, Road Laborer**

**Contract Negotiations:**

1. **St. Paul's Abbey Due Diligence**
2. **Police Dispatcher's & DPW Union Contracts Status Reports**
3. **A. Taglialatela, Police Chief**
4. **Position of Land Use Board Administrator/COAH Housing Liaison**

**Attorney-Client Privilege:**

1. **Life Care Mews Restoration Plan**

**Potential Litigation:**

**Pending Litigation:**

1. **Tax Appeals**

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

The Committee went into executive session at 6:33 P.M. Mr. Walsh moved to adjourn executive session at 7:33 P.M., seconded by Ms. Phoebus and carried unanimously.

**REGULAR MEETING**

Mayor Boyce thanked Mr. Lensak for substituting for him at the last meeting. He then introduced his mother Vivian Boyce visiting from Colorado. She turned 90 last July.

**APPROVAL OF AGENDA** Mayor Boyce asked that Ordinance No. 2011-03 be moved for consideration prior to the introduction of the Resolution to Introduce the Municipal Budget. He also asked that Resolution #R2011-74 be added to the Consent Agenda. Under Ordinances: Introduction to add No. 2011-04 – To Provide for Various Improvements. Mr. Walsh asked for a motion to approve the agenda as amended. Mr. Walsh moved, seconded by Ms. Phoebus and carried unanimously.

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

**\*CONSENT AGENDA:****\*OTHER BUSINESS:**

***APPOINTMENT TO THE RECREATION COMMITTEE  
WILLIAM CLARK TO THE POSITION OF ALTERNATE NO. 3  
TERM TO EXPIRE DECEMBER 31, 2011***

**\*RESOLUTIONS:**

**#R2011-67 CORRECTIVE ACTION PLAN FOR THE 2010 AUDIT**

**#R2011-68 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AWARDING THE CONTRACT FOR THE 2011 TURF CARE PROGRAM FOR MUNICIPAL PROPERTIES AND BALL FIELDS TO FARMSIDE LANDSCAPE & DESIGN**

**#R2011-69 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE CHANGE ORDER NO. 2 TO THE EXISTING CONTRACT FOR THE DESIGN-BUILD PERFORMANCE SPECIFICATION - PHOTOVOLTAIC SYSTEM AT THE ANDOVER TOWNSHIP MUNICIPAL COMPLEX TO ADD A SECOND DISPLAY MONITOR**

**#R2011-70 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE EXECUTION OF THE EMPLOYMENT AGREEMENT BETWEEN ACHILLE TAGLIALATELA, POLICE CHIEF AND THE TOWNSHIP OF ANDOVER**

**#R2011-71 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPROVE THE PROMOTIONAL APPOINTMENT OF POLICE CHIEF TAGLIALATELA FROM PROVISIONAL STATUS TO A PERMANENT STATUS AS A RESULT OF THE SUCCESSFUL COMPLETION OF THE NJ CIVIL SERVICE COMMISSION'S EXAMINATION FOR SAID PROMOTION EFFECTIVE IMMEDIATELY**

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

**\*RESOLUTIONS: (CONTINUED)**

**#R2011-72 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE ANDOVER TOWNSHIP TO PARTICIPATE IN THE SELF-EXAMINATION OF THE 2011 MUNICIPAL BUDGET**

**#R2011-74 RESOLUTION OF THE TOWNSHIP OF ANDOVER TO CANCEL CAPITAL APPROPRIATION BALANCES**

*(See Inserts Attached to These Minutes)*

**\*APPROVAL OF MINUTES:**

**MARCH 28, 2011 REGULAR MEETING**

**APPROVAL OF MINUTES**

**MARCH 14, 2011 EXECUTIVE SESSION  
APRIL 11, 2011 REGULAR MEETING**

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

- |  |                   |
|--|-------------------|
| Mr. Lensak – yes   | Ms. Phoebus – yes |
| Mr. Smith – absent                                       | Mr. Walsh – yes   |
| Mayor Boyce – yes to March 14 and abstained on April 11. |                   |

**PUBLIC PORTION** Dan Freed of Lawrence Road questioned a comment made at the last meeting regarding the sewer service areas discussed in Executive Session. He asked if there was any information that could be shared with the public. Ms. Phoebus stated the Township went before the 208 PAC Meeting with Pellow Engineering representing the Township. Application was made to double the gallonage at the Abbey because every group interested in the affordable housing project has to have more than the 41 units that the plant can now handle. The plant also needs to be upgraded because of its age. The PAC passed a resolution doubling the plant capacity so we can now have the ability to construct 60 to 80 units on that Abbey property. They also decided they would send this resolution down separate with the County’s plan which has been stalled for the past five years.

Diane Gillespie of Andover-Mohawk Road stated she is not clear why we have a resolution to introduce the 2011 Municipal Budget as presented since it has not been presented. Mayor Boyce stated later this evening we would have the budget recommendation presented here tonight. He understands there will be two budgets presented tonight. It was discussed before but not presented.

Jim Woodstrom of Limecrest Road commented on some items touched upon at the last meeting by Mr. Smith. He thought the idea of turning off the street lights was excellent. He said there was a light outside his driveway and that light had been out for years before being replaced. He asked that the light not be replaced due to the issue of light pollution. He stated that on the township website there is a statement about light pollution. Mr. Woodstrom then commented that Mr. Walsh reported that the DPW constructed a plow from unusable parts. Mr. Woodstrom stated he is concerned that if someone is injured in the use of the plow, the first question asked is who manufactured this plow and was he a certified welder. Mr. Woodstrom then commented on Mr. Lensak’s statement on how expensive it would be to lay off an employee. He replied that it would be cheaper than to pay their medical benefits, pension and salary.

**PUBLIC PORTION (CONTINUED)** Mr. Lensak had then commented at the last meeting regarding no medical benefits for part time employees and Mr. Woodstrom stated he agrees with that. He said he sent an OPRA request to Mrs. Thompson asking for a list of part timers who receive health benefits. He said Byram just recently eliminated medical benefits for part time employees. Mr. Woodstrom said it was former Mayor and Chief of Police Danielson who led that petition for change. Mrs. Thompson stated that the request is being finalized by the finance office.

Eric Danielson of Springdale Gardens Road pointed out that what Mr. Woodstrom said about his father is absolutely untrue. He added that it needs to be clarified that Mr. Woodstrom is 100 percent wrong. In terms of the medical benefits, the pensions and the amount of money people make, he said Mr. Woodstrom needs to sit down and take a look at everyone's job description and see what it is the people do. It's not something we are entitled to, it is something that we have negotiated.

As employees of the town who come to work and we do so because we love it, the community and the sense of the people that we work with. Mr. Danielson added he is tired of hearing this gentleman continuously make argumentative statements some of which are untrue. He said that maybe if he looks into his research he would not have made that statement about his father.

Doreen Keller of Goodale Road spoke about the police department. She has had numerous occasions where people have gone into her barn and let her animals out. She said every time she calls the police she has never received a bad response. Mrs. Keller said she needs those police people. She then spoke in support of the Road Department. She said they plow carefully, doing a good job in keeping the roads clear. They also take good care of the park. They take excellent care when you call regarding downed tree limbs. She said she would like to see the police department get an ATV for their use in the park areas. Mrs. Keller said she has offered the use of hers. She made it clear she has no ties to anyone on the police or road departments.

She then stated one of her employees had an altercation two weeks ago with a group of soccer players from the park. These players came over to retrieve their ball that was in a tree. They spoke to him using obscene language. This employee was going to offer to help them get the ball out of the tree but after hearing this language he proceeded back into the barn. She said she already mentioned this to town hall and has not received a return call. She would like someone to talk to the coaches.

She said she needs the police, she needs the road department, she needs civility at the park. She said though her taxes have doubled since she moved in when she thinks about the possibility of a layoff for a police officer, DPW worker or when she walks into town hall it has been cut pretty bare, she can't see the sense of making cuts at places where it can come back and hurt us. Mrs. Keller suggested that when it comes to budget cutting you consider cutting overtime, using it only in emergencies.

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

Mayor Boyce stated that we approved tonight on the consent agenda two resolutions that solidify and made permanent our agreement with Police Chief Gil Tagliatela. He said that Chief Tagliatela joined our department in July 1990, served admirably for 21 years and he agreed to become our provisional chief last June.

He successfully completed the examination for the Chief position and was notified on February 25<sup>th</sup> he is now eligible. Mayor Boyce said tonight we were able to pass these resolutions making the Chief permanent in this position. A round of applause followed. Mayor Boyce invited all to the official swearing in ceremony on May 9<sup>th</sup>.

**ORDINANCES: INTRODUCTION****NO. 2011-03 TO ESTABLISH A CAP BANK FOR 2011**

***“AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR THE CALENDAR YEAR 2011 PURSUANT TO N.J.S.A. 40A:4-45.14”***

**BE IT RESOLVED** by the Mayor and Committee of the Township of Andover, that Ordinance #2011-03, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on May 09, 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 – absent

Mr. Walsh – yes

Mayor Boyce – yes

**RESOLUTIONS****#R2011-73 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO INTRODUCE THE 2011 MUNICIPAL BUDGET AS PRESENTED**

Mayor Boyce stated it was recommended to him that we take a second look at creating our budget. He said he asked Mr. Walsh who has been the Chair of the Finance Committee for the last several years to take a look at the budget again. Mr. Walsh did a great job last year putting together the budget which ended up being the lowest tax increase in all the municipalities in the County last year.

Mr. Walsh stated with regard to street lights we are keeping them on for public safety if nothing else. We are already a quarter of the way through the year and spent on. Regarding Recreation, \$10,000 is being put back in that line item. Mr. Walsh stated that if the budget he recommends gets passed, all programs will continue this summer. With regard to police cars we can't cut \$40,000 when you have an \$18,000 bill built in. We have a plan for cars each year. We are cutting this year \$12,000 from that line item not \$40,000. Longevity was cut which was illegal because we are in contracts and cannot be touched. With regard to the Seniors, 33% was cut totaling \$1000. That amount was put back in. On the fire department budget, \$9000 was cut and we are putting that back in.

Money had to be put aside for tax appeals. That was not provided for originally. With reference to the Capital Budget, \$314,000 was cut which meant nothing would have been done this year. He said with the help of Darren Dickinson and the CFO and together they found \$170,000 from old ordinances. We received \$165,000 grant from the State for Goodale Road and if we had not used the funds, we would have to send it back and may lose future grant opportunities. We needed two trucks and plows for the DPW. We decided to get one truck and two plows, a savings of \$50,000. Seventy Thousand was put in for next year for Stickles Pond. He said \$314,000 was cut from the budget but we can still do the capital improvements without increasing the budget. We have a list of 21 shared services agreement added to this budget that helped us get to where we want to be.

Mr. Walsh said he has two budget scenarios, one for 1.2 cents with layoffs or 1.9% with no layoffs. Mr. Walsh said his recommendation will be for the 1.9cents with no layoffs which will be a total of \$43 increase for the average taxpayer.

Mayor Boyce commended Mr. Walsh on putting these figures together. He said if we approve the budget it will be \$7,410,283 in appropriations. The budget includes a tax levy of \$5,212.143, an increase of \$93,747 from last year. In addition to that, figure, other revenue comes in at \$2,198,000.

**RESOLUTIONS (CONTINUED)****#R2011-73 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO INTRODUCE THE 2011 MUNICIPAL BUDGET AS PRESENTED**

Mayor Boyce stated that the General Revenue is down about \$132,000 due to property tax assessments coming in lower. Overall, the municipality is down about \$3 million from last year. He said the \$43 increase is in line with what other towns have approved in our County. In fact, it is lower than what other towns have approved. He provided the budget figures from other municipalities. Certain contracted increases had to be paid. We were able to offset many of these increases with a lot of hard work that began several years ago. Mayor Boyce named all of the shared services opportunities that Andover Township has taken advantage of since October 2009. The beginning was combining the offices of the Clerk and Administrator, a savings of \$80,000 a year. He mentioned shared services as a result of retirement and resignations. He spoke of the tax collector, CFO and the municipal court. Some of the remaining duties were absorbed by existing staff. He said we did all this without laying off anyone.

Mayor Boyce added that some suggested lowering the property taxes for the average homeowner. He said it is a great goal but there are problems with it. He said first it would put us further behind the eight ball when we try to do next year's budget. It would also mean Andover would be the only town in the County that came up with a tax reduction when all the others have similar increases, some more. It would reek havoc on the services that the residents expect from our town, forcing layoffs. Even if we did reduce taxes slightly the average homeowner would still see an increase because of the schools and county taxes. What good would it do for us to decrease our spending when the schools and county are increasing and the average homeowner won't see any reduction.

Mayor Boyce commended Mr. Walsh on his hard work for this budget. What he has done is nothing short of miraculous. We are lucky to have someone like Tom who has been on the Committee a long time, putting these budgets together just as long. It's not easy and we had to twist his arm to do it. This year he did not have the time to do it that is why someone else was asked to do it. Mayor Boyce also thanked Gail Magura for her efforts in this budget. Mayor Boyce supports the 1.9 cents budget format.

Mr. Walsh moved to introduce the 2011 Municipal Budget as presented, seconded by Mr. Lensak. Mr. Lensak said we have a great time with great employees. He said he has the honor of working with the police department and meeting with the DPW and he sees everyone is working doing what they have to do. He thanked everyone who came out tonight expressing your opinion. If there is a way to keep the employees and the services to get through the tough times, this budget is responsible and can do just that. He said Tom really cares. He said if anyone ever says that Tom is a part time employee, this man is on the phone discussing town business while hard at work early in the morning until late at night. Mr. Lensak said he defies anybody that says Tom is not full time. He added that it is an honor and privilege to work with him.

Hearing all comments the resolution was carried unanimously. The public hearing on this budget is scheduled for May 23, 2011 at 7:30.

(See Insert Attached to These Minutes)

**UNDER ORDINANCES: INTRODUCTION****NO. 2011-04 AN ORDINANCE TO PROVIDE FOR VARIOUS IMPROVEMENTS TO STICKLES POND ROAD AND ROAD IMPROVEMENTS & OVERLAYS FOR THE TOWNSHIP OF ANDOVER**

***BE IT RESOLVED*** by the Mayor and Committee of the Township of Andover, that Ordinance #2011-04, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on May 09, 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  
Mr. Smith – absent  
Mayor Boyce – yes

Ms. Phoebus – yes  
Mr. Walsh – yes

**ORDINANCES: PUBLIC HEARING****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"***

Planner Chuck McGroarty was present to explain this ordinance and answer any questions. He said this ordinance is designed to take the existing industrial zones that are in various locations and with that there are certain ranges of permitted uses. The intent is to take some, but not all of that land, leave the existing industrial uses in place, but add some additional uses. These additional uses are more in the line of different types of services. Some of the different types of uses would be indoor sports activities, and party rooms to name a few. He said the basis for this comes from in March 2010, the Land Use Board adopted the Master Plan Reexamination Report and the Amended Land Use Plan and began looking at the industrial zones in the township. There was one change at that time to create a General Industrial Zone in one location. There was another recommendation at that time to continue to study the remaining industrial zones. The State of New Jersey allows modifications to the town's Master Plan known as the Reexamination Report.

The Land Use Board adopted their report on March 15, 2011 and also adopted an amendment to the town's Land Use Plan to identify these various locations where the industrial zone is in place and to recommend this change. He then proceeded to describe the areas where these changes are.

Attorney Semrau asked Mr. McGroarty that this started with the Reexamination of the Industrial Zone last year when there was the rezoning with respect to the concrete plants. Mr. McGroarty agreed. Attorney Semrau said so that the record reflects it, that Examination, as far as definitions and uses for the Industrial Zone started in 2010 and then the Land Use Board went back and looked at all the various locations of the Industrial Zone and came up with the recommendations that are before us this evening. Mr. McGroarty agreed.

Attorney Semrau then stated the Clerk/Administrator sent a letter to the Land Use Board and the Board on April 11, 2011, they believe that this Ordinance amendment is consistent with the Township's Master Plan. Attorney Semrau stated this amendment may generate more viable zones and districts and even ratables. He added that from a Planner's perspective, he asked Mr. McGroarty if he believes these amendments to be consistent and a reasonable exercise of the Municipal Land use Law. He replied he does. Seeing no hands from the public, Mayor Boyce closed the public hearing.

An ordinance of which the foregoing is the title was introduced and passed on first reading at the regular meeting of the Andover Township Committee on March 28, 2011, was advertised according to the law and was brought before the public for final consideration. There being no objections, Mr. Walsh moved the adoption of the above entitled ordinance, seconded by Ms. Lensak. Roll call vote:

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

Ms. Phoebus – yes  
Mr. Walsh – yes

**ORDINANCES: PUBLIC HEARING (CONTINUED)****NO. 2011-02 TO AMEND THE 2008 SALARY ORDINANCE**  
**"POSITION OF CHIEF OF POLICE"*****"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"***

Mayor Boyce opened the public hearing and seeing no hands, he closed the hearing. Mayor Boyce explained that we have to make a modification to the Salary Ordinance for this position now that we ratified the agreement. The maximum increase for this position is now \$122,000 which is a \$2000 increase.

An ordinance of which the foregoing is the title was introduced and passed on first reading at the regular meeting of the Andover Township Committee on April 11, 2011, was advertised according to the law and was brought before the public for final consideration. There being no objections, Mr. Walsh moved the adoption of the above entitled ordinance, seconded by Mr. Lensak. Roll call vote:

Mr. Lensak – yes

Ms. Phoebus – yes

Mr. Smith – absent

Mr. Walsh – yes

Mayor Boyce – yes

**NEW BUSINESS**

Mr. Walsh stated that the League of Municipalities has asked all municipalities to adopt a resolution to end the State diversion of municipal revenues and demand compliance with State laws. Mr. Walsh read there are two main formula driven general municipal property tax relief programs currently on the books in the State. These State Aid programs are actually revenue replacement programs intended to replace property tax relief funding that was formally generated through taxes assessed and collected locally. The first is the energy tax receipts property tax relief program which was a tax on regulated public utilities originally assessed and collected at the municipal level. In the early 1980's the request for the convenience of that tax, the State became the collection agent for this assessment and the law that affected the change promised that the proceeds would be distributed back to the municipality. He asked Attorney Semrau to review this draft and we could adopt a similar one at the next meeting.

**COMMITTEE REPORTS:**

**MR. WALSH.** He read the following message from Jason, President of the Lackawanna Little League. "Many thanks from the entire league is in order for John Costa, Debbie Danielson, Eric Danielson, Darren Dickinson, Jim Carkuff, and Steve Benziger and Alan Armstrong from the Andover DPW for their incredible work at Hillside Park this week as after a few years, we got the dugouts built on the Majors Field. In addition, a big thanks goes out to the Andover Township Committee for their continued support and teamwork. These things are not insignificant efforts and everyone's help in pitching in goes a long way. This is exactly the type of thing that our fundraising efforts go to in making this league the best around and a memorable, cherished experience for your kids! Please consider getting involved. He stated the FOP donated \$1000 for the lumber three years ago and this project has come to fruition. Various employees from the DPW and Police Department gave their own time to see this project to the finish.

Mr. Walsh did say that when we do fundraising for projects for the athletic programs, if we are going to ask the local businesses for donations, please try to make sure to go to them. We have three golf courses in this town and one of them should have asked to have a golf outing at one of our own locations rather than out of town.



**COMMITTEE REPORTS (CONTINUED)**

**MS. PHOEBUS.** She wanted to tell everyone how hard the fire department works on fundraising for their unit. She said they allowed her to help them with one of their major fundraisers, The Venison Dinner. She said she totally enjoyed it and it was wonderful to work with such a great group of people. Andover Township residents should be extremely proud of the commitment of these volunteers to this town.

She then reported on the Open Space meeting and they will continue to work on the walking trails. They have a commitment from Sheriff Strada that he will arrange for the SLAP program to cut the brush and clear the area to continue the trail. They are also looking into placing birdhouses and a sanctuary at the Lake Iliff property acquisition.

With regard to the Land Use Board she said she cannot stress enough to see all the residents tonight and she thinks it would be great to see positive support on some of the issues that come before that Board.

**MR. LENSAK.** He reported that the Economic Development Committee had their meeting two weeks ago. The police department seems to be moving along quite well and he congratulated Chief Tagliatela on his permanent appointment. He then reported that the Girl Scouts visited the police station. His daughter came home with pictures of her chained to the chair at the station. The girls truly enjoyed the tour of the station.

Reporting on the Lakeland Emergency Squad, he had the honor and privileged of working with them to dye over 5000 eggs last Friday for their annual hunt at Wild West City. He reported that the State is trying to cut their funding for our volunteers for them to become EMTs. He said that in our society and during these economic times we need to nurture our volunteerism as much as possible and to cut off funding is not acceptable.

Mr. Lensak then spoke about the letter he received regarding the Bridgeway application before the Land Use Board. He said that they are withdrawing their application and he added that it disturbs him that we have anonymous letters that are sent to the public to fire up the residents. We should have heard the case before anyone jumped to conclusions.

He said he had a meeting with the insurance carrier, the Municipal Excess Liability, and he said that lawsuits are becoming a huge problem. He said frivolous suits are costing the municipalities all across NJ huge sums of money. The trend has been to settle cases in order to reduce costs. NJ is the most litigious state and is number one for most plaintiff oriented court system.

Mr. Lensak said that this past Friday he was here looking at the solar project and they did flip the switch and everything was running well. We were producing electricity while the sun wasn't shining. We are very near to have the system up and running. We need to sign the power agreement with JCP&L and the electrical inspector will give the final. Earlier this evening a resolution was adopted for a second monitor for the first floor in the municipal building that will show what we are producing and the CO 2 we are saving. He added that it is important that our Environmental Committee work on these type of projects in order to assist the saving of taxpayers dollars.

**MAYOR BOYCE.** The School Board Election is scheduled for this Wednesday on April 27 from 2PM to 9PM. The average house assessed at \$244,000 will have a tax increase of \$82.77 for school tax which Mr. Walsh stated is 52% of your property tax. He explained that if the budget were to fail this Committee and the Borough Council will be called upon to meet with the School Board to review the budget for possible reductions. Mr. Walsh suggested with that said in the event this were to happen, perhaps the Committee should take action now in order to prepare for the appointment of a consultant as we did last year.

Ms. Phoebus moved to authorize the Administrator to engage an expert in the event the budget were defeated in an amount not to exceed \$1500., seconded by Mr. Lensak and carried unanimously.

**COMMITTEE REPORTS (CONTINUED)**

**MAYOR BOYCE.** He then welcomed a new business to the township, Pessa's Pizza . He is from Italy and he did all the mason work in his restaurant. He encouraged all to visit all our Andover Township businesses.

Mayor Boyce then commented and appreciated the employees who came tonight and they came because they are concerned for their jobs and the jobs of their coworkers, but they are also concerned about their town. We are very blessed to have a group of employees that care deeply. They want to see the best done for their town. When decisions are made that are this important and crucial, it is important that you all show up and help us understand what to do. He said it helps the governing body make a better decision because you are here. Mr. Lensak said to Barry Howell who is present, saying there was a comment made about the manufacturing of the plow and commented that Mr. Howell did a great job and encouraged him to keep doing great work.

**REPORT FROM THE CLERK/ADMINISTRATOR** She reported April 30<sup>th</sup> at the police station is the drug disposal day. On May 31<sup>st</sup> the NJ Blood Center along with the American Red Cross will be conducting a blood drive here at the building. The hours are from 1:30 to 7:30. Due to the harsh winter, many of the drives were canceled and this created a desperate need to replenish. They commented that our location on Newton-Sparta Road is a perfect site. We did very well the last two times we hosted a drive.

This past week she and DPW Supervisor Dickinson met with the contract manager from Donnelly Energy who conducted a walk through with plans to replace old and non-energy efficient equipment with new air conditioners and furnaces. They will be installing economizers and sensors on our light switches. This work will all be covered under the State and Federal grants, costing the municipality only \$904 in additional costs.

She then mentioned that earlier today she heard from Wendy Hoffman who opened a barber shop on Route 206 named "Wendy's Place." She is interested in reaching out to the Economic Development Committee to arrange a Grand Opening.

Ms. Phoebus wished to acknowledge Brother Owen in the audience. She said without his help and graciousness. With the Abbey's help we have been able to receive our third round certification. A round of applause followed.

Ms. Thompson was asked to report on the Lakeland Emergency Squad phone call to the Andover Subacute. She reported that at the last meeting the Committee was asked if the agreement made several years ago between the Subacute and Lakeland was still in place. Mr. Mayer had informed her that it was and they have been paying Lakeland \$100 per call and for the past 12 months they received \$13,600 from the Subacute.

**REPORT FROM THE MUNICIPAL ATTORNEY** He commented on the Ordinance adopted this evening that started by the request of one property owner and then this Committee sent that request back to the Land Use Board and they had a number of subcommittee meetings, met with their Planner who made certain recommendations to change the Master Plan. Those recommendations came back to this Committee in the form of a sound planning document whereby a decision was made to make those changes consistent with policy.

Secondly, he reported that he is working on a number of tax appeals and he and Mr. Marchione are working on defenses to those appeals. Tax Assessor Marchione is inspecting those properties that have filed for appeals and the majority of the cases will be head before the Sussex County Board of Taxation.

**REPORT FROM THE MUNICIPAL ATTORNEY (CONTINUED)** He then extended his congratulations to Chief Tagliatela and he looks forward to working with him. He then said there has been a great deal of discussion regarding shared services and also consolidation of positions and he would like to say that those two policies meet with respect to the administrator and clerk. He said Vita Thompson is the consolidation of positions and she oversees the management of all the shared services agreements. She plays an integral role in the work he does and everyone else.

In closing he said that in Executive Session there was discussion regarding the former Mews development and in 2006 when the water table rose they withdrew their application because of the significant change in the water table. Some of the work that was done to the site was never restored and the township engineer has written a restoration plan and this township has been very willing to give the owners of the property to restore the site. They have come back with a number of proposals.

Mr. Walsh moved to authorize the attorney to file a court action, if necessary and seek litigation to address the fact that this restoration has not been committed to by the property owners, seconded by Mr. Lensak. Roll call vote:

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

**NEXT SCHEDULED MEETINGS:**    **Regular Meeting May 09, 2011**  
     **Regular Meeting May 23, 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 9:07 P.M., seconded by Mr. Lensak 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 25<sup>TH</sup> day of APRIL 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. *Police Dispatcher's & DPW Union Contracts Status Reports***
- 3. *A. Tagliatela, Police Chief***
- 4. *Position of Land Use Board Administrator/COAH Housing Liaison***

**Attorney-Client Privilege:**

- 1. *Life Care Mews Restoration Plan***

**Pending Litigation:**

- 1. *Tax Appeals***

(x) a. (8) Personnel matters.

- 1. *J. Casella, Police Dispatcher***
- 2. *E. Diklich, Police Officer***
- 3. *J. Wunder, Road Laborer***

( ) 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 25, 2011

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Moved: Walsh      Seconded: Lensak  
Voted Aye: Lensak, Phoebus, Walsh, Boyce  
Voted Nay: None  
Absent: Smith  
Resolution adopted. APRIL 25, 2011

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