

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

MAY 23, 2011

REGULAR MEETING – 7:30 P.M.

EXECUTIVE SESSION TO FOLLOW

The regular meeting of the Andover Township Committee was called to order at 7:37 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.

REGULAR MEETING

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

APPROVAL OF CONSENT AGENDA ITEMS Mr. Walsh asked approve the Consent Agenda but amend the Bills' List to remove bill 1-01-31-460-073 for \$725 to the Lake Lenape Water Company. Mr. Lensak seconded the motion as amended and it was carried unanimously.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Insert Attached To These Minutes)

ACCEPTANCE OF THE TREASURER'S APRIL 2011 REPORT

**APPROVAL OF OFF PREMISES 50/50 RAFFLE LICENSE - GINNIE'S HOUSE
RL #969 TO BE HELD AT PERONA FARMS ON OCTOBER 28, 2011**

***RESOLUTIONS:**

**#R2011-80 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF
SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE A REFUND
IN THE AMOUNT OF \$60 TO UP AND ABOVE CONTRACTORS FOR
THE WITHDRAWAL OF A BUILDING PERMIT APPLICATION #11-114
ISSUED MAY 06, 2011**

(See Insert Attached to These Minutes)

***APPROVAL OF MINUTES:**

MAY 09, 2011 REGULAR MEETING

APPROVAL OF MINUTES**APRIL 11, 2011 EXECUTIVE SESSION**

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

Mr. Lensak – yes

Ms. Phoebus – yes

Mr. Smith – yes

Mr. Walsh – yes

Mayor Boyce – abstain

**AWARD OF CERTIFICATES OF PARTICIPATION AND APPRECIATION
FOR CLEANER/GREENER ANDOVER DAY**

Mayor Boyce stated we had a wonderful event on April 09th and he thanked Jackie Huelbig in her efforts to organize this event as she does so well every year. He said there were about 200 people participating this year and they agreed to spend most of their day cleaning up our town. We have a beautiful town and many of us have been attracted to it because of the rural characteristic we love. He stated he went out with Girl Scout Troop #770 and these girls had a real education as they found all kinds of items that should have never been tossed out of windows. Mayor Boyce stated he believes they learned a great deal as to why we don't throw items out of car windows. They collected about 10 bags of trash and some recyclables.

At this time he called up the following organizations to receive their certificates and \$300 donation which is funded through the NJDEP Green Acres Clean Communities Fund.

Lake Lenape Association
Boy Scout Crew #85
Long Pond School Environmental Club
Smiles Across the Seas Club
Andover Girls' Softball Program
Boy Scout Troop #85
Cub Scout Pack #181

Mr. Hammler from the Lake Lenape Association thanked Jackie Huelbig who does an outstanding job every year. He said they have participated every year since the program began and she is very helpful and pleasant and a pleasure to work with.

PUBLIC PORTION Jim Woodstrom of Limecrest Road with regard to school board elections and approval of their budget, who determines when those elections will be held. Mayor Boyce responded the State determines the date. He asked if there was any way to change that date. He said because of the low turnout at the school board elections throughout the State, it may make sense and save money to conduct the election at another time. He then said there is an election scheduled for June 7th and he asked who determines when that election is held. Again, Mayor Boyce stated that it is the State. Mr. Woodstrom referenced Byram and they changed their election day. Mr. Walsh explained that they petitioned to change their election day in order to save money. Their change was to conduct their primary at the same time the State does. The cost to run both the primary and general elections is about \$6000.

Diane Gillespie of Andover-Mohawk Road reminded the Committee that Ms. Phoebus had mentioned at one time to consider an ordinance on solar panels in residential areas. She asked the status of that ordinance consideration. Attorney Semrau stated that it was about a year ago that Planner McGroarty sent an ordinance to the Committee that dealt with wind and solar power. The information then went to the Land Use Board. He will check on the status of that ordinance.

PUBLIC PORTION (CONTINUED)

Betty Donnelly of Long View Road asked when the Committee considers salaries for employees, that are a public record, and that is correct. She then asked how salaries are justified for employees, such as consideration given to someone background and type of education. Mayor Boyce did mention the salary ordinance, which covers a range of compensation for a particular position. Ms. Donnelly said that since tonight the Committee is going to vote on the 2011 budget and we are looking to save money for this town, she wants to know what the salary was for the former Chief of Police and what our present Chief is receiving. She said that the range is between \$70,000 and \$122,000. Mr. Walsh replied that the former Chief was receiving \$109,000. Mr. Lensak stated that the new Chief is receiving \$118,000 for this year and \$120,000 for next year. Ms. Donnelly asked if the present Chief has a higher level of education than the past Chief does.

Mayor Boyce stated that in this situation, Chief Coleman retired and he was not replaced. We have the savings of his salary plus an extras savings of benefits there, over \$100,000 saved. Chief Tagliatela as a Lieutenant was the highest paid and highest ranking officer in the department. He technically took a pay cut to take the Chief's position. Mayor Boyce explained because as a lieutenant he qualified for a great deal of things that he does not qualify for as Chief. Over time, Pitman hours, holiday pay to name a few, isn't considered in the Chief's salary. As a lieutenant in the department he is eligible to make \$125,000 a year. He took a cut to be the Chief. Mayor Boyce said that when looking at the overall picture we saved over \$100,000 by not replacing Chief Coleman, Chief Tagliatela took a pay cut to become the Chief of Police, and it comes out to be a good deal for the municipality. There was no one eligible to be Chief at this time. There is also a State law that requires that you are not permitted to pay your lieutenant more than you pay the chief. Even if he had not made chief, he would have still made \$125,000. Ms. Donnelly replied that she hopes it is a good deal for the town because he is getting to be tough trying to live here and she said as a single widow she doesn't know how much longer she can pay these taxes while paying her own health benefits. She complimented the Road Department on a job well done and she can't ask for anything more but there are many things that should be looked into.

Seeing no other hands, Mayor Boyce closed the public hearing.

PUBLIC HEARING FOR THE ADOPTION OF THE 2011 MUNICIPAL BUDGET

Mayor Boyce informed the Committee that the budget being discussed tonight, if adopted, the municipal tax will increase approximately \$43 a year for the average homeowner. That is less than \$4 per month, \$.12 per day. The average home is assessed at \$248,000 and this increase is \$1.9 cents for every \$100 of evaluated property. If approved, it will be \$7,406,503. In appropriations. It includes a tax levy of \$5,212,143, an increase of \$93,000 from last year.

In addition, other revenue comes in at \$2,194,000, which is a result of State Aid, license fee payments, interest income, collection from delinquent taxes and income from shared services. General revenue is down about \$100,000 from a year ago due to the lower property assessment. Overall, the entire property is about \$3,000,000 down from last year. This includes homes, farmland, and businesses. Mayor Boyce continued to say the \$43 proposed increase is in line with what other towns are doing this year, in fact, less than most.

Mayor Boyce then stated we are actually reducing our spending from last year. Last year we spent \$7,449,065 and this year that number is \$7,410,000, a reduction of \$38,782. Considering all the increases we were forced to absorb, this is a remarkable accomplishment.

He then remarked on the various shared services agreement over the past two years in addition to efforts made in combining certain job responsibilities. He commented on the lower trash and recycling contract, that though there are certain issues that need to be address with the new vendor, this new contract will save us \$144,000 a year, a savings of over \$700,000 in a five year contract.

PUBLIC HEARING FOR THE ADOPTION OF THE 2011 MUNICIPAL BUDGET (CONTINUED)

If you add the salary and benefits reduction along with the lower trash services, that is \$520,000 a year that this Committee has been able to save taxpayers this year. We did this without a single reduction in the services that our taxpayers expect from the town.

Mayor Boyce thanked Mr. Walsh for putting the budget together this year on a relatively short notice. He did a fantastic job coming up with ways of avoiding layoffs and have a small increase in taxes. Mayor Boyce also thanked Mr. Smith who worked on the budget before Mr. Walsh. He came up with an alternative budget that does not increase municipal taxes but would have required layoffs. Mayor Boyce stated he agrees with Mr. Smith's goal of no tax increase but unfortunately, he does not believe we can reach that goal without making drastic cuts in town services he is not willing to make.

Mayor Boyce stated that the creation of the municipal budget is the most important thing the Committee will do in the year. The public has a right to input in this budget; CFO Magura and Valerie Dolan from Nisivoccia and Company are present and prepared to answer all questions.

Mayor Boyce opened the public hearing on the budget.

Diane Gillespie said that the entire Committee should be applauded for many things that have been done to date with providing positions and not replacing people who have left. She added that she is disappointed in the way we handle the budget process. She said as she looks at the dais she likes to study the interaction with the Committee members and she said she did not like how it developed. She stated that she did not agree with everything proposed in Mr. Smith's budget draft but instead of everyone speaking to each other it looked like no one was giving him feedback and necessary information he needed. She said she is tired to pick up the newspaper and read about the bickering in the town. Ms. Gillespie wants everyone to provide their proposal and come to a compromise and come before the Committee as a unified group.

Ms. Gillespie then asked the Committee to make a sacrifice with their benefits. She suggested that everyone start chipping in such as everyone gets an individual plan and if you want the family plan that would be a certain percentage. She said they owe it to the residents of this township to show, not only are they doing all these other wonderful things but she said it has to affect them out of their pocket as it affects her in her pocket. Mr. Walsh commented that it does already affect them in the pocket for serving the community. He said it takes \$35 a taxpayer to keep this Committee in place. With the hours put in the rate of compensation is about \$12 an hour to work a \$7.5 million budget. Mr. Walsh said Ms. Gillespie knows exactly how this position on the governing body affected him. He added to do this job the way it should be done takes a lot. Mr. Walsh also stated that no one will take on this responsibility for nothing. There was no line out the door with people and their petitions to run for office. Mr. Walsh said in some way there needs to be some compensation. Ms. Gillespie said she did not say they are not entitled to benefits only that beyond their individual plan they should make up the difference. He then referenced the loyal volunteerism in this community and how hard these individuals work.

Mayor Boyce stated he believes the Township Committee gets along amazingly well. He said he wasn't here the night of the bickering. He said the business of doing small town politics and taking care of a town like this can at times get passionate and emotional. Mayor Boyce said that everyone of us are deeply passionate about this town. That's why they serve. He said he does not see the kind of bickering she is talking about most of the time. Most of the time the votes are unanimous or four to one.

Seeing no other hands from the public, Mayor Boyce closed the public hearing and opened the discussion to the governing body.

Mr. Smith stated it is no secret how he feels, he is against tax increase. He said this is a desperate time and asked if everyone would talk to their friend and neighbors. People cannot afford to pay the current taxes. He said it is not a little bit when you add it all together. He said when is a little bit too much.

PUBLIC HEARING FOR THE ADOPTION OF THE 2011 MUNICIPAL BUDGET (CONTINUED)

He said every year it's a little more and it's time we stopped. We cannot keep spending money we don't have. He reiterated that he is against tax increase. On a \$7 million budget, any organization should be able to run itself. He stated he cannot understand how we can't figure out how we couldn't run this town without increasing taxes.

Mr. Walsh agreed saying nobody wants to raise taxes. We are all taxpayers but half of those taxes is approved by the people of this town at the school board election. He said only 515 voters came out of 3000 voters and we should be ashamed for not having a bigger voice on that budget. This governing body is responsible for 25%. It does all add up.

Mr. Walsh then stated that Mr. Smith commented at the last meeting when he said he thought he was being blamed for the potential layoffs. Mr. Walsh said that was the entire committee discussing this option, not Mr. Smith. He spoke with the CFO about that potential and they try to work it out where there wasn't a lose of services. He also stated that they let the people know that we called in for layoffs and that is still on the table. We might be looking at that for next year, it will always be on the table because we do not know what position we will be in then. We would not have seen a decrease in taxes due to the layoffs, but there would have been lose of services, which was what we were trying to avoid.

He also stated that for the second year in a row our spending has gone down. We have less employees through attrition. He referenced the DPW stating that just today they've been waiting for the computer repair to come for three days. They decided to take a stab at it and they repaired it themselves in half an hour. That action saved the town several hundred dollars. Everyone here does just that type of thing and it is appreciated.

He said he spoke to Attorney Semrau and Tax Assessor Marchione this past week and he would like to recommend that we go for a new tax assessment because of some inequities in the way taxes are allocated in the township. He said that Attorney Semrau will be presenting this to the Committee in his report.

He said that in the six years he has been doing the budget our increases is a total of 7%. He attributes this accomplishment to this Committee, the employees and everyone working together. He said we have done a good job but it's never good enough because taxes are still going up. Mr. Walsh added that we need ratables and people that can help us bring in ratables. We need businesses and we need to treat them right. We need to make this town attractive to homebuyers and make your home worth more. He said a good ratable would do just that. He said we have a great police department, fire department, DPW, town hall employees and we need to get taxes in line. He stressed that to do that we need revenues.

Mr. Lensak stated he could not agree more with what Mr. Walsh stated. He also spoke about the need for ratables in this town. He gave a personal accounting of his taxes asking how he was going to handle these increases year after year. He said that if we begin laying off good employees, we are selling off our assets and sooner or later there is nothing left to sell. The idea is bring in more money. He said that the answer is not selling or cutting because we will have nothing left. He mentioned that as liaison to the police department he did some research finding that our response times are incredible. He read certain accounts into the record which because of quick response saved lives. He then remarked on the rapid response of the fire department. If the police department is cut for budgetary issues, we will have increased overtime, vacant spots in the scheduling with one officer on duty, causing a public safety concern. He also stressed thinking outside the box and bring money into this municipality. He remarked on the efficiency of the DPW. Mr. Lensak stated that he is proud to live in this town.

Ms. Phoebus stated that as one of the town's highest taxpayers, these taxes cannot continue to increase. The businesses can't absorb this. There are three businesses that are large landowners and the industry they are in is going in the opposite direction.

PUBLIC HEARING FOR THE ADOPTION OF THE 2011 MUNICIPAL BUDGET (CONTINUED)

She said she knows and appreciates the wonderful employees in this town. She mentioned her own personal experiences with the police department and relayed a recent compliment for Sgt. Danielson and Officers Kern and Laoudis. She mentioned the highly trained volunteer personnel on our fire department. She commended the rescue squad also on their experienced personnel. Ms. Phoebus stated that this economy is frightening. She said that residents and businesses are struggling and we are going to have to do things differently.

Ms. Phoebus stated that this Committee and workforce does a very good job keeping the municipal taxes in line but she said it was a sin that only 600 people voted on the school budget. That budget represents 54% of the tax payment. She said that our children deserve a good education but they don't need two buildings and top level administration to house their education. The voters of Andover Township voted to pass that budget. The residents need to really care and be passionate about how we earn and spend our money. She also supported the need for ratables in this municipality but it is hard to get good ratables back in New Jersey. Ms. Phoebus said we have a governor and lieutenant governor working hard to see that businesses and industry find their way back to our State. We need to embrace businesses looking to locate in our municipality because without it we will not have the jobs and tax dollars to operate local government.

Mayor Boyce introduced the CFO and the auditor Valerie Dolan and asked them to come forward. He stated that this is a bare bones budget and we have cut to the point that the only other alternative is to start layoffs. He asked them if they thought we could live within the means of this budget. CFO Magura replied that she believes we can but unfortunately, many of our appropriations are set, such as salaries, retirement system, health benefits, the bond payment, and trash contract. CFO Magura stated she had done her own research on the cost of trash and recycling services and if the residents were to contract on their own the cost would be about \$300 and \$470 per year. Our cost is about \$215 per household. The services provided through taxes is a far better service providing various of options for less money. She added there is not a lot more to cut without layoffs and reduction of services.

Mr. Walsh asked if it is true we are paying down about \$200,000 more on our bond debt this year. Ms. Dolan explained that when you combine the two pieces from the principal of the bond sale, versus the principal on the notes, we are a bit higher this year. Mr. Smith asked about the township's debt position. Ms. Dolan replied that in looking at all towns, we are in a very good debt position. We have minimal debt for our projects. At this point we are in payback mode. We have no unfunded debt and there is not much in the capital budget to incur additional debt. We will be paying off two sets of loans of the bond, but once that second payment falls out we will see a drop again. The rate is about 2%. Ms. Dolan stated that adding debt would impact the debt and there would be higher pay down. There are ways of refunding debt if we would have to increase debt.

Mr. Walsh stated that we would have to look at if not borrowing is going to affect our infrastructure such as road system and making it more expensive in the long run. Mr. Walsh stated that Auditor Sarinelli had told him that we should fully fund whatever we can in the future. Ms. Dolan agreed adding that we are currently paying off the general debt from 2002 at 3.6, 3.7 up to 4%. Those payments will eventually fall off and be replaced with higher principal payments but lower interest. Mr. Lensak explained that the township will be receiving SREC credit from the solar project and he asked if we could target that money to pay down the higher debt. Ms. Dolan said she would have to review the bond law to see if accelerated payments are permissible.

Mr. Lensak then asked about the cell tower revenue. CFO Magura explained that the revenue and some of the leases were set up as paid to revenue and some were set up as unanticipated and it went directly to surplus. She does not know why they were in that manner. Mr. Walsh mentioned the proposal of possible layoffs stating when thinking about it we have to consider the time of year when we do the cut. We have to take into consideration what it takes to actually do that job and sometimes we don't always realize the full benefit you think you may be saving. Mayor Boyce spoke about other expenses of a layoff such as unemployment insurance.

PUBLIC HEARING FOR THE ADOPTION OF THE 2011 MUNICIPAL BUDGET (CONTINUED)

Mayor Boyce stated there are two budgets to think about this evening, the one presented by Mr. Walsh that would increase the average homeowners' taxes about \$43 a year requiring no layoffs. Mr. Walsh explained there is only one to consider this evening. Mayor Boyce agreed adding that the other budget would have required the layoff of about four to six people. He added that both the schools and the County will be raising taxes at about \$115. He said that even if we had a zero increase, we would not only be the only town in the county to do so, but taxes would still increase.

Mayor Boyce said we have a problem with the highest property taxes of any State in the union and non of us are thrilled with that. He added that taxes will still go up. He said he doesn't understand the argument that we have to do this to protect our seniors who are having a hard time paying their taxes, which he agrees they are. He stated he calls this a hurt and rescue strategy meaning we attempt to rescue seniors from higher taxes when they will still be going up. By doing this we would have to cut emergency services which will impact the seniors' quality of life. Of all the people who would benefit most from the rapid response times of our police and emergency services would be the seniors. They are the most vulnerable. If we cut two police officers and one dispatcher he said he has no doubt that the response time to these seniors would be greater.

He then referenced an incident on his street this past weekend in which he witnessed our emergency services in action. Our police are the first responders any time a 9-1-1 call is received. He said he does not want to lose that in our town. He stated he remembers Mr. Smith's comment that no says please raise my taxes and he agrees with that adding that no one comes and says please reduce services in our town. There may be a few that believe we can reduce our police force but he very rarely hears anyone say please layoff an officer. He then mentioned the things done by our DPW staff, mentioning snowstorms every five days from Christmas until March. He said this road crew could not have done a more spectacular job each time.

Mayor Boyce said that any cuts in personnel made in this budget would haunt us for years to come. He said that he believes we need to approve this budget put before us this evening and he hopes everyone agrees.

RESOLUTION**#R2011-88 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO ADOPT THE 2011 MUNICIPAL BUDGET**

Mr. Walsh moved to approve the resolution adopting the 2011 Municipal Budget as presented, seconded by Mr. Lensak. Roll call vote:

Mr. Lensak – yes

Ms. Phoebus – yes

Mr. Smith – no

Mr. Walsh – yes

Mayor Boyce – yes

ORDINANCES: PUBLIC HEARING**NO. 2011-05 TO AMEND AND SUPPLEMENT CHAPTER 3
"ADMINISTRATION OF GOVERNMENT"**

"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 3, "ADMINISTRATION OF GOVERNMENT" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ANDOVER WITH THE ADDITION OF ARTICLE XXIX ENTITLED "AWARDING OF PUBLIC PROFESSIONAL SERVICE AND VENDOR CONTRACTS"

ORDINANCES: PUBLIC HEARING (CONTINUED)**NO. 2011-05 TO AMEND AND SUPPLEMENT CHAPTER 3**
"ADMINISTRATION OF GOVERNMENT"

Attorney Semrau explained this Ordinance speaks to the Pay to Play regulation and the State government has sought to stop the awarding of contracts to vendors who make political contributions. The State legislature came up with the concept that if you make significant contributions and you are awarded a contract, you have to disclose those contributions in order to obtain a contract. If you make more a political contribution more than \$300 to a particular candidate, then the only way you can be awarded a contract is if it went out at a minimum for a Request for Proposals.

He said there were still some critics that say there were gapping holes in the legislation. One of the things they did is permit municipalities to adopt more stringent ordinances and it has to be done in such a way there is a balance against someone's rights to support a candidate. He added that in order to do so, an Ordinance was designed with a more restrictive Pay to Play legislation. This Ordinance states that if you make a \$300 or more contribution to a committee member or to someone at the County or if there is someone making a contribution of \$1,000 to a County political fund and that fund would then be directed or encouraged to use that money to a local candidate, this would eliminate that loop hole.

This Ordinance says at any time you contribute above \$300, the reportable amount, then you are precluded from the award of a contract. There are so many exceptions at the State level, that this Ordinance is saying is if you make that contribution directly or indirectly, you will be precluded from the award of a contract. At the State level there is an exception where if a contract is less than \$17,500, you can make any type of contribution and still receive a contract. With this Ordinance, it doesn't matter what the ultimate dollar amount of the contract is.

Attorney Semrau stated there are a number of Pay to Play Ordinances that have been designed since 2007 and this one drafted by his office that has been found to be the most balanced. This Ordinance is defensible, it's reasonable and works in local government. It does not overburden the clerk's office with additional reporting requirements. This is to ensure that there are not significant contributions from the standpoint from a "PAC" of someone at the county or state level. The contribution date in the Ordinance will be changed from January 1 to all contributions made prior to September 1, 2011 would not be considered.

Attorney Semrau stated in closing, this Ordinance tries to close some of the gaps and yet it doesn't say if you make a contribution you are eliminated. It just says that if you do it above \$300 limitation, you cannot be considered for a future relationship.

Mayor Boyce opened the public hearing on this Ordinance. Seeing no hands, Mayor Boyce closed the 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 May 09, 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 with the amended date, seconded by Ms. Phoebus. Roll call vote:

Mr. Lensak– yes

Ms. Phoebus – yes

Mr. Smith – yes

Mr. Walsh – yes

Mayor Boyce – yes

ORDINANCES: INTRODUCTION**NO. 2011-06 TO AMEND CHAPTER 190-38**
"MT. LAUREL ZONE"

"AN ORDINANCE AMENDING CHAPTER 190 ENTITLED "ZONING" OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AMEND ARTICLE V, "USE AND BULK REGULATIONS", SECTION 190-38, "MOUNT LAUREL ZONE" TO MODIFY CERTAIN CONTROLS AND STANDARDS GOVERNING THE DEVELOPMENT OF AFFORDABLE HOUSING"

Attorney Semrau explained that this Ordinance only pertains to the St. Paul's Abbey area and after a number of discussions with the Committee and subcommittee, there were certain items in the Ordinance that don't match from a practical standpoint what is sought to be developed or what even exists.

He said that when we met with Planner McGroarty, these changes are not significant where it is going to have a groundswell of changes in character of that particular area. There were changes to work along the lines of the future vision for that property. The Planner had stated to the subcommittee that none of these changes were so significant but more administrative in nature. It will be sent to the Land Use Board for their review and it will come back to the Township Committee if introduced, with a recommendation during the public hearing.

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2011-06, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on June 13, 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	

RESOLUTIONS

#R2011-81 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF LIQUOR LICENSE #1902-33-06-002 FOR PERONA ENTERPRISES, INC. T/A PERONA FARMS, PLENARY RETAIL CONSUMPTION LICENSE FOR THE TERM JULY 1, 2011 THROUGH JUNE 30, 2012

#R2011-82 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-010-003 FOR DINA'S LLC FOR THE TERM JULY 01, 2011 THROUGH JUNE 30, 2012

#R2011-83 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF LIQUOR LICENSE #1902-33-003-002 FOR ALSATIAN CORPORATION T/A LAKE LENAPE LODGE FOR THE TERM JULY 1, 2011 THROUGH JUNE 30, 2012 WITH CERTAIN CONDITIONS

RESOLUTIONS: (CONTINUED)

#R2011-84 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-004-006, FOR LARRY L. SNOVER, INC. T/A THE CELLAR FOR THE TERM JULY 1, 2011 THROUGH JUNE 30, 2012

#R2011-85 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-005-004 FOR J & M WALDRON, INC. T/A MAX'S STATION HOUSE FOR THE TERM JULY 1, 2011 THROUGH JUNE 30, 2012

#R2011-86 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE #1902-33-009-002 FOR SHERIDAN'S LODGE, INC. T/A SHERIDAN'S LODGE FOR THE TERM JULY 1, 2011 THROUGH JUNE 30, 2012

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

Mr. Lensak – yes

Ms. Phoebus – recused

Mr. Smith – yes

Mr. Walsh – yes

Mayor Boyce – yes

(See Inserts Attached to these Minutes)

#R2011-87 A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER TO DESIGNATE LOT 35 IN BLOCK 153 OTHERWISE KNOWN AS 350 ROUTE 206 IN ANDOVER TOWNSHIP AS AN "AREA IN NEED OF REHABILITATION" PURSUANT TO THE CRITERIA ESTABLISHED BY THE "REDEVELOPMENT AND HOUSING LAW" (N.J.S.A. 40A:12A-1 ET SEQ.)

Attorney Semrau explained that this Resolution is part of the initiative with respect to the St. Paul's Abbey redevelopment. What this Resolution says that under the financial criteria with respect to federal funds and tax credits for redevelopment of this site, it needs to lend itself to an area of land that needs redevelopment. There needs to be a specific portion of structures that are in a deteriorated or substandard condition and there is a continued pattern of vacancy, abandonment or under-utilization of properties. Planner McGroarty has reviewed this property and it does meet this criteria. By adopting this resolution, we are saying this is the designation for this property and it is one of the requirements if there is a proposal or developer who seeks to develop affordable units, and they make application under the NJ Housing and Mortgage Finance Agency Law, they will have certain points and the criteria would have been met.

Ms. Phoebus added that adoption of this Resolution will allow the company to gain more points which puts them in a better position to gather the funding they would need to do this project. Attorney Semrau also mentioned that there have been a number of developers we have had this discussion with. In this case, there is no agreement and the things being done is to make the property more suitable for its ultimate redevelopment, but there is no side deal or agreement, solely at their own risk.

Mr. Smith stated he is 1000% in favor of this project but asked about expanding this designation to other areas within the municipality that are equally in need. Attorney Semrau explained that was something that was discussed.

RESOLUTIONS: (CONTINUED)**#R2011-87 A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER TO DESIGNATE LOT 35 IN BLOCK 153 OTHERWISE KNOWN AS 350 ROUTE 206 IN ANDOVER TOWNSHIP AS AN "AREA IN NEED OF REHABILITATION" PURSUANT TO THE CRITERIA ESTABLISHED BY THE "REDEVELOPMENT AND HOUSING LAW" (N.J.S.A. 40A:12A-1 ET SEQ.)**

The Planner's time is ultimately being reimbursed under an agreement of an escrow account by this contractor. The other is that the Planner said adding various locations will take time to identify these areas and in doing so, stop the fast tracking of this resolution. He did state he would come back and talk about other areas at another time. Mr. Smith then asked if there was any compromising position by identifying just one area. Attorney Semrau explained that this is a planning objective and anyone could come forward with a similar type of request for consideration.

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

(See Insert Attached to These Minutes)

COMMITTEE REPORTS:

MS. PHOEBUS. She reported on the Newton-Sparta Road expansion project presentation she attended earlier this evening at Long Pond School. She said that this is a \$25 million project to improve Newton-Sparta Road, the busiest county highway in the Sussex County system, calls for alterations to a seven-mile stretch from Newton to Sparta. New lights will be added and some intersections will be widened to add turning lanes. County Engineer John Risko was present and he said that the entire project will be done in three phases. The County received federal funding through the Transportation Improvement plan. Construction could begin as early as 2012.

There was discussion regarding how these changes will affect residents pulling out of side streets such as Country Club Lane and Dorset. There are areas marked that will only be one way turns out of certain side streets. Ms. Phoebus stated at this intersection there will be turning lanes onto Newton-Sparta Road from Lawrence and Lake Iliff Roads. They will lower the viaduct but realizing they have to keep it a certain height because of the trail that runs underneath. They will put a light at the FMB School that will operate during at the beginning of school and at the end. At Limecrest Road they will be inserting turning lanes. From there it goes into Sparta with additional turning lanes along the way at the church and Upper Lake Plaza. There will be a jug handle included in the heart of Sparta.

Mr. Smith stated he asked County officials where citizens could find information on this project and he was told it will be on the County website under Departments, under Development. The entire map will be laid out on their site.

Ms. Phoebus spoke briefly on the affordable housing and she will report further at the next meeting. With regard to Open Space meeting and they are working on the Lake Iliff acquisition preparing for a bird sanctuary.

MR. LENSAK. He commended all our volunteers for a job well done. Regarding the Economic Development Committee he complimented the creation of that committee and their hard work in getting businesses to Andover Township. Their goal is to fill vacant buildings with viable businesses adding to our tax base. He mentioned the receipt of the \$4000 grant for the Click It or Ticket Program.

COMMITTEE REPORTS (CONTINUED)

MR. SMITH. He reported that the Senior Citizens' luncheon was held on May 2 and Marlene Coppolino was voted Senior of the Year. A safe driver course was sponsored by AARP on May 16 and there was a discount given for all those who completed the program. It was a great course and everyone will benefit from it. The Master Gardeners will give a presentation to the seniors on June 6th which is the next meeting.

The SWAC Commission met on May 10 and there was no new business introduced. Their next meeting is June 14. The Board of Health reported 36 inspections for the month of April and six were on food establishments, four on septic systems, and 26 complaint investigations. The complete report is available with Jackie Huelbig. Their next meeting is June 15 at 7:30.

MR. WALSH. He stated there is nothing to report on the dispatchers and DPW union contract negotiations at this time. He asked Attorney Semrau to explain the prospect of a tax revaluation for this year.

Attorney Semrau explained he represents a number of municipalities solely for the purpose of defending tax appeals and after meeting with Tax Assessor Marchione and looking at the various trends, it would appear that in the near future, should consider a revaluation program. He stated he spoke to Mr. Walsh with regard to this particular tax season saying that the number of appeals have increased, the difficulty to defend has become more difficult due to the market. At this point in time, we can ask for a revaluation. This process may not take affect until 2013. We can ask the County Board for a reassessment which has the same effect but the tax assessor with help from a revaluation firm initiates it. This process may not call for a tax map update. The town can bond for this project over a five year period but with some of the reserves relevant to tax appeals, we may feel that in interest of all the residents that this may be a program we may want to further explore. He stated he would like to speak to some of the legal aspects in executive session this evening.

He explained that if there is a tax appeal and a refund of tax dollars due the township is absorbing that for the Board of Education as well. They already have their budget and their tax rate. That money is not refunded from the Board to the municipality. There is an adjustment with respect to the County. The township is losing 54% of the refund to the Board.

Mr. Lensak stated that if the township needs \$7 million to run the town and there is a revaluation you still need that money to function. Mr. Smith said what is being done is re-proportioning the assessments. The building rates go down but the multiplier goes up. Attorney Semrau spoke about the issue of fairness. Mr. Smith asked about the need to reevaluate every 10 years. Attorney Semrau stated the number of years is part of the formula used to determine the need. Mr. Walsh said we are very close to the number of years.

MAYOR BOYCE. He reported that election day is June 7. There was a ribbon cutting ceremony held past Thursday at Pezzo Pizza.

REPORT FROM THE CLERK/ADMINISTRATOR She reported she heard from Donnelly Energy regarding the energy upgrades to the municipal building. They should be here next week to begin work on the air conditioning system, heating system and lighting. A blood drive will be held here on May 31 from 1:30 to 7:30. She then reported that her deputy Jackie Huelbig and she were guests of the Sussex County League of Municipalities in honor of Municipal Clerks' Week.

She then stated that the 6th Annual Sussex County Birding in Nature Festival will be held on June 11 and 12 at the Conservatory at the Fairgrounds.

REPORT FROM THE MUNICIPAL ATTORNEY He had nothing further to report at this time.

Mr. Walsh mentioned the check pulled from the Bills' List earlier this evening to Lake Lenape Water Company. Ms. Phoebus remarked that of all the companies sent a letter as to the functionality of the hydrants, they were the only ones to send a report. According to the report they did conduct flow checks. Following a short discussion it was decided to hold the check until the next meeting at which time further information from the water company will be discussed. Attorney Semrau added that he did write a letter to the Lake Lenape Association's attorney about the change in the tariff. He did receive a response and they are looking into the prospects of asking the association to assume this responsibility.

Mr. Walsh moved to hold the check until the next meeting, seconded by Mr. Smith and carried unanimously.

NEXT SCHEDULED MEETINGS: Regular Meeting June 13, 2011
Regular Meeting June 27, 2011

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

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

Personnel Matters:

1. *V. Thompson, Clerk/Administrator*

Contract Negotiations:

1. *St. Paul's Abbey Due Diligence*
2. *Police Dispatcher's & DPW Union Contracts Status Reports*

Attorney-Client Privilege:

1. *Solar Project Status Report*
2. *Tax Revaluation Process Discussion*

Potential Litigation:

Pending Litigation:

1. *T. Sugar Matter*

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 9:40 P.M. Mr. Smith moved to adjourn executive session at 10:51 P.M., seconded by Mr. Walsh and carried unanimously.

REGULAR MEETING RESUMED

Mayor Boyce stated that the Committee agreed to pursue a proposal for revaluation project by way of a consensus.

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 10:52 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 23rd day of MAY 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***

Attorney-Client Privilege:

- 1. *Solar Project Status Report***
- 2. *Tax Revaluation Process Discussion***

Pending Litigation:

- 1. *T. Sugar Matter***

(x) a. (8) Personnel matters.

- 1. *V. Thompson, Clerk/Administrator***

() 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: MAY 23, 2011

Moved: Walsh Seconded: Lensak
Voted Aye: Lensak, Phoebus, Smith, Walsh, Boyce
Voted Nay: None
Abstained: None
Resolution adopted. MAY 23, 2011
