

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

SEPTEMBER 12, 2011

EXECUTIVE SESSION 6:30 P.M.

REGULAR MEETING - 7:30 P.M.

**RESOLUTION OF THE TOWNSHIP OF ANDOVER RECOGNIZING SEPTEMBER 11, 2011 AS A DAY OF SOLEMN COMMEMORATION OF THE EVENTS OF SEPTEMBER 11, 2001 AND A MOMENT OF SILENCE IN REMEMBRANCE OF THE TENTH ANNIVERSARY OF THE TERRORIST ATTACKS ON AMERICA**

The regular meeting of the Andover Township Committee was called to order at 6:30 P.M. by Mayor Boyce, followed by a salute to the flag.

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

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

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

**Personnel Matters:**

1. *P. Mandeville, School Crossing Guard*
2. *Position of Special Police Officer*
3. *J. Cutler, Construction Official/Zoning Officer*
4. *C. Storms, Electrical Subcode Official*

**Contract Negotiations:**

1. *St. Paul's Abbey Due Diligence*
2. *Police Dispatcher's & DPW Union Contracts Status Reports*
3. *Various Shared Services Opportunities*
4. *Snow Removal Services Agreement with Byram Township - Forest Lakes Section*

**Attorney-Client Privilege:**

1. *Solar Project Status Report*
2. *Extreme Energy Solutions - InterCharger LLC*
3. *Highland Farms Soil Erosion/Sediment Control Compliance*
4. *JCP&L - Status of Petition to the BPU*

**Potential Litigation:**

**Pending Litigation:**

1. *Township of Andover vs. Sussex & Warren Holding Corp., etal.*  
(Life Care Mews)

**2. Krueger vs. Andover Township**

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:32 P.M. Mr. Smith moved to adjourn executive session at 7:46 P.M., seconded by Mr. Walsh and carried unanimously.

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**REGULAR MEETING**

**APPROVAL OF AGENDA** Ms. Phoebus asked that the Consent Agenda be amended by removing Resolution #R2011-124 and tabling same. Mayor Boyce asked that #R2011-126 To Appoint Special Police Officer Joseph Abrusci and #R2011-127 To Authorize the Engineer to File a DOT Discretionary Funds Grant Application for Roseville Road Project to the Byram Township Line. Under the Regular Agenda, Under Old Business: A Motion to Effectuate the Layoff Plan as Approved by Civil Service.

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

**APPROVAL OF CONSENT AGENDA ITEMS** Diane Gillespie from the audience requested that Resolution #R2011-126 be removed for further discussion. Mr. Walsh moved the following consent items be approved, seconded by Ms. Phoebus and carried unanimously.

**\*CONSENT AGENDA:**

**\*OTHER BUSINESS:**

**APPROVAL OF VOUCHERS FOR PAYMENT**

See Insert Attached to These Minutes

**ACCEPTANCE OF TAX COLLECTOR'S REPORT FOR  
THE MONTH OF AUGUST 2011 - \$4,893,814.87**

**ACCEPTANCE OF THE TREASURER'S REPORT FOR  
THE MONTH OF JULY 31, 2011**

**\*RESOLUTIONS:**

**#R2011-109 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE  
THE ANNUAL SICK LEAVE BUYBACK OPTION TO PUBLIC  
WORKS REPAIRER MARK W. BIRD FOR 2011**

**#R2011-110 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE**

THE  
CONSTRUCTION  
CUTLER FOR 2011

ANNUAL SICK LEAVE BUYBACK OPTION TO  
OFFICIAL/ZONING OFFICER JAMES

THE  
SERGEANT

#R2011-111 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE  
ANNUAL SICK LEAVE BUYBACK OPTION TO

ERIC DANIELSON FOR 2011

THE  
SUPERVISOR

#R2011-112 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE  
ANNUAL SICK LEAVE BUYBACK OPTION TO

OF PUBLIC WORKS DARREN DICKINSON FOR 2011

THE  
DEPUTY TREASURER

#R2011-113 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE  
ANNUAL SICK LEAVE BUYBACK OPTION TO  
MARYANN FRODELLA FOR 2011

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\*CONSENT AGENDA: (CONTINUED)

\*RESOLUTIONS: (CONTINUED)

THE  
PUBLIC WORKS  
FOR 2011

#R2011-114 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE  
ANNUAL SICK LEAVE BUYBACK OPTION TO  
REPAIRER/MECHANIC JAMES HAGGERTY

THE  
POLICE OFFICER

#R2011-115 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE  
ANNUAL SICK LEAVE BUYBACK OPTION TO  
JASON MILLS FOR 2011

THE  
POLICE  
FOR 2011

#R2011-116 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE  
ANNUAL SICK LEAVE BUYBACK OPTION TO  
OFFICER/DETECTIVE ROD MOSNER

THE  
SERGEANT

#R2011-117 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE  
ANNUAL SICK LEAVE BUYBACK OPTION TO

STEPHEN MURRELL FOR 2011

#R2011-118 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE

THE  
CHIEF OF POLICE

ANNUAL SICK LEAVE BUYBACK OPTION TO  
ACHILLE TAGLIALATELA FOR 2011

#R2011-119      RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY TO ISSUE A  
TAX REFUND      TO PARK FINANCE, LLC IN REGARDS TO  
THE REDEMPTION OF      TAX SALE CERTIFICATE #09-  
00004 SOLD FOR DELINQUENT      TAXES      FOR  
BLOCK 32, LOT 18, IN THE AMOUNT OF \$10,600.81

#R2011-120      RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE  
THE      ISSUANCE OF A FIREWORKS DISPLAY PERMIT  
TO APPLICANT      "CELEBRATION FIREWORKS" ON THE  
PERONA FARMS      PROPERTY      FOR      SATURDAY,  
OCTOBER 15, 2011

#R2011-121      RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE  
THE      APPOINTMENT      OF      MUNICIPAL      COURT  
ADMINISTRATOR DIANA      FRANCISCO      FROM  
PROVISIONAL APPOINTMENT TO PERMANENT      STATUS  
EFFECTIVE IMMEDIATELY

#R2011-122      RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE  
MUNICIPAL      MEMBERSHIP RENEWAL IN THE NORTH JERSEY  
THE TERM JANUARY 01,      EMPLOYEE HEALTH BENEFITS FUND FOR  
2015      2012 THROUGH DECEMBER 31,

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\*CONSENT AGENDA: (CONTINUED)

\*RESOLUTIONS: (CONTINUED)

#R2011-123      RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY AUTHORIZING  
EXECUTION      OF AN AGREEMENT WITH THE MORRIS  
COUNTY COOPERATIVE      PRICING COUNCIL TO RENEW  
MEMBERSHIP THEREIN FOR THE      PERIOD OF OCTOBER  
1, 2011 THROUGH SEPTEMBER 30, 2016

#R2011-125      RESOLUTION OF THE TOWNSHIP COMMITTEE, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY TO  
ELIMINATE THE      POSITION OF SCHOOL TRAFFIC  
GUARD EFFECTIVE IMMEDIATELY

#R2011-127      APPROVAL TO SUBMIT A GRANT APPLICATION AND  
EXECUTE A      GRANT CONTRACT WITH THE NEW JERSEY

(See Inserts Attached to These Minutes)

**\*APPROVAL OF MINUTES:**

AUGUST 08, 2011 REGULAR MEETING  
AUGUST 08, 2011 EXECUTIVE SESSION

**RESOLUTIONS PULLED FROM THE CONSENT AGENDA**

**#R2011-124 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF**  
**SUSSEX AND STATE OF NEW JERSEY ENDORSING THE**  
**FINDINGS OF THE TOWNSHIP ENGINEER REGARDING THE**  
**PERFORMANCE OF SOIL EROSION AND SEDIMENT**  
**CONTROL COMPLIANCE AT THE HIGHLAND FARMS AT**  
**ANDOVER SUBDIVISION,**  
**BLOCK 118 LOT 3 (TABLED)**

**#R2011-126 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF**  
**SUSSEX AND STATE OF NEW JERSEY TO APPOINT JOSEPH**  
**ABRUSCI TO THE POSITION OF SPECIAL POLICE**  
**OFFICER FOR THE ANDOVER TOWNSHIP POLICE**  
**DEPARTMENT**

Mayor Boyce explained that this Resolution addresses the hiring of a special police officer and several months ago action was taken to appoint another individual who before he could start was offered a full time position with another municipality. The purpose of this position is primarily to avoid overtime and to assist during court sessions. This officer will be compensated \$16.00 an hour. At the present time there needs to be two officers in court. This action is recommended by Chief Tagliatela.

Mr. Lensak moved to adopt this resolution, seconded by Mr. Walsh and carried unanimously.

(See Insert Attached to These Minutes)

**REGULAR AGENDA**

**REPORT FROM THE FIRE CHIEF** President of the Fire Department, Rick Melfi was present and he reported one bomb threat/search; four regular monthly drills; one assistance for EMS; one regular monthly meeting; 1 motor vehicle accident; one memorial parade/participation; 3 public assists; 25 pump details; one special work drill; one local standby at firehouse; one water rescue; seven down power lines for a total of 47 reported calls, 357.8 man hours. The year to date total is 245 calls for a total of 3,065.1 man hours. He added for this past week there will be just as many if not more pump calls from the second storm.

**REPORT FROM THE RESCUE SQUAD CHIEF** Chief Allenspach was present and

reported for the month of August 2011 there were 86 calls total; Andover Township had 25, Byram Township had 43, Andover Borough had 9, Stanhope had 4, the Town of Newton there were 3, Allamuchy there was one and one out of County call. Year to date calls total 779 of which 332 were in Andover Township.

Chief Allenspach invited everyone to their annual charity event which takes place in Byram on October 22<sup>nd</sup>. There is a hike and you will receive the equivalent of your age in monopoly money which you donate to the three or four charities that are present that day. Details are available on their website. There is a barbeque available after the hike.

**REPORT FROM THE CHIEF OF POLICE** Chief Tagliatela reported calls for service for the month of August for Andover Township totaled 731, Andover Borough 23, Hamburg 543; Green had 44 for a total of 1,341. The year to date total is 10,369. He then reported on the calls during the hurricane, that over a three day period from 6PM on Friday through 11AM on Monday, dispatch handled 113 9-1-1 calls, 312 calls for service for all the agencies we serve. The total was 1,171 which do not include all radio communications that dispatchers handled through that time period. He stated the police officers were stretched thin that weekend but all in all, everyone did an excellent job. He commended the volunteer services for their great work.

Mr. Smith questioned the log of calls and asked how the numbers for this month compare to prior months. Following a short discussion, Mr. Smith and Chief Tagliatela will meet sometime next week to discuss how the report can be changed to allow it to show a trend of activity.

**PUBLIC PORTION** Mayor Walsh stated that before opening the public portion he wanted to speak a bit about the recent storms affecting Andover and Sussex County. They called the first storm a 100 year storm and we received a second one in about a week. The first dumped about 8 inches of water and the second storm dumped almost 9 as recorded at Aeroflex Airport. According to Mr. Walsh, that was the highest recorded amount in any recording station in the tri-state area for the second storm.

He thanked the police department, the fire department, the rescue squad and the DPW. Everyone in town praised all these departments for the response they gave the residents. He said he felt we were luckier than some towns.

He informed the public that FEMA is having a meeting this Wednesday in Warren County and our OEM Coordinator, Sgt. Danielson will be attending. More information will be available following that meeting. He had estimated that the cost of the first storm which was declared an official disaster was about \$30,000 for overtime and storm related expenses. The second storm cost the town an additional \$10,000. He hopes we can recoup the costs of the first storm because of it being declared a disaster.

Mayor Boyce explained that our storm drains are only designed to handle a 25 year storm and this was multiplied many times. There may be recovery operations for some people and what we are going to do for those who will provide email addresses, we are hoping to have FEMA come into town and conduct a meeting for affected residents. He said that all residences should file claims with their homeowner's insurance carriers

before registering with FEMA.

Jim Woodstrom of Limecrest Road asked if the Committee has seen the Dateline episode showing Sam Burlum and is he the same individual who came before the Committee at the last meeting with regard to the Interchargers. Everyone responded that they have seen the video of the Dateline episode. Mr. Woodstrom stated he was very impressed with the presentation that evening and complimented the Committee in attempting to save money. When he received that video he was in complete shock. He asked the Committee to think twice before considering purchase of these devices.

Tony Massaro of Current Drive spoke about the Land Use Board membership reminding he asked the Committee to consider appointing a member of the Committee to that Board to cover the application from Limecrest. The Committee took no action. He referenced that there are no written minutes of the meetings since February. There was a short discussion regarding the minutes.

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PUBLIC PORTION (CONTINUED) Attorney Semrau explained this is a pending application before the Board and this Committee has no jurisdiction over the application nor should it get involved in the application. He added that he spoke to the administrator once we were aware of the issue with the minutes and free copies of the CDs were made available to the public upon request. He said that the Board has been quite busy with one significant application after another. The administration has taken immediate action to get the minutes updated. Anything about the pending application cannot be discussed here but at the Land Use Board hearings.

Attorney Semrau stated that the Township Committee cannot participate in the application referred to by Mr. Massaro. He then advised the Committee that from a legal prospective the Committee should not even attend the meetings. There is no place for the Committee to either be appointed or participate because the application is a zoning board matter.

Bob Deiorio of Cove Hollow Court began by saying the fire department did a wonderful job. He has been a victim of the past two storms. He said he understands the explanation but his situation is different. He built his house in 2004 and became the first resident to move in and the house has flooded five times. The water comes across Lake Iliff Road and ends up in his backyard and basement. He said he has videos, pictures and surveys. He said he is really concerned and wants the town to look at what he has and make an assessment. Attorney Semrau stated that the Township had an issue with the developer and needed to draw on the bonds to get the project completed. There is still some discussion to make best some monies that may be still available. We can give this to Engineer Golden to review further. He then mentioned the Homeowners Warranty Policy where property owners can file personally for remedy.

Alfred Santasiere of Hemlock Avenue said he sent two items of

correspondence that was forwarded to the Township Committee. The letters outline the extensive damage received as a result of heavy drain off from Rutherford Avenue. There is virtually no drainage on Rutherford and inadequate drainage on Hemlock Road. This damage is not unique; he said they have received damage constantly for 13 years. He said he is here to state on the record that this cannot continue.

Attorney Semrau stated that Rutherford is not a public roadway because it was never formally accepted by the Township. It has never been used as such and therefore, the Township doesn't have the jurisdiction or the responsibility over it. Mr. Santasiere disagreed with this opinion stating there was a deed filed and transferring ownership to the Township. Attorney Semrau argued that though the deed was filed, the roadway was never formally accepted by way of ordinance. From the standpoint of what was provided, the Township doesn't have a responsibility over certain roadways and Rutherford is one. He will send the case that supports that. Attorney Semrau further stated that the Clerk's Office checked records back to 1947 and could not find an Ordinance accepting this roadway.

Mayor Boyce stated that this issue will not be resolved this evening but someone will take a look for additional information.

Art Mina of Lake Iliff Road questioned the status of the Goodale Road Reconstruction Project asking if that project will help with the flooding issues on Lake Iliff. Mr. Walsh stated this work will not help because there is very little drainage work being considered. Most of the problem is that we have country roads with no drainage plans. These roads were upgraded through the years but no drainage was done. In order to provide proper drainage work in the lake areas alone, five years ago we found that the projects for Lake Iliff and Lake Lenape would cost \$20 million. Mr. Mina said it is obvious when standing in a storm where the water flow is coming from and ends up in Deiorio's backyard. Ms. Phoebus provided information regarding the use of the quarry and when they pump the water table is low and when they slow down the table rises. Mr. Mina asked that if anything is done, he would respectfully ask if they focus on that area first.

Charles Shell of 103 Lake Iliff Road stated he didn't really know this area when they purchased their home. They have had three feet of water in their basement and the fire department was unbelievable in assisting with pumping twice. Since then he installed 13,000 gallons per hour of sump pumps with a whole house external generator.

**PUBLIC PORTION (CONTINUED)** In 2007 they engaged Jack O'Krepky to evaluate the property and he sites this issue of hydrogeology and geology in that are combined with the runoff coming from Goodale exasperating this problem and the amount of pressure. He said he had a one year email conversation with Mr. Golden who told him the same thing about the pumping that the water level is up 33 feet.



He said he has done everything he can do to try to stop the problem. He is asking for the town to think about this water running across the street down the driveway and into basements. Pumps run sometimes for weeks. He provided copies of the O'Krepky report and his survey to the Committee, along with copies of the emails with Joe Golden.

William Kegleman of 25 Mulford Road stating he has been there 20 years and when he moved in there was one sump pump in the basement and no water line. Since he has installed four pumps and 500 feet of drainage pipe to the back of the property to the road. The water runs through various properties until it forms a lake. It becomes a health hazard until it dries out. He asked if there is anything the town can do to help. Mr. Walsh stated he will walk the property with him to see if there is anything that can be done. Mayor Boyce stated that with all these issues, we have no answers at this time.

Eric Olsen of the Environmental Commission and Green Team stated that the first Green Team meeting was held in August and they are making a conservative effort towards their application to Sustainable NJ program certification. He stated the next meeting will be held on September 22<sup>nd</sup> at the Hillside House and offered any Committee members to attend. He appreciated the continued support from all. He encourages all residents to attend.

Mr. Massaro said in the 1990's there were problems with the quarry and an agreement with the Township was made where this agreement showed only a certain amount of water was to be mined at a time.

John Carafello of Eileen's Way said when he served on the Township Committee they did invite the DEP around 2000 and their specific concern was the water table in the quarry area. This problem goes back before anyone here was born. There were photographs from 1920 of the area and every time their permit was up for renewal, and the discharges were increased, you could see how Howell's Pond got smaller and smaller. The question was asked in 2000 what would happen if the pumps were to go off and they eventually did. An answer was never given. The water table did come up and Howell's Pond is back. This problem was reviewed and perhaps underestimated by DEP due to 1920 technology.

Mr. Walsh said in January 2006 when he was first mayor, they stopped the pumps and the flooding issue began. There were people from the DEP here and we haven't heard a word since. Ms. Phoebus added that this is a double edged sword that if you don't pump enough, it floods and if you pump too much water the wells in the area can be compromised. She said they do intend to pump again so this water coming out of the aquifer is pure drinking water and if they start to deplete this aquifer then we will have the reverse of this.

Attorney Semrau stated they stopped pumping in January 2006 and he is curious if any of these water problems surfaced after that time. Mr. Walsh said they stopped pumping before that but that was when it reached 144 feet. Ms. Phoebus stated that a subcommittee was formed to look into this matter and in between the Riverbank project began in 2009 and was ongoing for about a year and the Committee was then concerned that the

water would be gone as a result of this plan. Ms. Phoebus added that if they start pumping this water the way they did and pump it into the river, they are taking pure drinking water and putting it into the Paulinskill to the Delaware. There should be a better use.

A question was asked of an unidentified Highland Farms resident about the letter of credit funds that are outstanding and if those funds can be used to remedy the flooding issues. Attorney Semrau stated that the funds are limited that the bonds are for the public improvements and not specifically for the homes. There are issues of curbing, detention basins and drainage which can be addressed with the bonds. Engineer Golden will review and circulate what the plan is to complete this project. We don't know if the plan can solve the problem but there are certain improvements that need to be addressed.

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**PUBLIC PORTION (CONTINUED)** Ben Bensley of Mountainside asked about the status of the solar project. Mr. Lensak replied that there was a change to the inverters; the original size was too small to handle the amount of voltage so it was shut down. They installed the correct inverters but they never applied for a permit. A stop work order was issued until the proper applications could be filed. Mr. Lensak said that we have verification that Engineer Golden will have the revised plans. Until all applications and plans are reviewed and approved, we can't turn the system on.

Mr. Bensley then questioned the drainage in the lake communities. He said that Lake Iliff Road and Goodale Road flood in the same area each time there is a heavy rainfall. He said he is not sure there are any catch basins in that area but there is a good deal of swamp area where they could drain the excess to. Mr. Walsh explained it isn't that easy. We would have to get drainage easements. He added that we have to be very careful where the water is diverted because you can't run the water just anywhere.

Mr. Skew of Manor Drive thanked Mr. Walsh and DPW Supervisor Dickinson for their help during the hurricane. He called the DPW and there was personnel there the next day, and returned the following day with Mr. Walsh to review a situation on the street. The catch basin has been working perfectly.

Mayor Boyce thanked everyone for coming and he knows everyone has been through much in the past weeks. He does sympathize but we have no answers at this time and perhaps we may never find answers for all of this. The DPW Supervisor has begun a list of issues

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

ORDINANCES: INTRODUCTION

NO. 2011-11 TO AMEND CHAPTER 10 "VEHICLES AND TRAFFIC"

**"AN ORDINANCE OF THE ANDOVER TOWNSHIP COMMITTEE TO AMEND  
CHAPTER 10 ENTITLED "VEHICLES AND TRAFFIC", BY**

**ADDING A**

**NEW SECTION 10-23 "NO PARKING WHEN SNOW COVERED"**

**BE IT RESOLVED** by the Mayor and Committee of the Township of Andover, that Ordinance #2011-11, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on September 26, 2011 at 7:30 P.M. local prevailing time, or as soon thereafter as the matter can be reached in the Municipal Building, 134 Newton-Sparta Road, Roll call vote:

Mr. Lensak- yes

Ms. Phoebus - yes

Mr. Smith - yes

Mr. Walsh

- yes

Mayor Boyce - yes

OLD BUSINESS

**MOTION TO EFFECTUATE THE LAYOFF PLAN AS APPROVED BY CIVIL SERVICE**

Mayor Boyce stated that the plan has been approved by the State to take effect October 31, 2011. Mr. Walsh moved to approve the layoff plan as presented, seconded by Ms. Phoebus and carried unanimously.

NEW BUSINESS

**DISCUSSION REGARDING THE STATUS OF THE BID FOR THE  
GOODALE ROAD RECONSTRUCTION PROJECT - PHASE I & POSSIBLE  
AWARD OF BID AND CONTRACT**

RESOLUTION

#R2011-128 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY AWARING THE BID FOR  
THE GOODALE ROAD RECONSTRUCTION PROJECT - PHASE I

Mr. Walsh moved to approve the foregoing resolution as presented to Dirtworx Excavating in the amount of \$69,860.88 subject to Attorney Semrau's review for legal sufficiency. Motion was seconded by Mr. Smith. Roll call vote:

Mr. Lensak- abstain  
Mr. Smith - yes  
Ms. Phoebus - yes  
Mr. Walsh  
- yes

Mayor Boyce - yes  
(See Insert Attached to These Minutes)

#### **STEEP SLOPES ORDINANCE PROPOSED AMENDMENTS AND POSSIBLE INTRODUCTION**

Ms. Phoebus asked that this matter be tabled to the next meeting, requesting Attorney Semrau review this Ordinance amendment, and allowing more time for Committee review of the changes presented. Mr. Smith added that the copy he has seen is difficult to evaluate and he asked for a better explanation as to what is being added or changed. Mr. Walsh agreed.

Attorney Semrau provided a short history of this ordinance stating that at the final hearing of this ordinance in 2006 we were greeted by six attorneys who filed suit. A minor amendment to the ordinance resulted in settlement in all six. He asked for a summary from the Land Use Board and their professionals who worked on it as to what their concerns are and why the changes, he would then compare these changes to his notes from the lawsuits and make recommendation.

Ms. Phoebus stated that these changes were made as a result of residents coming before them who wanted to install swimming pools only to find that this ordinance was very limiting to their existing lots. She agreed to have Engineer Golden review why these changes were made to the ordinance.

#### **OTHER BUSINESS**

##### **APPROVAL OF RAFFLE LICENSES**

###### **A. PASS IT ALONG**

**RL #977 ON PREMISE 50/50**

**RL #978 ON PREMISE MERCHANDISE**

**TO BE HELD ON SEPTEMBER 26, 2011 AT FARMSTEAD GOLF &**

###### **COUNTRY CLUB**

Mr. Walsh moved to approve the foregoing matters as presented, seconded by Mr. Lensak

Mr. Lensak- yes  
Mr. Smith - yes  
Ms. Phoebus - abstain  
Mr. Walsh  
- yes

Mayor Boyce - yes

COMMITTEE REPORTS

MR. SMITH. He reported on the Seniors announcing that the annual picnic was held on August 15<sup>th</sup> with an old-fashioned barbeque and there was a showing of a travel log of China. Despite the weather, everyone had a great time. Free flu shots are available to seniors by the County; the closest location is at the Sparta Middle School on September 21<sup>st</sup> from 4PM - 8PM. Reservations are required. The Rite-Aid, Walgreens and Shop-Rite are also providing free shots to seniors.

The next meeting is September 19<sup>th</sup> with a Zumba demonstration. On October 3<sup>rd</sup> there will be a specialist on stroke recognition and prevention. He reminded everyone that membership is open to anyone 55 or older and they meet twice a month, with coffee and cake and special presentations and events.

Reporting on SWAC their meeting is tomorrow night at 7:30 at the County building and the Board of Health will meet on September 21<sup>st</sup> at 7:30. The report for complaints on Blue Diamond, this month was exceptionally good. He reported five complaints and one compliment. The average complaint is 17 per month.

MR. WALSH. He stated Mr. Olsen was here earlier representing the Green Team. We have an Eagle Scout ready to begin work on the bat houses, only need a material list from him. With the standing water the mosquitoes are terrible. He thanked Diane Gillespie for her emails on the bat houses and he added that the State will be provided trees to plant that will encourage the bats.

The DPW has been working overtime due to the flooding situations around town. Regarding contract negotiations, we are on the cusp of settling with both the DPW and dispatchers unions. He thanked them both because both have agreed to zeros across the board.

He mentioned that 25 cents of every tax dollar comes from municipal taxes to run this town. These people, along with the town hall employees have accepted zero raises for the past two to three years. He asked everyone to get to the school because they are receiving raises. They offered zeros for the teachers this year and increases in the next two years and from what he understands, they are getting two and three percent increases. The administration is getting three percent. The janitors are getting 2.7. There was one employee who received 18%. There was discussion regarding bonuses being offered to some.

Mr. Walsh stated that following the charity softball game, of which the teachers were asked to participate, on windshields were flyers to attend a fundraiser to provide supplies to the schools due to budget cuts. They asked all to support the students with basics such as paper, pencils

and cash so teachers can purchase these supplies. He stated 55 cents of every dollar goes to support the schools, double the municipal budget. Mayor Boyce said he called the Superintendent for clarification on these figures. He is waiting for a response.

**MR. LENSAK.** He reported on the charity softball game which raised over \$2000 for a variety of charities. He announced the following winners and their charities:

**FIRST PLACE -TEAM POWERLESS FOR DYLAN FLINCHUM ROCK ON FOUNDATION  
\$700.00**

**SECOND PLACE - DORSET FARMS TEAM FOR GINNY'S HOUSE - \$500.00**

**THIRD PLACE - FATHERS & SONS TEAM FOR SCARC - \$300.00**

**FOURTH PLACE -POLICE/FIRE FOR NJ SHARING NETWORK(Brian Kern's memory)  
\$150.00**

**FIFTH PLACE - TOWNSHIP TEAM FOR BODHI FOOD BANK - \$100.00**

**SIXTH PLACE- LAKE LENAPE TEAM FOR LAKELAND EMERGENCY SQUAD - \$100.00**

**SEVENTH PLACE- CARLEY'S CREW TEAM FOR JUVENILE DIABETES FOUNDATION -  
\$75.00**

**EIGHTH PLACE - HIDDEN VALLEY TEAM FOR PROJECT SELF-SUFFICIENCY -  
\$75.00**

COMMITTEE REPORTS (CONTINUED)

MR. LENSAK. He reported that the Economic Development Committee will be meeting next Friday and there is a new business, Mattie's Cellar on Stickles Pond Road changed food service. The Recreation Committee was thanked for their work at the softball tournament serving hamburgers and hot dogs. The DPW did a great job in preparing the fields for the games despite the rains and the uncertainty of whether or not the games will proceed.

He reported on the police department and on a job well done during the storms. He also welcomed the new special police officer to the department.

MS. PHOEBUS. She reported on the COAH meeting held earlier this evening with representatives from the Abbey. They are continuing to work toward a lease agreement. She stated that RPM is still interested in this site.

On Open Space we received approval from the NJDEP on the Lake Iliff Access for parking of 10 vehicles. With approval this project will be forwarded to the Recreation Committee for further action. She said we also got DEP approval and to begin work on the bike path. She asked Mr. Walsh to contact SLAP as to when they can begin to clear the area so work can begin.

She reported on the fire department's golf outing which was very successful. While they were registering golfers for the outing, the membership was receiving phone calls to respond to residents' calls to bring generators to homes with people that are on oxygen without power. She was amazed to see such great work from wonderful volunteers in the town. She commended all members on their dedication and hard work.

MAYOR BOYCE. He reported that on the Consent Agenda action was taken to appoint Diana Francisco from provisional employee to permanent status. He remarked on the fabulous job she has done for the Township Court offices. She has replaced two employees in that office and running the office efficiently.

REPORT FROM THE CLERK/ADMINISTRATOR She reiterated that EMC Danielson will be attending a meeting with FEMA representatives this Wednesday and he will brief everyone following the meeting. Disaster food assistance program is available through the Sussex County Department of Human Services for eligible residents. It is a onetime food benefit to those residents who have experienced extreme material losses due to the hurricane and its subsequent flooding. Application process begins today and runs to September 20<sup>th</sup>. Temporary sites have been set up at the Sussex County Technical School and the Sussex Wantage Library to take

applications.

**REPORT FROM THE MUNICIPAL ATTORNEY** He reported that he will follow up with Engineer Golden on the bonds for Highland Farms. With respect to the Lake Care Mews litigation, though the suit hasn't progressed past the complaint and the answer, the owner has moved ahead and posted the requisite escrow so the property owner can begin remediation according to the plans provided by the Township Engineer.

With respect to the Abbey, he said that we may hear a lot that COAH has ended, but the Township's efforts to address this affordable housing issue with the Abbey project, if this were to come to fruition, he believes the State will address the constitutional right to have affordable housing. This project will put Andover Township ahead of the pack and for quite some time COAH in this town threatened significant development to the Township. Affordable Housing in itself has not gone away.

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September 12, 2011

ANDOVER

TOWNSHIP

COMMITTEE

**NEXT SCHEDULED MEETINGS:** Regular Meeting September 26, 2011  
Regular Meeting October 24, 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 9:41 P.M., seconded by Ms. Phoebus and carried unanimously.

Respectfully submitted,

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Phil Boyce, Mayor  
R.M.C.

Vita Thompson,

Clerk/Administrator



TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION

**BE IT RESOLVED** by the Township Committee of the Township of Andover on the 12<sup>th</sup> day of September 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*
- 3. *Various Shared Services Opportunities*
- 4. *Snow Removal Services Agreement with Byram Township - Forest Lakes Section*

*Reports*

Attorney-Client Privilege:

- 1. *Solar Project Status Report*
- 2. *Extreme Energy Solutions - InterCharger LLC*
- 3. *Rutherford Road*

Potential Litigation:

Pending Litigation:

- 1. *Township of Andover vs. Sussex & Warren Holding Corp., etal.*

*(Life Care Mews)*

- 2. *Krueger vs. Andover Township*
- (x) a. (8) Personnel matters.
  - 1. *Paul Mandeville, School Crossing Guard*
  - 2. *Position of Special Police Officer*
  - 3. *James Cutler, Construction Official/Zoning Officer*
  - 4. *Cliff Storms, Electrical Subcode Official*

- ( ) b. (9) Deliberations after a public hearing that may result in penalties.

1. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: September 12, 2011

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Moved: Walsh      Seconded: Smith  
Voted Aye: Lensak, Phoebus, Smith, Walsh, Boyce  
Voted Nay: None  
Abstained: None  
Resolution adopted. September 12, 2011

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