

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

OCTOBER 24, 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 6:34 P.M. by Mayor Boyce, followed by a salute to the flag.

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

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. ***J. Cutler, Construction Official***

Contract Negotiations:

1. ***St. Paul's Abbey Due Diligence***
2. ***FOP Lodge #177, Police Dispatcher's & DPW Union Contracts Status Reports***
3. ***Snow Removal Services Agreement with Byram Township – Forest Lakes Section***
4. ***Shared Services Opportunities***
5. ***Position of Zoning Officer***

Attorney-Client Privilege:

1. ***Solar Project Status Report***
2. ***Highland Farms Soil Erosion/Sediment Control Compliance***
3. ***Various Flooding Issues***
4. ***Leenstra Potential Litigation***

Pending Litigation:

1. ***Krueger vs. Andover Township***

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

The Committee went into executive session at 6:34 P.M. Mr. Smith moved to adjourn executive session at 7:46 P.M., seconded by Ms. Phoebus and carried unanimously.

REGULAR MEETING

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

APPROVAL OF CONSENT AGENDA ITEMS Mayor Boyce asked that the Consent Agenda be amended by adding #R2011-136, a resolution approving the terms of a successor collective bargaining agreement with the International Brotherhood of Teamsters, Local #641. 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 Inserts Attached to These Minutes)

TAX COLLECTOR'S SEPTEMBER 2011 REPORT - \$14,845,493.45

APPROVAL OF RAFFLE LICENSES

- A. **LAFAYETTE FOUNDATION FOR EDUCATION & ADVANCEMENT
ON-PREMISE 50/50 – R.L. #985 – TO BE HELD AT HILLSIDE
PARK BARN ON NOVEMBER 4, 2011**
- B. **ANDOVER REGIONAL PTA – ON-PREMISE MERCHANDISE – R.L. #986
TO BE HELD AT THE LONG POND SCHOOL ON NOVEMBER 19, 2011**

***RESOLUTIONS:**

#R2011-130 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO DESIGNATE OCTOBER 2011 AS COMMUNITY PLANNING MONTH IN SUSSEX COUNTY IN CONJUNCTION WITH THE CELEBRATION OF NATIONAL COMMUNITY PLANNING MONTH

#R2011-131 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE USE OF COOPERATIVES FOR THE GOODALE ROAD RECONSTRUCTION PROJECT – PHASE I

#R2011-132 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY APPROVING THE TERMS OF A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT WITH THE LOCAL 81427, IUE-CWA, AFL-CIO (DPW)

#R2011-133 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE RENEWAL OF MEMBERSHIP IN THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND FOR A THREE YEAR PERIOD BEGINNING JANUARY 1, 2012 AND ENDING JANUARY 1, 2015, 12:01 A.M.

#R2011-134 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE PURCHASE OF ICE CONTROL MATERIALS (SALT AND GRITS) FOR THE DEPARTMENT OF PUBLIC WORKS

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

#R2011-135 A RESOLUTION AUTHORIZING THE IMPLEMENTATION OF A FLEXIBLE SPENDING ACCOUNT EFFECTIVE JANUARY 1, 2011 FOR MUNICIPAL EMPLOYEES COVERED UNDER THE EMPLOYEE HEALTH BENEFITS PLAN IN CONJUNCTION WITH THE PREMIUM OPTION SECTION 125 PLAN

#R2011-136 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY APPROVING THE TERMS OF A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL #641

(See Inserts Attached to These Minutes)

***APPROVAL OF MINUTES:**

**SEPTEMBER 12, 2011 REGULAR MEETING
SEPTEMBER 12, 2011 EXECUTIVE SESSION**

APPROVAL OF MINUTES

**SEPTEMBER 26, 2011 REGULAR MEETING
SEPTEMBER 26, 2011 EXECUTIVE SESSION**

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

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

REPORT FROM THE FIRE CHIEF Chief Crater reported 3 activated fire alarms, 1 appliance fire or situation, 2 carbon monoxide alarms, 1 fast-team response, 1 monthly drill, 1 regular monthly meeting, 4 mutual aid – out-of town, 6 motor vehicle accidents, 1 public assist, 43 pump details, 1 special work drill, 1 search for lost individual, 3 smoke condition, 1 local standby at firehouse and 2 down power lines. There were a total of 72 reported calls for a total of 610.9 hours. The year to date total is 317 calls for 3,676 hours.

Mayor Boyce commended the fire department in doing a fabulous job in all the storms we had. He stated they were very helpful to the public. He stated he received a great deal of praise from members of the public he spoke to. We are very blessed to have this fire department.

REPORT FROM THE RESCUE SQUAD CHIEF Chief Allenspach reported for the month of September the Lakeland Emergency Squad responded to a total of 106 calls, 47 of which were in Andover Township. There was one fly out and there was a total of 2,158 miles with 375 man hours.

REPORT FROM THE CHIEF OF POLICE Chief Tagliatela reported for the month of September there were 737 calls for service in Andover Township, 38 in Andover Borough, 549 in Hamburg Borough, and 32 in Green Township for a total 1,346. The year to date total is 11,715. Chief Tagliatela stated that as Mr. Smith mentioned at the last meeting, beginning in the new year the monthly report's format will change in order to provide a better explanation of the statistics.

REGULAR AGENDA

PUBLIC PORTION Shirley Sullivan of Hidden Valley Way stated she is here in response to the flooding that has been going on at Limecrest Road for the last 15 years. She asked if the Committee was going to do anything to address the flooding on Limecrest. She also asked if the neighbors that are re-directing water will be told to stop doing so. She then asked if the drains will be cleaned out to prevent further damage. She had stated she requested that this matter be placed on the agenda through an email to Ms. Thompson and she received no response. Mayor Boyce asked where specifically on Limecrest Road is she most concerned about. Ms. Sullivan replied 820, the Leenstra home. She questioned what it will take to have someone really look into this.

Attorney Semrau stated that particular property and location is one that was listed for Executive Session for discussion because the Township was threatened to be part of a litigation action. He, the administration and a representative from the Township Committee met with the County officials to discuss this particular area in question and they have asked the Township Engineer to gather data and information regarding this particular property only from the extent of the Township. We cannot gather private information and we are putting together those facts. He added that it is not within the Township's jurisdiction to address a number of the concerns that were raised, but none the less, they took the initiative to try to determine what the source of the concern is. At this time we do not have all the information and details. There was a productive meeting with the County out of concern and in order to answer future questions. He added but by no means does this mean that the Township is necessarily responsible for what has gone on there.

Ms. Sullivan questioned why the Attorney's request for information is considered a threat. Attorney Semrau responded that he thinks so because there have been a number of inquiries made relevant to the Township which to him sounds as though that there could be an accusation that the Township or some other authority or resident is responsible for this. From that standpoint, Attorney Semrau said yes, we have to protect the interest of all the taxpayers and take a look at this issue. This is a concern and the Township is not going to ignore something, but we have to handle it in such a way that we protect the municipality's interest. He stated he does look at it as a threat of potential litigation.

Jim Passafaro of Lake Lenape questioned the Dam Restoration Project and he asked about how the assessment of taxes will be determined and structured. He stated that some of the residents of that community were never notified by the Board of Trustees that this was happening.

Attorney Semrau stated that after careful consideration the Township co-signed the loan agreement but what has to happen going forward, is that whatever those proposed values are, that has to come in the form of notice from the Township, there will be a special hearing and after that hearing, it comes back before the governing body. Otherwise, the community does not have the authority to make those assessments according to the law. He said he has had conversations with the Assessor and he does know there has been a preliminary discussion about the process to follow. Any decision to be made will be done so by this Township Committee after each resident impacted receives notice.

Attorney Semrau asked Mr. Passafaro if it was ever mentioned at an association meeting, that on numerous occasions for the fire hydrants to be taken over by Lake Lenape. He said we have written Ms. Born about this to be conveyed to the Association.

Jim Woodstrom of Limecrest Road asked about the Intercharger device for the municipal vehicles. Mr. Walsh stated we are still testing with no plans to purchase at this time. He then asked who is doing the testing. Mr. Walsh said the DPW Supervisor is collecting the data from the pump system. The mileage is determined by taking the amount of gallonage versus the number of driven miles. Mr. Walsh added that Mr. Dickinson's calculations is what stopped the Township Committee from following through with the purchase. Mr. Woodstrom asked if any other municipality uses this device and we did not think so.

He then asked about the Secretary to the Board of Health. Ms. Thompson responded saying that in her research with the County a local Board is required and each member receives \$2 per meeting according to Statute.

PUBLIC PORTION (CONTINUED) He then asked about the Leenstra matter questioning who is responsible for the drains on Limecrest Road. Mr. Walsh stated there are two responsibilities. The County is responsible for the drain on Limecrest and the Township is responsible for the drain that pipe goes into. Mr. Woodstrom said that after the last storm the drain by his property and Mr. Monaco's was covered with brush and debris which he removed. He said the County has yet to pick up the pile that has been there for weeks. He then asked where he would find out who has responsibility for those storm drains and when they did the development behind Leenstra, how he would get a copy of the drain plans and engineering. He was told the site plans are available at the municipal building.

Pam Iberer of Bernard Drive asked if her issue with flooding was discussed in Executive Session. She also asked if the Committee is sending anyone out to the property. Mr. Walsh said he has been out to her house and the engineer has visited the site several times since 2007. He said he believes the drainage in her area should be taken care of once the Rannou COAH housing project drainage system is installed. That project has been approved and scheduled to begin. Mr. Walsh said there is so many things going on in town we don't know how to approach all these issues.

Shirley Sullivan said that she has seen the area where the pipes drain into which is a couple of streets over from Limecrest and she said it's a big swamp and water is still draining weeks later. She asked who is responsible to make sure the pipes are clear where they connect. Mr. Walsh said the County and then the Township. He informed her that the DPW used Newton's Jet-Vac to check all the drains and ours were all clear. This was done immediately following Irene. Attorney Semrau added that one of the things revealed by the engineer was that the actual pipe was obstructed by that particular property. There was some type of a footing in that pipe that was on the Leenstra property that is obstructing it. Attorney Semrau said we are trying to look at all the different components. To point blame or responsibility anywhere for any of these situations that are unfortunate is hard. Ms. Sullivan said it is hard to rebuild your home and move back when it is just going to happen again.

At this time, Mayor Boyce closed the public portion of the meeting. He said anyone who has had flooding we are concerned about. We've taken a look at all cases brought to our attention and our professionals are looking to determine what if anything can be done, what if anything we can do and what if anything is the responsibility of the homeowner or resident. We don't have all the answers and we may not give many good answers that will make people feel good. The idea to fix it all is very difficult. Mr. Walsh had taken a look at this issue and will elaborate.

Mr. Walsh stated that since 2005 the Township has been having quite a few issues because of weather patterns, the halting of pumping at the quarry to name two. In 2005 he had asked the engineer to do a study just for the two lake communities in the township. We were getting people who were buying homes in these locations complaining about drainage. He reminded everyone that these homes were built strictly for summer use, built on dirt roads. To keep the dust down, they oil and stoned these roads. There was never any drainage in these areas. You are living on mountains, on rock, by a lake so there are no easements or drainage. There are more people now, more driveways, more roads and with the weather patterns, there is more flow from rain and snow.

In today's planning there are drainage and stormwater plans considered in new communities. He mentioned new communities with flooding concerns. He named several roads with drainage issues. He asked for a study of what it would take to install drainage plans in these two communities to improve water flow. The best way to attack these improvements is to put it to the public with a referendum question on the ballot to improve a Bond to Fix Drainage in the Township". The price tag is in the neighborhood of \$35 million. This would be based on a 20 to 30 year period so you can figure how this bond would affect your taxes. He mentioned Dorset Farms and those residents who paid for drainage in the purchase of their homes. They would then have to pay for drainage improvements in other areas of town. There is not an easy fix for any of this. Mayor Boyce mentioned the effects of the two 200 year storms when communities are planned only for 25 year storms. There is no way any town can plan for that much water falling at any given time.

PUBLIC PORTION (CONTINUED) Mr. Smith stated Mr. Walsh makes an interesting suggestion because this is not our money, this is the taxpayers' money and they should tell us how to spend it equivocally and fairly. We can't fix one and not another and we must fix it properly. This is a big decision where the public needs to speak out and this is something that will raise taxes significantly. One of the biggest problems in town is taxes. Realtors are saying they can't sell houses because of the taxes. He said it the public's money and they have to tell the governing body how to spend it.

The Committee took questions from the public on this issue. An unidentified resident commended the DPW on their efforts on the roads during these storms. Mayor Boyce added that the DPW is doing constant preventive maintenance to keep roads from being destroyed.

Mr. Woodstrom asked how he arrived at \$35 million for drainage improvements. Mr. Walsh said it is not exact, but rough. Engineer Golden had given him an estimate a few years back for about \$25 million for the two lake communities. It might be more than that estimate. Engineer Golden is still working on much of it coming up with this rough figure. Before it goes to referendum, we need an exact figure and that number could increase. The cost may rise due to the time it takes to do a project of this size. Mr. Woodstrom commented that a flood plain design was implemented and enforced in 1984. No one was allowed to build in a flood plain and he said he doesn't know how the three houses across from him were ever built because those areas always flooded. Who was the engineering outfit looking out for the township.

Ms. Sullivan said everyone is talking about a 100 year storm but this damage has been happening repeatedly over the last 15 to 20 years on Limecrest. She said when you talk about repairing all the flooding for \$35 million, she said she is sure you have separate areas for what is a potential for damage and loss of property. Mr. Walsh said there are people calling saying they have had flooding for 20 years more or less. When they read you are doing something for someone they all want to get on board. We have been inundated with calls. When you look at one you have to look at all and there is a cost factor. Ms. Phoebus added that certain projects were built years ago without stipulation of where the homes could be built but today constraints are in place.

John Carafello said to talk about a \$35 million bond is ridiculous. He said summer communities were built and those roads should have remained private roads. When a new road is dedicated and taken over by the Township the developer is spending money to make certain the road and drainage is in proper condition for acceptance by the Township.

Linda Leenstra of Limecrest Road pointed out that they are making her issue into a \$35 million town tax. She said her home has been flooding for 15 years and she has come to the town who has told her to go to the County. She said she has been flip-flopped for 15 years. There has been no direction as to her neighbors' runoff to her property. She added that Ms. Phoebus sent her a letter saying the homeowner is responsible for any mitigation. She said she did everything they possibly could. They spent every dime they had. The erosion to her house over the years and the flooding, which she added, both the County and Township Engineers agreed could be fixed by putting in larger pipes four years ago. She said the town's OEM put her property in for pre-disaster mitigation and she doesn't know where that stands. She asked how many homes in this town is there a family out of their residence. She asked how many families in this town have their family living in three different locations. She added how many families in this town are living on FEMA money alone. She said how many of you have come to my home to speak with me or even offer condolence upon the collapse of her home. She asked that this not be turned into a \$35 million tax "BS" scheme. She said she wants to know what this town going to do about the drainage and when they are coming to clean out the drain since the flood. She asked when is the town going to stop her neighbor from redirecting water to her home and digging up his front yard causing further mud to go into the drain to clog it.

OLD BUSINESS**CONTINUED DISCUSSION REGARDING THE STEEP SLOPES ORDINANCE PROPOSED AMENDMENTS**

Attorney Semrau stated we first received the proposed Ordinance from the Land Use Board and the Township Engineer to amend the Steep Slopes ordinance. Following direction from the governing body, they are not looking for a comprehensive overhaul of the Ordinance but only minor modifications. In speaking with Planner McGroarty, he will work for a modification to address in ground pools and also manmade slopes. Mr. McGroarty had informed him that the Township Engineer already has the discretion for built in pools to a certain size, to waive the Steep Slopes Ordinance. He was concerned that if we were to get just a bit bigger with respect to these pools he would have no objection to amend the Ordinance to reflect that but he wanted to make sure that is what is wanted.

Ms. Phoebus recommended this Ordinance go back to the Land Use Board and have them have Mr. McGroarty come to their meeting to discuss this issue. Mr. Smith agreed with Ms. Phoebus adding this is a significant issue and it should be in the hands of the people who are expert in that area. They should determine if this is correct. They need the Planner at the meeting. The variance process is onerous and expensive for the property owners and the process should be somewhat streamlined.

Attorney Semrau said the Committee has certain concerns but you don't want additional revisions to what you already have. Attorney Semrau stated he will obtain clarification from Mr. McGroarty. Mr. Smith said he is particularly concerned about touching this Ordinance because he said the main reason for this regulation was the issuance of avoiding flooding issued. Attorney Semrau agreed and said he can speak with Mr. McGroarty and report back to the Committee.

NEW BUSINESS**FISCAL YEAR 2012 NEW JERSEY DEPARTMENT OF TRANSPORTATION
FEDERAL AID SAFE ROUTES TO SCHOOL PROGRAM**

Ms. Thompson stated that the NJDOT sent letters September 28th announcing the 2012 Department of Transportation Safe Routes to School Program. The objective of this grant program is to enable and encourage children, including those with disabilities to walk and bike to school; to make bicycling and walking to school a safer and more appealing transportation alternative to encourage healthy and active lifestyle from an early age; and to facilitate the development and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption and air pollution in grade K-8.

Projects must be located within 2 miles of any school that serves students in these grades. Funds for this program projects are provided on a reimbursement basis only. She stated she spoke with Engineer Golden regarding this issue. He also received notification of this grant, asking if we should apply for funding. He stated he has no projects in mind at this time, but he suggested contacting the schools to see if they have any suggestions.

Following a short discussion, it was decided based on the fact that moneys were not available and there are no projects in mind that we not proceed with the application at this time.

Mr. Walsh asked if Attorney Semrau would review an Ordinance regarding the pumping of water out of basements and into the roadways as long as the water is not contaminated. Should there be a stipulation that the property owner cannot cause damage to a neighbor when doing this. Attorney Semrau stated he will take a look at this and report back.

COMMITTEE REPORTS:

MR. SMITH. He reported on the Seniors stating that on October 16th the Township hosted the Annual Senior Citizens luncheon and the Recreation Department did an outstanding job as they always do. It was quite a lavish buffet which was served by the Girl Scouts who also made desserts. He gave many thanks to the town from the seniors. On October 17th they invited the Sheriff's Office to do a presentation which concentrated on senior fraud and senior safety issues. They also gave some background on what was going on in the sheriff's office. They promised to return with their K-9 unit.

On October 19th there was a private tour of the landfill for seniors. He said it was very interesting and educational. They went through all the functions of the facility, finishing with a tour. They also discussed the new methane gas operation that is going on there. In 2018 the landfill will be closed and we need to find another solution. They now accept molded plastic and that is anything along the lines of strollers, hampers and anything made out of plastic for recyclable.

The Harvest Senior Luncheon is tomorrow at the Lafayette House. On November 7th is the annual Thanksgiving Dinner at the Farmstead and they also do a great job. The club is investigating a special trip to Atlantic City to see Frank Sinatra Jr. On December 19th the Andover Township Police have volunteered to go over and give the club members Christmas treats.

Reporting on SWAC he stated the next meeting is November 8th. Blue Diamond charts are available for anyone to see. We have been logging complaints since January and each is investigated and we follow through. Mr. Smith stated the complaints ballooned in September with much to do with the flooding issues. The number increased to 21. The month with the most complaints was February with 30. The average is 17. Mr. Smith said we had one compliment for the month of September.

Reporting on the Board of Health meeting that was held on October 19th and they are planning the free Rabies Clinic planned for November. Details will be in the newsletter. The seniors will be here to fold and stuff saving the township a few dollars. Reporting from the Board of Health there were seven food inspections, eight septic inspections and 17 complaints and investigations. One establishment on Route 206 failed, X-Rays.

MR. WALSH. Reporting on the Environmental Commission, they have not met yet this month.

The DPW has been working on nothing but storm drains, cleaning them out and yes, they are all clean. Basically the storms flushed them. He then spoke about the concept of a \$35 million bond for drainage improvements in the township and he said he put that out there because we know it is ridiculous. If we are going to spend the money it will be up to the voters. Mrs. Leenstra is in a rough way along with Mrs. Iberer. Everybody believes their problem is the worst because it affects them. It is not about one person, it's about everybody and that is how the Committee has to look at it. He said we are not looking to hurt anybody, but if we help somebody it will hurt all. It depends on how much the taxpayers are willing to open their pocketbooks.

Mr. Walsh said Mr. Lensak asked him earlier today if we would like to consider a resolution tonight to give every township employee a 3% raise and give Ms. Thompson 15.7% raise how everyone would feel. The public replied no to this question. Mr. Walsh then asked why they aren't at the school at those meetings because that is what they are doing. Mr. Walsh said he has attended four meetings in a row. Mr. Walsh stated he asked the school board how they give these raises with a 2% CAP. Their response was they don't know and they hope the State comes up with more money. Another school board member had said because the amount of students is decreasing, we can have layoffs and the effect would be a 1.7% increase. Mr. Walsh said he told them we had negotiated contracts at zeros but they may not truly be zeros because there are openers in the contracts if the economy improves. He said he suggested that concept to the school board. It is too late because they agreed to give them these increases. He said the Committee is taken to task to be sure they do the right thing with their tax dollars. He then showed a chart of taxes that the taxpayer pays, the red indicating the greatest amount going to the school, 55.3 cents to the school and 26.4 to the municipality.

COMMITTEE REPORTS:

MR. WALSH. Attorney Semrau explained the only time a municipality has anything to say over a school board is when their budget has been defeated. In the last six years that happened only once. There was a Joint meeting and the meeting opened with this Township Committee saying we have \$2 million in cuts and the Board of Education said they had nothing to cut. When the meeting was over there were cuts of \$200,000 that was found.

Mr. Walsh said the Committee can't have a standoff with them but we need the people because we have less power than the average taxpayer does with them. The meeting is a week from tomorrow. Mayor Boyce stated they gave the teachers for next year a 2.45% increase plus their steps. He hasn't been able to figure the step increase but it is at least 1 to 2%. He said they probably wouldn't have don't that if the past budget vote had failed. He added with the passing of the budget they felt they had the opportunity to give those raises. Mr. Walsh said that behind the scenes every student who got their parent out to vote received a slice of pizza. Mayor Boyce said the board membership was uncontested and without opposition to the incumbents it gives the message to the board members that the people must be happy with the job we are doing because no one is running against them.

MS. PHOEBUS. Ms. Phoebus added that we have a vested interest in this school system and all want to see a quality education for the children and quality in the teachers. She said that sometimes it goes in a direction that it needs to be monitored. As a governing board they can't continue to question them but the public can do that.

She then reported that following years of working on the affordable housing project she thanked Attorney Semrau for his hard work in dealing with the issues, we can come to an agreement with the Abbey and with RPM and it looks like this project will happen. She thanked Mr. Walsh to fill in for her during the last meeting while she was away. The Abbey decided this would be good for them. She said it is a long process because the lease agreement has to be finalized. We will end up with 74 units and we will be refurbishing the existing stone building which is wonderful to save this building and bring new life to it. In the back we had to negotiate for additional acreage and three new buildings. The pillars will be saved to drive through to the complex and they will have staff on site to manage the buildings. Once the contract is finalized, the Township will step back and have the Abbey and RPM handle the details. There was discussion regarding a walking trail in the back to the Muckshaw. The County agreed to bring their busing to stop at this location so people have transportation. The Lakeland Bus will also have a stop there. It is an exciting project and we should all be proud of it when it's completed.

She thanked the Fire Department for a wonderful chicken bbq last Saturday night which replaced the Rib Fest. She then reported on Open Space stated that the Township was given the permit from the DEP to be able to put parking spaces off Limecrest Road and they will walk back to the Lake Iliff Access property. Open Space is looking into making that area a bird sanctuary. They are working with the scouts and bring in the whole community to participate in this project. Fishing will be allowed there. The trail system has been approved and maybe this winter if the DPW has availability we can start to clear some brush from the area. Mayor Boyce congratulated Ms. Phoebus for her hard work in the Abbey affordable housing project.

MAYOR BOYCE. He stated that the Township Committee continues to be encouraged by new businesses coming into town or agreeing to stay located here. The only way to help in a small way control rising property taxes is by having businesses help pay some of the tax bills. He said the new Domino's pizza at Limecrest and Newton-Sparta Road relocated several weeks ago. He said he saw the owner and he was told that they are calling it the best looking Domino's pizza operation in the State of NJ out of 600 currently located here. They are inviting all those franchisees to come to a grand opening event in about a month. His business was up 400% the first week he opened without advertising but based solely on location.

He then reported that the opening of the new Andover Animal Hospital is close and in this case Harvey Hummel is refurbishing an original dairy barn constructed early last century which has been abandoned for several years. Now it will be used to help animals. A lot of money and effort has been put into this operation. He plans to open between Thanksgiving and Christmas. In this case, this is a Sparta business relocating to Andover Township.

COMMITTEE REPORTS:

MAYOR BOYCE. The Andover Regional School Board is sponsoring the Andover Regional Business Trade Show on Friday November 4th at the Long Pond School, 6:30 to 8:30. November 8th is Election Day.

He then reported on the Municipal Court stating that Ms. Thompson provided a memo and a statistical report from the Court Administrator. It showed that beginning in September 2009, the total number of backlogged cases was about 240. Added cases were estimated at about 140 and cases disposed were about 110.

Ms. Francisco was appointed in June 2010. At that time the added cases were about 210, disposed cases were 130 and the backlog was at 230 cases. Judge Devine was appointed in January 2011.

As you can see from the chart, since the Court personnel changed the policy from once a month First Appearances to twice a month, the backlog of cases has dropped dramatically. Cases were disposed of more efficiently.

For your information, the AOC and State Judiciary mandate that all cases be heard and disposed of within 60 days. Any case over 60 days is classified as backlog. Of course, there are situations beyond the control of Court Personnel that create some backlog.

REPORT FROM THE CLERK/ADMINISTRATOR Ms. Thompson stated she received a memo from Chief Tagliatela regarding the Domestic Violence Response Team Assistance program. He was contacted by the Prosecutors Office to assist their agency in handling domestic violence situations. The contract was reviewed by Attorney Semrau and he found all to be in order. Attorney Semrau stated that it is to encourage civilians to get involved and assist and support victims of domestic violence. There is a training program and regiment for anyone who gets involved that the police will oversee.

Mr. Walsh moved to approve this contract, seconded by Ms. Phoebus and carried unanimously.

We received a check from Elizabethtown Gas \$6566.85 as a rebate for the new heating and cooling systems installed at the municipal building, Hillside Park Barn and Hillside House and as a result an additional rebate for upgrading our systems.

Saturday October 29th the County is hosting another unused prescription collection day and our police department will be a collection point from 10 to 2. Flu shots are also available at the County Nursing Center and additional information is available in the Clerks office.

REPORT FROM THE MUNICIPAL ATTORNEY He spoke about the Steep Slopes ordinance and under Section H under Exemptions, a variance pursuant to a certain section shall not be required for additions to or accessory structures relating to an existing single family home when the proposed construction involves less than 1500 square feet of total site disturbance and does not otherwise require a variance relief. He said that relief goes on to say minor steep slopes areas where the applicable board or the township engineer may choose to exempt small isolated pockets of steep slopes areas that are manmade or do not represent the character of the area and are under 2000 square feet in size. He said there is a provision and he will ask Planner McGroarty to elaborate and stay in the confines of those two issues. Mr. Walsh asked what the costs would be for this. Attorney Semrau said he will try to find out. He said he asked before voting if this ordinance would affect those wanting to install swimming pools and he was told no.

Ms. Phoebus said we have to be careful because there are certain cases where certain homeowners will not be happen if their neighbor, especially in a lake community and the neighbor is behind them. Attorney Semrau will report at the next meeting.

He then said with respect to the Abbey he said one thing that is unique, this Committee is very humble and they are supportive which makes it easy to try to achieve a goal such as this. With the Abbey there are many steps to the process and we are only at the beginning at this point.

REPORT FROM THE MUNICIPAL ATTORNEY Attorney Semrau added that tonight the Committee voted to renew with the Morris County JIF and there are some towns holding out and waiting and by doing that their premiums are increasing significantly by staying out because the JIF sets their budget. He said by waiting there is a 2% increase. If you stay out and there are significant costs of about 19%.

Mr. Walsh asked if the water main break with Newton cost the town anything. Attorney Semrau stated as far as he knows, it will not cost the township anything out of its coffers based on all his information.

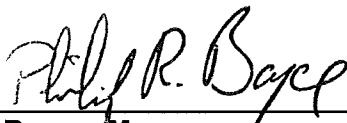
Ms. Phoebus asked if the Committee would like to do Andover Day next year. She said she raised a great deal of money last year by going to the area merchants but because of the economy she doesn't believe she can do that again. If we do Andover Day we need a budget to cover costs. She asked the Committee to think this over for the next meeting. Mayor Boyce said he did discuss this issue with the one business he talked to last who contributed and he said he would be happy to contribute again.

NEXT SCHEDULED MEETINGS: Regular Meeting November 14, 2011
Regular Meeting November 28, 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 9:18 P.M., seconded by Mr. Smith 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 24th day of October 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. ***FOP Lodge #177, Police Dispatcher's & DPW Union Contracts Status Reports***
- 3. ***Snow Removal Services Agreement with Byram Township – Forest Lakes Section***
- 4. ***Position of Zoning Officer***

Attorney-Client Privilege:

- 1. ***Solar Project Status Report***
- 2. ***Highland Farms Soil Erosion/Sediment Control Compliance***
- 3. ***Various Flooding Issues***

Pending Litigation:

- 1. ***Krueger vs. Andover Township***

(x) a. (8) Personnel matters.

- 1. ***J. Cutler, Construction Official***

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

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

Adopted: October 24, 2011

Moved: Walsh Seconded: Smith

Voted Aye: Phoebus, Smith, Walsh, Boyce

Voted Nay: None

Absent: Lensak

Resolution adopted. October 24, 2011
