

**ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES**

**TOM WALSH, MAYOR  
MICHAEL LENSAK, DEPUTY MAYOR  
DOLORES BLACKBURN  
PHIL BOYCE  
JANIS Mc GOVERN**

**FEBRUARY 25, 2013**

**EXECUTIVE SESSION AT 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 6:37 P.M. by Mayor Walsh, followed by a salute to the flag.

**ROLL CALL:** Present: Ms. Blackburn, Mr. Boyce, Mr. Lensak  
Ms. Mc Govern, Mayor Walsh  
Also present: Attorney Semrau

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

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

**Personnel Matters:**

1. ***Court Personnel***

**Contract Negotiations:**

1. ***St. Paul's Abbey Due Diligence***
2. ***S. Murrell, Police Sergeant***
3. ***A. Taglialatela, Police Chief***

**Attorney-Client Privilege:**

1. ***Old Creamery Property***

**Potential Litigation:**

**Pending Litigation:**

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

The Committee went into executive session at 6:37 P.M. Mr. Lensak moved to adjourn executive session at 7:35 P.M., seconded by Ms. Mc Govern and carried unanimously.

**REGULAR MEETING CALLED TO ORDER AT 7:39 P.M.**

**APPROVAL OF AGENDA** Ms. Blackburn moved to approve the agenda as presented, seconded by Ms. Mc Govern and carried unanimously.

**APPROVAL OF CONSENT AGENDA ITEMS** Ms. Mc Govern asked that Resolution #R2013-53 be removed for discussion. Mr. Boyce asked that Resolutions #R2013-54 and 55 be removed from the Consent Agenda. Mayor Walsh asked that check #15865 to Cleary, Giacobbe and Alfieri for \$913.50. Mr. Boyce moved the following consent items be approved, as amended, seconded by Mr. Lensak and carried unanimously.

**\*CONSENT AGENDA:**

**\*OTHER BUSINESS:**

***APPROVAL OF VOUCHERS FOR PAYMENT***

(See Insert Attached to These Minutes)

***ACCEPTANCE OF THE POLICE CHIEF'S REPORT***

***ACCEPTANCE OF THE 2012 LAND USE BOARD REPORT***

***APPROVAL OF REFUND OF ESCROW - CAMBRIDGE PAVERS  
IN THE AMOUNT OF \$354.95 - #13-286-56-717-308***

**\*APPROVAL OF MINUTES:**

***JANUARY 28, 2013 EXECUTIVE SESSION***

**RESOLUTIONS REMOVED FROM THE CONSENT AGENDA:**

**#R2013-53 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY OPPOSING BILL A-3553  
ESTABLISHING AN EARLY VOTING PROCESS FOR CERTAIN  
ELECTIONS, AMENDING VARIOUS PARTS OF THE STATUTORY  
LAW, SUPPLEMENTING TITLE 19 OF THE REVISED STATUTES  
AND MAKING AN APPROPRIATION**

Ms. Mc Govern stated this past election there was early voting opportunity afforded to all voters to vote at the County Clerks Office five days prior to the General Election. She said it was a good thing and with so many people voting it is unrealistic to think it can happen in one day. She said she read through the resolution and then the entire Bill. She said that the Bill states that the State would reimburse the County and municipalities for all expenses incurred by the early voting process. She stated she is not in favor of the Resolution and supports this pending legislation. Mayor Walsh stated that the total cost for implementing the early voting procedures as stated in this Bill will cost \$680,000 for the initial election and each one following will cost \$198,000. Mr. Boyce stated that even if there is reimbursement by the State, we are being reimbursed by taxpayers' dollars which is a waste.

Mr. Lensak added that there is an avenue for early voting in place now and people can vote through the absentee voter application process as well, known as the Vote by Mail process. Mayor Walsh read that beginning 15 days prior to an election day the polls and a place in each municipality must be open 10 hours a day, Monday through Saturday and on Sundays for eight hours, up until two days before an election day. He stated that is a great deal of time. She agreed.

**RESOLUTIONS REMOVED FROM THE CONSENT AGENDA (CONTINUED):****#R2013-53 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY OPPOSING BILL A-3553 ESTABLISHING AN EARLY VOTING PROCESS FOR CERTAIN ELECTIONS, AMENDING VARIOUS PARTS OF THE STATUTORY LAW, SUPPLEMENTING TITLE 19 OF THE REVISED STATUTES AND MAKING AN APPROPRIATION**

Mayor Walsh read the municipal building would be the location and the clerk would need to be here as the election official. Mayor Walsh stated that Ms. Thompson would have to be here 14 straight days during that time. Ms. Mc Govern stated she is full time. Mayor Walsh and Mr. Lensak replied not Saturdays and Sundays. Ms. Mc Govern added then someone can be here those days. Mayor Walsh stated that the clerk must be present during these hours because they are the election officials. Mr. Boyce stated he feels there will also be confusion created by this Bill.

Ms. Mc Govern stated she does feel the voting process works very well here, but believes this Bill is designed for the urban areas allowing municipalities with a higher population more alternatives to vote.

Mr. Boyce moved to adopt the foregoing resolution as presented, seconded by Mr. Lensak. Roll call vote:

Ms. Blackburn – yes

Mr. Boyce – yes

Mr. Lensak – yes

Ms. Mc Govern – no

Mayor Walsh – yes

(See Inserts Attached to These Minutes)

**#R2013-54 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT HELGA WALLS AS DEPUTY COURT ADMINISTRATOR EFFECTIVE MARCH 01, 2013****#R2013-55 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT ANNE ROSELLEN AS INTERIM COURT ADMINISTRATOR FOR A PERIOD OF SIX MONTHS EFFECTIVE MARCH 01, 2013**

Mr. Boyce reiterated the process that will take place once Ms. Francisco takes the position of Deputy Clerk/Deputy Registrar upon the retirement of Ms. Huelbig on February 28<sup>th</sup>.

He added that he would like to thank Jackie for her years of service to Andover Township followed by a round of applause. He said we will miss you and hope we can still call you when we are in a jam.

He said that we have found a very capable and able replacement for Resolution #54 authorizes the Committee to appoint Helga Walls. The salary is \$32,760 annually. There is a savings of about \$10,000 a year overall.

The second resolution appoints a retired Court Administrator to assist Ms. Walls in some areas in which Ms. Walls doesn't have the qualification. Mr. Boyce stated he spoke to Judge Devine today and he stated he knows Ms. Rosellen, he interviewed Ms. Walls and spoke to her supervisor in Sparta. She comes highly recommended.

Mr. Boyce moved on the two foregoing Resolutions as presented, seconded by Mr. Lensak and carried unanimously.

(See Inserts Attached to These Minutes)

**RESOLUTIONS (ITEMS) REMOVED FROM THE CONSENT AGENDA (CONTINUED):**

Mayor Walsh stated he pulled check #15865 for labor counsel fees. He asked that this bill be held because we are still waiting for final contracts for DPW and Dispatching. He would like this held until he knows that these issues have been corrected.

Mayor Walsh asked that this be tabled. Mr. Boyce moved to table this item for the next meeting, seconded by Mr. Lensak and carried unanimously.

**REPORT FROM THE FIRE CHIEF** Mayor Walsh stated that the Fire Chief has asked to do his report at the next meeting.

**REPORT FROM THE RESCUE SQUAD CHIEF** Rourke Day, Liaison to the Township gave his report for the month of January. There were 41 calls for Andover Township, a total of 418.6 volunteer hours; 2415 miles driven and a total of 116 patients were seen. The complete monthly report is on file with the Clerk's office, with copies distributed to the governing body.

**REPORT FROM THE GREEN TEAM** David Kolstad stated they held their 2<sup>nd</sup> annual Mid Winter Farmers' Market and it was surprisingly successful. This event brought up issues that they need to discuss for the next market. There were a total of 35 vendors including animals, wine vendor, log splitter demonstration, to name a few. They estimated about 500 visitors to the event. He added that Ms. Blackburn was a superb greater for the event. He thanked everyone for attending the event. Ms. Mc Govern added that the vendors who participated did very well. He agreed and stated they are also very generous. Mr. Kolstad stated we do not charge for the Mid Winter Market. There is no charge to the vendors and no admission charge as well. He said the vendors provide a gratuity to the Green Team and they collected more than they thought they would.

Mr. Kolstad added there will be an Earth Day celebration with Kittatinny Valley State Park. They will also have a fall Farmers' Market in September. The next meeting will be this Thursday.

**REGULAR AGENDA**

**PUBLIC PORTION** Diane Gillespie wanted to thank emergency services and the police department for a recent visit to her home. She thanked the dispatcher on duty because during this emergency they remained calmed which calmed her down. The police arrived while she was still on the phone. She thanked the Lakeland Squad for their quick response.

She then commented on the PSE&G work being done in town and she was wondering if our Environmental Commission is monitoring the work in the wetland areas off Kilroy Road. They are doing a great deal of damage to our roads and landscape. Mayor Walsh stated that our Environmental Commission has no jurisdiction. Mayor Lensak confirmed, adding with this type of project, the DEP stated there is nothing they can do. He added there is no sense in sending the Environmental Commission to address concerns when the DEP had no jurisdiction. Mayor Walsh added he was speaking to someone working on one of the sites and he was told there are environmental people there watching what they're doing. They will tell them on site, what they can and can't do. Ms. Gillespie asked if there is someone they can call to make sure they are being monitored. Attorney Semrau will call George Sous tomorrow and look at the requirement which he believes includes some kind of monitoring.

Linda Golonski asked about Resolution #R2013-55 and the rate of compensation. Mr. Boyce stated the rate is \$25 an hour not to exceed 15 hours a week. She then spoke about JCP&L and the request for a rate increase. There is litigation and many municipalities are joining in the suit. She added that there is a provision in the bill to cover these storms and she would like to know what is done with those funds.

**PUBLIC PORTION (CONTINUED)** Mayor Walsh asked the Committee if they would like to consider joining in on the JCP&L litigation regarding the rate increase request. Mr. Lensak said if it isn't going to cost us very much. Attorney Semrau stated there is an action to intervene which requires a motion. This action was moved to the office of Administrative Law. One of the towns that led the charge is from Monmouth County. The Mayor has sent out copies of the complaint to a number of municipalities. This intervention gives the municipality the right to oppose the rate increase and the right to be heard. He has one municipality that has asked to intervene. He stated he believes it would be limited cost. It does give us a voice when this matter comes up. This matter will be listed for the next agenda.

John Carafello stated he came to the municipal building last week and took notice of the level of professionalism in the staff. He stated he is in many town halls and the appearance of the personnel and the pride in themselves measures the pride they have in their work commitment.

Rick Melfi had some conversation with property owners on the Route 206 corridor. They were inquiring as to the project at the Abbey. He asked for an update on this matter. Attorney Semrau stated the ability to have a company develop this site leaves an enormous economic gap for infrastructure improvements. What the Committee has done, through the efforts of Senator Oroho, there was a phone conference with the Department of Agriculture and Ms. Blackburn, Ms. Thompson, Engineer Stoner and he participated in the conference. It was determined and given direction by the Committee to file a pre-application to see if there is any type of funding available for the infrastructure phase. There may be grant funds and low interest loans available. By the next meeting he will have the draft application ready to go. If we are successful, it may fund that facility and others nearby. Mr. Melfi asked about a projected deadline, which there is none.

Mr. Melfi asked that if this attempt fails does that mean that the Abbey project is done. Mayor Walsh stated that he thinks it would. Mr. Lensak said he doesn't know. Mayor Walsh said it is not looking good.

Seeing no other hands, Mayor Walsh closed the public portion.

### **COMMITTEE REPORTS**

**MS. MC GOVERN.** She stated she attended the Seniors meeting last week and their next meeting is Monday, March 4, 2013 at 1PM. The County Board of Health provides blood pressure screening to members and that will begin at 12:30. The guest speaker will be Gail Phoebus, Freeholder liaison to the Seniors. Members are always welcomed.

She has an Open Space meeting on March 7<sup>th</sup>. Last week she attended the Board of Education meeting. They are working on the 2013-14 budget and it was reported that the general fund is very low. What they have asked is to have the State Health Benefits Program defer some of the payments for the end of June when money is freed up from the State. They are pretty sure they are looking at cuts and reduction for the coming budget. They are waiting for the State Aid figure which should be released soon. The tuition bill to Newton High School for next budget year is \$3.9 million. Sussex Tech has also increased their tuition payments. The school is trying to figure out how to fund the additional security they want to implement. She stated she read the tech report which was done at no cost to the school.

She said that one of the issues the school is faced with is they are in an area where they are not getting computer service that is fast enough for their internet. The district has zero wireless coverage and the internet connection is so slow that it doesn't work for most educational and research videos. She asked if other service operator options opened in our area that may be able to provide faster service. Attorney Semrau referenced the franchise renewal which was renewed for 10 years about three years ago. He said as part of that agreement they were going to provide internet service free of charge for the school and the municipal offices. Ms. Mc Govern stated that the State is mandating that beginning next school year, testing will be done online. The current service cannot handle this workload.

**COMMITTEE REPORTS (CONTINUED)**

**MS. MC GOVERN.** She then spoke about the municipal email account available through the website. She said when she tries to access it at one point it states Security Certificate has expired. Ms. Huelbig stated that we have questioned that and though it may not feel comfortable doing so, MSI states disregard that statement, click off to proceed, because it is a secure site. She explained that the computer services include a server backup that is our security with no need to renew the certificate. Ms. Mc Govern stated she has done that and she can access the site but she is not comfortable doing so. Mr. Lensak said if he receives an email through his municipal account, he cannot go to that account because his computers will not allow him to enter an insecure site.

**MR. BOYCE.** He stated his report on the Municipal Court was given earlier this evening but he explained that the last five days he went to Guatemala at the request of his company to check out a foundation they are doing business with as a charitable organization. He explained the organization called Food For The Poor which feeds people, mostly children in 17 countries. He said he visited a clinic that housed 75 children who nearly starved to death and they were being cared for. He said it was apparent to him that these children were taking good care of because they appeared happy and healthy. He spoke of his moving experience with these children, giving gifts, sitting on the floor with them, speaking with them in what little Spanish he knew. He was grateful for the advantages we have in this country. He stated he was honored for the opportunity to give back.

**MS. BLACKBURN.** She stated her committees have not met since the last meeting. She has nothing to report at this time.

**MR. LENSAK.** He stated there was no meeting of the Lakeland Squad. With regard to the police department he reported certificates were awarded for courses taken by Lt. Danielson and Officer Kithcart. He also stated that Parker Space was appointed to fill the vacancy created by the resignation of Assemblyman Chiusano who was appointed the County Surrogate.

**MAYOR WALSH.** He referred to Ms. Mc Govern's report on the school board and their need to defer payments due to lack of funds in the budget. He explained that years ago the school boards were mandated to use their surplus by the State. He said when that was done it was a false positive. They were lowering taxes that year just to have them spike in years to come. They have very little to no surplus because of another State mandate.

Regarding the budget, the Committee was given a copy of the worksheet for the Worksession at the next meeting at 6:30PM.

**REPORT FROM THE MUNICIPAL ATTORNEY** He reported that Nextel lease was awarded in December and the due diligence period is still continuing with hopes of a determination to proceed by the next meeting. A conference call is scheduled with Landmark Capital representatives this week.

He wished Jackie Huelbig well in her retirement and it was a pleasure working with her.

He then reported that the matter of Leenstra vs. Andover Township, a matter in the Federal District Court, was dismissed by Summary Judgment motion by an opinion issued by the Judge. At one point the matter was originally dismissed and on a technicality was reinstated. Last week we received an opinion from the Court with the reasons dismissing all the claims against the Township and certain members of the police department. He added there are no parts of that complaint that remain. Mr. Lensak asked Attorney Semrau what the cost of that litigation cost the town. He replied that from the standpoint of the insurance fund, it was \$27,000 that is covered under the Township's policy. Mayor Walsh stated that our premium increased this year about \$15,000 which is based on our claims history.

**NEXT SCHEDULED MEETINGS:**    **March 11 & 25, 2013**  
**6:30PM Budget Worksession on March 11<sup>th</sup>**  
**6:30PM Executive Session on March 25<sup>th</sup>**  
**7:30PM Regular Meeting**

**ADJOURNMENT**    No further business appearing before the Committee at this time, Mr. Boyce moved the meeting be adjourned at 8:45 P.M., seconded by Mr. Lensak and carried unanimously.

Respectfully submitted,

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Tom Walsh, Mayor

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Vita Thompson, R.M.C.  
Clerk/Administrator

**TOWNSHIP OF ANDOVER**

**MOTION FOR EXECUTIVE SESSION**

BE IT RESOLVED by the Township Committee of the Township of Andover on the 25<sup>TH</sup> day of February, 2013, that:

1. Before 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. 10:4-26, 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. ***S. Murrell, Police Sergeant***
- 3. ***A. Tagliatela, Police Chief***

**Attorney-Client Privilege:**

- 1. ***Old Creamery Property***

**Potential Litigation:**

- (x) a. (8) Personnel matters.

- 1. ***Municipal Court Personnel***

- ( ) 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: February 25, 2013

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Moved: Lensak                      Seconded: Blackburn  
Voted Aye: Blackburn, Boyce, Lensak, Mc Govern, Walsh  
Voted Nay: None  
Abstained: None  
Resolution adopted. FEBRUARY 25, 2013

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