

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

AUGUST 25, 2014

EXECUTIVE SESSION – 6:30 P.M.

REGULAR MEETING – 7:30 P.M.

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: Ms. Blackburn, Mr. Lensak, Ms. Mc Govern,
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 Ms. Blackburn, seconded by Mr. Walsh, the resolution to go into executive session to discuss

Personnel Matters:

1. ***H. Walls, Municipal Court Administrator***
2. ***Police Department Matters***
3. ***Department of Public Works Matters***
4. ***Staffing for the Municipal Building***

Contract Negotiations:

1. ***Possible Shared Services Opportunities - Shared Municipal Court***
2. ***Correspondence from the Local 641 – Dispatchers' Contract & Correspondence from Local 81427 – DPW Contract***
3. ***Discussion Regarding Accumulated Leave for Former Employee***

Attorney-Client Privilege:

1. ***Property Located at Block 73/Lot 6***
2. ***Cross River Fiber Proposed Resolution and Agreement***

Potential Litigation:

1. ***NJ Civil Service Commission – Appeal Matter***

Pending Litigation:

1. ***Tax Appeal – Young Realty v. Andover Township***

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

The Committee went into executive session at 6:30 P.M. Mr. Walsh moved to adjourn executive session at 7:46 P.M., seconded by Ms. Blackburn and carried unanimously.

REGULAR MEETING

APPROVAL OF AGENDA Mr. Walsh moved to approve the agenda as amended, seconded by Ms. Blackburn and carried unanimously. Mayor Boyce asked that the Consent Agenda be amended as follows:

- *5. #R2014-99 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE SETTLEMENT OF CERTAIN TAX APPEALS
- *6. #R2014-100 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2014 STATEWIDE CRACKDOWN
- *7. #R2014-101 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE A SALARY ADJUSTMENT FOR HELGA WALLS, COURT ADMINISTRATOR EFFECTIVE AUGUST 01, 2014
- *8. #R2014-102 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE PROMOTION OF POLICE OFFICER RODERICK M. MOSNER TO THE POSITION OF POLICE SERGEANT FOR THE ANDOVER TOWNSHIP POLICE DEPARTMENT IN A PERMANENT STATUS
- *9. #R2014-103 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE PROMOTION OF POLICE OFFICER BRIAN E. KITHCART TO THE POSITION OF POLICE SERGEANT FOR THE ANDOVER TOWNSHIP POLICE DEPARTMENT IN A PERMANENT STATUS
- *10. #R2014-104 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO APPOINT ANDREW B. MOORE TO THE POSITION OF POLICE OFFICER FOR THE ANDOVER TOWNSHIP POLICE DEPARTMENT

APPROVAL OF CONSENT AGENDA ITEMS Mayor Boyce asked that Resolution #R2014-98 be removed from the Consent Agenda and tabled for this evening. Resident Diane Gillespie asked for an explanation of this Resolution. Attorney Semrau explained that this fiber-optic provider that wants to use the township's rights-of-way for their product. Under the Telecommunications Act, we cannot charge these entities for the right to use the township's rights-of-way. He said he conferred with the governing body in Executive Session and he explained that notwithstanding that we could not charge them, there are certain considerations that we are seeking escrow for engineering and attorney, as well as changes to the agreement regarding length of the agreement. He stated we are trying to fine-tune these issues.

Mr. Walsh moved the following consent items be approved, as amended, seconded by Ms. Mc Govern and carried unanimously.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT
(See Insert Attached to These Minutes)

***CONSENT AGENDA (CONTINUED)**

***OTHER BUSINESS (CONTINUED)**

**ACCEPTANCE OF THE CHIEF FINANCIAL OFFICER'S REPORT
FOR THE MONTH ENDING JULY 31, 2014**

**ACCEPTANCE OF THE TAX COLLECTOR'S JULY REPORT
\$884,073.61 – YEAR TO DATE - \$11,090,584.46**

RECREATION COMMITTEE

- A. ACCEPT THE RESIGNATION FROM BILL CLARK
ALTERNATE NO. 1**
- B. APPOINT JOE CALAMUSA – ALTERNATE NO. 1**
- C. ACCEPT THE RESIGNATION FROM KELLY PHILLIPS
ALTERNATE NO. 3**
- D. APPOINT PAULA SCHUL – ALTERNATE NO. 3**

ALL TERMS TO EXPIRE DECEMBER 31, 2014

***RESOLUTIONS:**

**#R2014-95 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF
SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE USE OF
THE MORRIS COUNTY COOPERATIVE FOR THE STICKLES POND
ROAD RECONSTRUCTION PROJECT**

**#R2014-96 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF
SUSSEX AND STATE OF NEW JERSEY STATE OF NEW JERSEY
AWARDING THE BID FOR THE MULFORD ROAD PIPE CROSSING
PROJECT**

**#R2014-97 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 12, 2014**

**#R2014-99 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX
AND STATE OF NEW JERSEY AUTHORIZING THE SETTLEMENT OF
CERTAIN TAX APPEALS**

**#R2014-100 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX,
STATE OF NEW JERSEY SUPPORTING THE DRIVE SOBER OR GET
PULLED OVER 2014 STATEWIDE CRACKDOWN**

**#R2014-101 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX,
STATE OF NEW JERSEY TO AUTHORIZE A SALARY ADJUSTMENT FOR
HELGA WALLS, COURT ADMINISTRATOR EFFECTIVE AUGUST 01, 2014**

CONSENT AGENDA (CONTINUED)**OTHER BUSINESS (CONTINUED)**

#R2014-102 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE PROMOTION OF POLICE OFFICER RODERICK M. MOSNER TO THE POSITION OF POLICE SERGEANT FOR THE ANDOVER TOWNSHIP POLICE DEPARTMENT IN A PERMANENT STATUS

#R2014-103 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE PROMOTION OF POLICE OFFICER BRIAN E. KITHCART TO THE POSITION OF POLICE SERGEANT FOR THE ANDOVER TOWNSHIP POLICE DEPARTMENT IN A PERMANENT STATUS

#R2014-104 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO APPOINT ANDREW B. MOORE TO THE POSITION OF POLICE OFFICER FOR THE ANDOVER TOWNSHIP POLICE DEPARTMENT

(See Inserts Attached to These Minutes)

RESOLUTIONS PULLED FROM THE CONSENT AGENDA

#R2014-98 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY USE AGREEMENT BY AND BETWEEN THE TOWNSHIP OF ANDOVER AND CROSS RIVER FIBER, INC. FOR PERMISSION TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN A TELECOMMUNICATIONS SYSTEM IN THE THOROUGHFARES AND PUBLIC RIGHT- OF- WAYS OF THE TOWNSHIP

The Committee agreed to table this resolution in order for Attorney Semrau to continue discussion with Cross River Fiber.

PUBLIC PORTION Mayor Boyce asked Boy Scout Kyle _____. Kyle is 13 living in Andover Township his entire life. He stated that this Committee prides itself on supporting scouting. He mentioned numerous scouting projects done in Andover throughout the years. Mayor Boyce stated that Kyle is here because he is working on achieving his Eagle Scout Badge and one step is to obtain the Badge for Citizenship and Community. Kyle asked the governing body questions regarding the budget process and the energy tax credits. Mr. Walsh explained the budget process along with the State's involvement in that process, mentioning that whatever the State does, it does affect the local government and its taxes. Attorney Semrau then explained the energy tax receipts and its history. Mr. Lensak then explained the bonding process.

Mayor Boyce thanked Kyle for attending the meeting and wished him the very best in his scouting future.

PUBLIC PORTION (CONTINUED) Toni Ostroman was present and she voiced her complaints regarding the Lenape Water Company. She knew that Mr. Fuller and Mr. Mueller from the water company were invited to attend but they did not appear. She began her presentation by showing the Committee photographs of her bathroom and the damage done because of a recent water main break. Ms. Ostroman stated that she tried to speak to the water company and its owner and her calls go unanswered. She then referenced the water main breaks and the water shut off with no notification to the customers at all. The recent break was eventually handled through the reverse 9-1-1 system but only once the police department was notified of the shut off. The notification came through the Clerk's office and not the water company.

Following a detailed and lengthy discussion of this matter, Attorney Semrau stated he will contact the BPU and look at the complaints history for the water company.

Jackie Espinoza from JCP&L was present and she thanked the Mayor for completing and submitting the recent survey required by the company. She mentioned the tours being held at the Morristown facilities. If anyone is interested in attending please do so because she does not believe they may continue next year. She encouraged everyone to familiarize themselves with the website for assistance during an outage.

Rich Renzulli of Country Car Wash was present with regard to his visit with the zoning officer. He made application years ago before the zoning board to allow for a future detail shop. Now he is ready to construct a new storage unit and is being told that the resolution only allows for a detail shop. He said he has to come back before the Board to amend his application. Following this discussion, Mayor Boyce informed him that he has to do what the resolution states he can. The zoning officer can't do anything further without him talking to the Land Use Board. Ms. Blackburn concurred and suggested he speak with the Board Administrator for guidance on proceeding with the amendment.

Jim Holmes was present and he gave a brief summary as to the progress on Andover Township's 150th Anniversary Celebration. He spoke about the need for additional funding for the event. He spoke about the events that are planned for the day. He said the fire department was going to donate their profits to a local family whose daughter is suffering with cancer. He said Scouts will begin the day with a flag raising ceremony.

Rick Melfi commented on Andover Township Day and encouraged the Township to provide additional funding to this event in order to make the 150th celebration one to be proud of. He mentioned that many volunteer organizations are going to purchase and cook food for the event and money that is raised will be donated to a local family. Mr. Lensak stated he is hearing about this for the first time, learning about it from the message board. He said he see what he can do.

ORDINANCES: PUBLIC HEARING

NO. 2014-08 PURCHASE OF POLICE DEPARTMENT & MUNICIPAL COURT EQUIPMENT

"AN ORDINANCE TO PURCHASE POLICE DEPARTMENT AND MUNICIPAL COURT EQUIPMENT FOR THE TOWNSHIP OF ANDOVER AND TO PROVIDE FOR THE FUNDING THEREOF"

Mayor Boyce opened the public hearing and seeing no hands, he closed the hearing. An ordinance of which the foregoing is the title was introduced and passed on first reading at the regular meeting of the Andover Township Committee, on July 28, 2014, was advertised according to the law and was brought before the public for final consideration. There being no objections, Mr. Walsh moved the adoption of the above entitled ordinance, seconded by Ms. Mc Govern. Roll call vote:

Ms. Blackburn – yes	Mr. Lensak – yes
Ms. Mc Govern – yes	Mr. Walsh – yes
Mayor Boyce – yes	

COMMITTEE REPORTS

MR. LENSAK. He reported that the charity softball tournament has been postponed until the third Saturday in June. He spoke about the police officers being promoted this evening. He mentioned we currently do not have any Sergeants. He mentioned the renegotiations of the police contract for the coming years, eliminating lifetime benefits for new hires. Mayor Boyce spoke about the new hires, including Andrew Moore who is currently a part time dispatcher.

MS. BLACKBURN. She reported that there were no Land Use Board meetings since the Committee last met. She stated that Sustainable Andover met and they are working on a Joint meeting with Open Space and the Environmental Commission to be held on November 20 at the Hillside House.

She then reported that Ryan Bills who was the scout, who designed and constructed the rain garden as his Eagle Scout Project, achieved his Eagle Scout ranking.

Lastly, she was invited to attend a luncheon at Hudson Farms. There was representation from Hopatcong and Byram. They met with Peter Kellogg, the owner and his attorney John Ursin. Hudson Farms is located in all three municipalities. They currently are comprised of 3800 acres and they continue to purchase more. They are looking to be good neighbors and they wanted to discuss mutual interests that will involve all three municipalities. She said it was a very interesting meeting and they hope to have more meetings quarterly.

MR. WALSH. He reported on the Recreation Committee and they are very active. He stated they are preparing for the senior luncheon and they are organizing a casino night. Reporting on the DPW the Committee approved a resolution to award a company to do drainage work on Mulford Road. Once the drainage work is complete, we can then pave the roadway. Stickles Pond Road repaving project is now complete. He then referenced a report from the Morris County JIF. The DPW employees are inspected making certain that the department's personnel meet all regulations in the day-to-day activities. Mr. Walsh read the report into the record. He commended the department for a job well done. They scored 100% and were awarded a \$250 certificate to use for the department.

MS. MCGOVERN. She said there was a special meeting of the school board and an interim was appointed. The seniors met and Linda Grinthal from Sunset Vista Farms was the guest speaker and spoke about gardening in general but touched on survival gardening. She spoke about the 15 x 30 foot space that people can rent to plant their own garden. The next meeting is September 3rd. She then reported on the Open Space Committee stating that they met on August 13th. Last month there was a resignation from Karl Krummel and Jim Holmes was appointed to fill that vacancy. They are planning on a work day on September 28th for the Lake Iliff Access property. They are also interested in inviting other groups that have similar goals and objectives.

MAYOR BOYCE. He reminded everyone about Andover Township Day and announced the newly appointed members to the Recreation Committee.

REPORT FROM THE CLERK/ADMINISTRATOR She informed the Committee that she heard from the Interim Superintendent Walker from Walkkill Valley who would like to address the Committee with regard to the manner in which the County assesses each municipality for each student from each municipality who attends Sussex County Technical School. The Committee agreed to hear Mr. Walker speak at the next meeting. She then announced that the Center for Prevention and Counseling is celebrating their 40th anniversary. They are holding a luncheon on Sunday, September 14th at the Farmstead. One of those being honored for their years of support and service is our Deputy Mayor Dolores Blackburn. The annual golf outing is being held this Wednesday.

REPORT FROM THE MUNICIPAL ATTORNEY He stated that his report was regarding those matter discussed during the Executive Session.

NEXT SCHEDULED MEETINGS: September 08 & 22, 2014
October 27, 2014
6:30PM Executive Session
7:30PM Regular Meeting

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 9:29 P.M., seconded by Mr. Lensak and carried unanimously.



Phil Boyce, Mayor

Respectfully submitted,



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 25th day of August 2014, 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) a. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
- () a. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
- () a. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
- (x) a. (4) A collective bargaining agreement including negotiations.
- (x) a. (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.
- () a. (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) a. (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. *Possible Shared Services Opportunities*
2. *Correspondence from the Local 641 – Dispatchers' Contract & Correspondence from Local 81427 – DPW Contract*
3. *Discussion Regarding Accumulated Leave for Former Employee*

Attorney-Client Privilege:

1. *Property Located at Block 73/Lot 6*
2. *Cross River Fiber Proposed Resolution and Agreement*

Potential Litigation:

1. *NJ Civil Service Commission – Appeal Matter*

Pending Litigation:

1. *Tax Appeal – Young Realty v. Andover Township*

- () a. (8) Personnel matters.
 1. *H. Walls, Municipal Court Administrator*
 2. *Police Department Matters*
 3. *Department of Public Works Matters*
 4. *Staffing for the Municipal Building*
- () 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: August 25, 2014

Moved: Blackburn, Seconded: Walsh
Voted Aye: Blackburn, Lensak, Mc Govern, Walsh, Boyce
Voted Nay: None
Abstained: None
