

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

**MICHAEL LENSAK, MAYOR
JANIS MC GOVERN, DEPUTY MAYOR
DOLORES BLACKBURN
JACK BURKE
TOM WALSH**

AUGUST 10, 2015

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 6:40 PM. by Mayor Lensak, followed by a salute to the flag.

ROLL CALL: Present: D. Blackburn, J. Burke, T. Walsh, J. Mc Govern, Mayor M. Lensak
Also, present were Attorney Semrau, , Diana Francisco, Deputy Clerk

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

EXECUTIVE SESSION:

On a motion by Mr. Walsh, seconded by Ms. McGovern the resolution to go into executive session to discuss:

Personnel Matters:

1. **Administration-Clerks Office- Positions**

Contract Negotiations:

1. **Police Dispatchers Union Contract Renewal**
2. **Sanitation and Recycling Contract**

Attorney-Client Privilege:

1. **Green Acres Program 1902-13-096 & 1902-03-051**
2. **Sign Issue**

Pending Litigation:

1. **COAH LITIGATION**
2. **PURPURA V. GOV. CHRISTIE et al.**

The regular meeting resumed at 7:59 pm. Mayor Lensak informed the audience that the committee had only discussed two of the items on the Executive Session Agenda. The two items were Municipal Clerk/Administration- Office Positions under Personnel Matters and sign issue under Attorney-Client privilege. At the end of the regular session, the committee will be going back into executive session to discuss the other items.

APPROVAL OF THE GENERAL AGENDA

Mr. Walsh motioned to approve the general agenda, Ms. Blackburn seconded and the motion carried.

APPROVAL OF CONSENT AGENDA

Diane Gillespie asked for explanations on Resolutions #2,#4,#5,#6,#7,#10 to be discussed. Attorney Semrau explained the R 2015-103 Tax Collector's resolution to cancel 2015 tax balances due to in rem foreclosure judgements. Given the explanation by Attorney Semrau, Ms. Gillespie requested item # 4 be placed back on consent agenda.

Mr. Burke requested Resolution #9 be pulled for discussion and Mr. Walsh requested #11 pulled as well.

Mr. Walsh motioned to approve the consent agenda as amended, the motion was seconded and carried by a unanimous roll call vote.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

1. **APPROVAL OF VOUCHERS FOR PAYMENT**
2. **ACCEPTANCE OF THE TAX COLLECTOR'S JULY 2015 REPORT - \$1,030,059.92 and \$11,229,350.31 to date.**

***RESOLUTIONS:**

1. **#R2015-99 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-005-005 FOR J&M WALDRON, INC., T/A MAX'S STATION HOUSE FOR THE TERM JULY 1, 2015 THROUGH JUNE 30, 2016**
3. **#R2015-102 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX STATE NEW JERSEY SUPPORTING THE ESTABLISHMENT OF A U.S. DEPARTMENT OF VETERANS AFFAIRS COMMUNITY BASED OUTPATIENT CLINIC IN SUSSEX COUNTY**
4. **#R2015-103 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX STATE OF NEW JERSEY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL THE OPEN 2015 TAX BALANCES ON VARIOUS PARCELS AS A RESULT OF IN REM FORECLOSURE JUDGMENTS**
8. **#R2015-107 RESOLUTION APPOINTING VIOLATIONS CLERK CHRISTINE THOMAS TO THE POSITION OF CLERK I, ANDOVER JOINT MUNICIPAL COURT EFFECTIVE AS OF AUGUST 3, 2015**

CONSENT AGENDA ITEMS (Cont.)

***APPROVAL OF MINUTES:**

1. **May 11, 2015 Regular and Executive Sessions**
2. **June 8, 2015 Regular and Executive Sessions**
3. **June 22, 2015 Executive Session**
3. **July 13, 2015 Executive Session**

Items Pulled from the Consent Agenda

2.#R2015-101 A RESOLUTION OF THE TOWNSHIP OF ANDOVER COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE AMENDMENT TO 2015 SALARY RESOLUTION

Attorney Semrau explained the adjustment to the shared service portion of the Tax Collector's Salary.

Mr. Walsh motioned to approve R 2015-101, Ms. McGovern seconded, the motion carried by a unanimous voice vote.

5.#R2015-104 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF STATE OF NEW JERSEY TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND TO NEWTON COUNTRY CLUB FOR THE YEAR 2015 DUE TO THE PROPERTY BEING DELETED FROM THE TAX RECORDS FOR YEAR 2015

Mayor Lensak explained that there was an issue with the tax map last year. The lot had been merged with another of Newton Country Club owned lots and now needs to be deleted, and a refund for overpayment issued since it had been taxed separately.

Ms. McGovern moved to adopt R 2015-104, Ms. Blackburn seconded. The motion carried by a unanimous voice vote.

6. #R2015-105 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND OF \$1,021.11 TO CORELOGIC TAX SERVICE FOR BLOCK 134, LOT 4, WHICH WAS DELETED AS A LINE ITEM FOR THE YEAR 2015.

Attorney Semrau explained that there was a duplicate payment, one from a mortgage company and the other from the property owner.

Mr. Walsh moved to adopt R#2015-105, and Ms. McGovern seconded, the motion carried by a unanimous voice vote.

7. #R2015-106 RESOLUTION OF THE TOWNSHIP OF ANDOVER COUNTY OF SUSSEX STATE OF NEW JERSEY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL 2015 TAXES AND REFUND AN

**OVERPAYMENT MADE DUE TO THE APPROVAL OF A TAX
EXEMPTION FOR BLOCK 73 LOT 1**

Attorney explained the Disabled Veteran Tax Exemption and the obligation of the Township to refund the taxes paid.

Ms. McGovern motioned to approve the R#2015-106, Mr. Walsh seconded the motion was carried.

**9. #R2015-108 RESOLUTION IN SUPPORT OF ASSEMBLY BILL SJR53/AJR75
DECLARING JULY 22ⁿ, AS FRAGILE X AWARENESS DAY**

Mr. Burke discussed the Fragile X Awareness Bill.

Mr. Burke moved to adopt R 2015-108, Ms. McGovern seconded, and the motion was carried.

**10. #R2015-109 RESOLUTION OF THE TOWNSHIP COMMITTEE TO ISSUE A TAX
REFUND TO US BANK CUST FOR BV001 TRUST IN REGARDS TO
THE REDEMPTION OF TAX SALE CERTIFICATE #14-00010 SOLD
FOR DELINQUENT TAXES FOR BLOCK 87, LOT 15 IN THE AMOUNT
OF \$21,545.85**

Mr. Walsh motioned to adopt R 2015-109, Ms. Blackburn seconded the motion was carried.

**11. #R2015-110 RESOLUTION DECLARING SUPPORT FOR THE JCP&L MONTVILLE-
WHIPPANY REINFORCEMENT PROJECT**

After a brief discussion, Mr. Walsh suggested we not adopt the resolution.

PUBLIC PORTION

Mayor Lensak opened the public portion of the meeting.

Rebecca Carlson the Director of the Center for Counseling and Prevention requested the Township Committee consider dropping the appeal for Tax Exemption granted by the Sussex County Board of Taxation. She further explained what the Center for Prevention and Counseling does, they are a nonprofit organization, and they meet the criteria for tax exemption.

Seeing no other hands, Mayor Lensak closed the public portion of the meeting.

ORDINANCES

TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY

ORDINANCE NO. 2015-11

**AN ORDINANCE TO PROVIDE FUNDING FOR THE COST OF RECHASSIS OF THE 2003
FORD/HORTON AMBULANCE, FOR THE TOWNSHIP OF ANDOVER AND TO
PROVIDE FOR THE FUNDING THEREOF**

BE IT RESOLVED by the Township Committee of the Township of Andover, County of Sussex and State of New Jersey, that Ordinance #2015-11, entitled above, be passed on first reading to be published in the New Jersey Herald and the public hearing to be held on August 10, 2015 at 7:30PM local prevailing time or as soon thereafter as the matter can be reached in the Municipal Building, 134 Newton Sparta Rd. the following improvements be properly authorized:

PUBLIC HEARING

Mayor Lensak opened the discussion to the public. Seeing no hands, he closed to the public. Mayor Lensak opened discussion to the committee, receiving no response he closed the discussion.

Ms. Blackburn motioned to adopt the **ORDINANCE 2015-11**, Mr. Burke seconded. The motion carried by a unanimous roll call vote.

RESOLUTIONS:

R#2015-111 RESOLUTION OF THE TOWNSHIP OF ANDOVER AUTHORIZING THE CONTINUANCE OF CONTRACTUAL AND CLAIM PAYMENTS WHEN A REGULARY SCHEDULED MEETING OF THE TOWNSHIP COMMITTEE HAS BEEN CANCELLED

Mr. Burke motioned to adopt R#2015-111, Mr. Walsh seconded, and motion was carried by a unanimous roll call vote.

UNFINISHED BUSINESS – There was no unfinished business discussed.

NEW BUSINESS- There was no new business discussion.

OTHER BUSINESS:

Mr. Walsh expressed that he has been seeing other towns getting grant money and using grant writers to get it.

Mr. Burke suggested a sub-committee to look at projects and grants that may be out there to fund them; he also added that there is a lot of money out there. Mayor Lensak discussed the fact there are grant writers out there that receive commissions only if they are successful at getting the grant for the town. Mayor Lensak suggested the committee consider a town dog park and that there is grant money for these types of things at no cost to the town.

COMMITTEE REPORTS

Mr. Burke:

-On July 27, he attended the special meeting at Lakeland EMS. He reported that they are moving forward with making EMS more sustainable and not having to depend upon the Township for its capital funding.

-The Fire Department continues to deal with the Lack of water pressure at Lake Lenape fire hydrants and they are not up to code. The fire department has to pull the water from the Lake. Mr. Burke asked what he could share with the fire department about what had been discussed during executive session regarding the Lake Lenape Water Company, so that he can answer some of their questions. Attorney Semrau said he would get in touch with him before the fire department's next meeting. He believes that at this point most of the information can become public.

-The Fire Department's Fund Drive is currently at \$7500.00.

-Golf outing scheduled for August 26, 2015 11:30 to 1:30pm.

-The new fire truck is on track, delivery should be in late February 2016.

Ms. Blackburn:

-Reported that the Land Use Board had discussed four new applications.

- She reported that there is going to be another rain garden Eagle Scout project at the Long Pond School. Janis and Carla are working on a composting program to go on the website. She met with DPW Supervisor, Darren Dickinson, to locate sites regarding the meadow scaping project. They decided the best spot is in front of the Hillside House and they would like to begin in the fall.

-She informed the committee that the Sustainable Andover Committee did meet and they are in favor of supporting local homeowners. The **Be in Business Recognition Program** is a program that the committee is supporting. They will begin surveying the local businesses shortly. Next meeting is August 27, 2015 at the Hillside House. The program recognizes businesses that utilize green products and their efforts to have a greener cleaner Andover. The offer is still open to collaborate with the Economic Development Committee. That is why they are looking to the Economic Development Commission to partner.

Mr. Walsh:

-Reported on the paving projects and the grant received from the state for the paving projects.

-The DPW Supervisor is in the process of obtaining price quotes for resurfacing of the tennis courts and basketball court. Mr. Walsh commended township employee Maryann Frodella for the job she did with the New York Yankee bus trip.

Ms. McGovern:

-On August 3, 2015, the seniors had a speaker from Appraisal Systems inform them regarding the revaluation process the town is undergoing. The Tax Assessor Jack Marchione also attended to answer questions.

-The next Open Space meeting is on August 12, 2015.

-The Senior Picnic is set for August 17, at Andover Senior Center in the Borough.

- The Open space Committee will meet on Wednesday to finalize plans with the DPW regarding the Lake Iliff access.

-She also stressed that it is important to offer our residents recreation and improve quality of life. She suggested that adequate funding be put into the recreation budget next year.

-She commended Carla Kostelnik, a member of Sustainable Andover for her donations of personally grown food to the Bodhi Food Pantry.

Mayor Lensak:

-The Mayor recalled that Waste Management has a composting program, and he suggested to Ms. McGovern that she reach out to them to find out more about it.

-He reported that he attended the EMS building dedication event and he commended their efforts once again.

-The police department had to use the Narcan substance twice this month.

-He commented on a letter from a resident of Current Drive who had an emergency at their home.

There was a delay in the service by EMS to arrive at their home because the ambulance had to go back around to get to the house.

-The committee had discussed options regarding the road in the past. Township Attorney Fred Semrau suggested that we research the previous agreements, schedule it for an executive session, then in the future for a public discussion. They had surveyed the residents in the past. He expressed concern that the township has been put on notice, regarding safety issues.

CLERK ADMINISTRATOR REPORT:

Ms. Francisco reported that she had received a letter from Celebration Fireworks for a display at Newton Country Club set for August 15, 2015. She suggested the committee may wish to adopt the resolution subject to the County Fire Marshall's approval and legal review to assure that all the proper permitting is in place.

R#2015-112 AUTHORIZING THE ISSUANCE OF A FIREWORKS DISPLAY PERMIT TO APPLICANT "CELEBRATION FIREWORKS" ON THE NEWTON COUNTRY CLUB PROPERTY FOR SATURDAY, AUGUST 15, 2015

Mr. Burke moved to adopt R#2015-112, Ms. McGovern seconded and the motion was carried by a majority roll call vote.

Ms. Blackburn abstain, Mr. Burk yes, Ms. McGovern, yes, Mr. Walsh abstain, Mayor Lensak, yes.

TOWNSHIP ATTORNEY REPORT

Fred Semrau discussed that the paper has indicated that a number of towns have been in litigation regarding an OPRA matter, for various tax records. He is pleased to report that the Township of Andover had the ability to make the request of the vendor and was able to turn over the tax information requested. He added that the Township was not part of that litigation.

NEXT SCHEDULED MEETINGS: **September 14, 2015**
 September 28, 2015
 6:30PM Executive Session
 7:30PM Regular Meeting

Mr. Walsh moved to return to executive session to discuss items we were not able to get to in earlier executive session. Ms. Blackburn seconded the motion was carried by a unanimous roll call vote.

At 10:06, the committee returned to public session.

Mr. Walsh motioned to have appraisal systems attend the next meeting on September 14, 2015, at 6:30 to do a presentation on the tax revaluation process. Mr. Burke seconded and the motion was carried with all in favor.

ADJOURNMENT

There being no further business brought before the Committee:

Mr. Walsh motioned to adjourn, Ms. McGovern seconded and the meeting adjourned at 10:09PM.

Mike Lensak, Mayor

Diana Francisco, Deputy Clerk

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION A

BE IT RESOLVED by the Township Committee of the Township of Andover on the 10th day of August 2015, 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.

Personnel Matters:

- 1. Clerk/Administration-Deputy Clerk**

Contract Negotiations:

- 1. Police Dispatchers Union Contract Status**
- 2. Sanitation and Recycling Contract**

Attorney-Client Privilege:

- 1. Green Acres Program 1902-13-096 and 1902-03-051**
- 2. Sign Issue**

Pending Litigation:

- 1. COAH Litigation**
- 2. Purpura v. Gov. Christie**

- () 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 10, 2015

Moved: Mr. Walsh Seconded: Ms. McGovern
Voted Aye: Ms. Blackburn, Ms. McGovern, Mr. Walsh, Mayor Lensak
