

April 3, 2007

The regular meeting of the Andover Township Land Use Board was called to order at 7:35 p.m. on Tuesday, April 3, 2007 by the Vice-Chairman Michael Crane.

Present: Members	Thomas Walsh, Class I
	Gerald Huelbig, Class II
	Gail Phoebus, Class III
	Diana Boyce
	Michael Crane
	Lois deVries
	Suzanne Howell
	Michael Lensak
	Ron Raffino, Alt. 1
Attorney	Thomas J. Germinario, Esq.
Engineer	Joseph Golden, P.E.
Planner	Russell Stern
Assistant Secretary	T. Linda Paolucci
Absent:	Stan Christodlous

FLAG SALUTE - RULES - OPEN PUBLIC MEETINGS ACT

ALTERNATES SITTING – Ron Raffino for absent member.

OPEN TO THE PUBLIC – The Vice-Chairman opened the meeting to the public for discussion of items not on the agenda. There were no comments from the public.

THE WOODEN DUCK – Block 133, Lot 5, Goodale Road, R-2.0; site plan revision for addition. A motion was made by Michael Lensak, seconded by Suzanne Howell, to adopt the resolution memorializing the approval of this application. In favor: Crane, Howell, Lensak, Walsh, deVries, Huelbig, Boyce, Raffino. Opposed: none. Motion carried.

ROLLING GREENS – Block 73, Lot 6, R-2 and CB zones, Newton-Sparta Rd.; concept for mixed use development. Paul Drake of Gladstone Design, Inc., introduced himself as Professional Planner for the applicant, and stated that this is a concept proposal. He distributed amongst the Board Members, an eight page pamphlet depicting proposed site plan designs that were in correlation to the drawings that he had on display for the Board's information. Drake stated that this is a matter of review and that he had a number of on-going discussions with some sub-committee members and Drake stated that he took the proposal to the County and the DEP and had a discussion with them regarding environmental constraints. Drake stated that what he is talking about is doing a Town Center and that he did a number of Town Centers throughout the State. He stated that the applicant is looking at the property in a "regional" context and stated that the property is the Rolling Greens Golf Course. Drake referred to the "Regional Network" (on map on page 3 of the pamphlet) and stated that in looking over the natural resources on the property, you see a very large system of park land and trail networks that this property very much

links up to Kittatinny Valley State Park, Township municipal park land and the Sussex Branch Trail, which has been improved over many years through significant investment at the State level. He noted two trails come together and form a series of networks. He stated that this property is across the street from the Florence Burd Elementary School and the Long Pond Intermediate School is down at the corner of the map (referring to map on Page 3 in hand-out) and fronts on Newton-Sparta Road which is a highly traveled road. Drake stated this “center” based concept is in a good area, as significant activity is already occurring there as well as land that is developable.

Drake pointed out in the Concept Plan that Newton-Sparta Road has a lack of tree frontage and buildings that are set back and parking lots thereby you not have nice pedestrian activity. The developer is looking to make it more pedestrian oriented in design. The concept has the three issues, broken down as follows: Planning Consideration – property is on a County road; property is in Planning Area 5 – which is the environmental planning area according to the State Plan; focusing on this as being mixed use center based plan, which is the purpose for being here; pedestrian oriented; and uniqueness of the site as it is in relationship to the schools and open space trails. The other issue is: Environmental Considerations – to produce a natural resource system; accommodate the transition area; stormwater and how that relates; accommodate the endangered species and develop a waste water treatment system that is clean and purified.

Drake further stated that the property is shaped “like a large pork chop” and the dark green (referring to map) is wetlands on the site. This design accounts for a 150 foot wetlands buffer. Drake stated that the renderings show a pedestrian oriented mixed use plan. They designed some internal circulation for school buses which allows the school buses from the intermediate school to navigate through the project and get to the Florence Burd School internally. Crane asked whether their roads will be public roads or private roads. Drake answered – public roads. Drake stated that in exchange for the “cross-over” access, the applicant would talk to the school board about cross-over access on the property for emergency services out to Newton-Sparta Road and would be able to come through Lime Crest Road also to better service the community. He continued to state that in the front of the project would be a main street concept with mixed use buildings and looking in the area 8,000 sq. ft of retail space, as well as 2nd or 3rd floor buildings which will be either condo or apartment flats, primarily to accommodate the Township’s COAH requirements under Round 2 and also to include the Round 3 obligation that ultimately will be incurred from this project presuming that the regulations don’t change dramatically when they go through the new Court discussion.

Drake stated that the developer is looking at a number of townhouse concepts. Primarily three or four different types would be looked at. The lower end of the site will be more suitable for what is called Master Townhouse concept on the property, a little larger townhouse as it will be closer to Lake Iliff. He further stated that there will be “alley way loaded” townhouses where the garage will not be on the front of the street but in the back, so pedestrians can have walk ways in the front of the houses. There will also be what is called “front loaded” concepts and “in-town” townhouse, which will be possibly three-story high concepts which are closer to retail, so the design will be reflective of that. They also show a clubhouse and a civic building on the plan.

Walsh questioned the three story buildings and noted some firemen in the audience that might have a problem with that and the fact that the Township has a height ordinance. Drake answered that this is just a design concept and went on to explain that the mixed use concept includes retail on the first floor and some type of residential use on the second floor, and that the concept can be two or three stories high, but does not go more than three stories (showed renderings on page 5 of hand-out). Drake further stated that in looking at the drawing in the hand-out it is more like a two and one-half story building, as the second story in the depiction is really built into the dormer. He continued that what he anticipated from the COAH requirements is that this concept would be suitable for affordable housing which would be part of the mixed use retail concept of this project.

Drake continued to describe some of the aspects of the property – 80,000 sq. ft will be proposed for retail property with 74 COAH units being absorbed into the apartments alone above the retail, the current COAH obligation is 56 units, and will be based upon 25% off of that for the senior portion of the project. The front portion of the property will be for the COAH requirement and small market components and retail. The remainder of the project will house active adults totaling 276 total units, allowing no children under the age of 19. There is also proposed to be a 30 unit senior apartment building that will be general COAH ready and also non-COAH. The rest of the project will have 140 townhouses.

Walsh questioned the picturing of a nine hole golf course that was not there prior, and he asked, “where is the wastewater treatment plant going”? Mr. Drake explained that the wastewater is treated to a very high quality of wastewater that is almost like “drinkable water” that will be discharged to a location suitable that can handle the amount of flow in the ground and will be under the auspice of the Department of Environmental Protection (DEP). Drake continued “to answer the question of the golf course” he showed it only as a concept and recognized the fact that under the DEP regulations right now the ability to do anything other than passive recreation within the wetland buffer area is going to be very limited.

Michael Crane questioned whether or not the sewer treatment plant would be large enough to handle just this project. Drake answered that what he calculated was that the flow from this project would be 120,000 gallons a day and they would attempt to design a system to be between 120,000 to 130,000 gallons per day. The DEP would not give them approval for any flow that was unaccounted for. However, they also talked with the DEP about the potential using available flow if it was designed into the system. They could look at adjacent neighborhoods where most houses are on a septic system and also at the school systems. If a system was designed for 130,000 gallons a day there would be 100,000 for this project and 30,000 as reserve and as long as they could account for it, the DEP would approve it. Drake thought that the adjacent houses and school can benefit from this proposal. Crane commented that even some of the businesses that are now existing there could benefit from it.

Crane asked, “Where will your domestic water come from”? Drake answered they are looking at some of the utility companies in the area, but if they weren’t able to get it serviced from public water service they would look to put wells in. Crane further questioned who would

be responsible for the utilities – the homeowners association? Drake answered “No, DEP will not allow that – a private corporation like a water management, New Jersey American Well and Water, will take over this plan and will operate as a public utility, even though they are a private corporation. They are regulated by the Board of Public Utilities and the DEP and they would come in and design the system, build it, maintain it and operate it for the life of the system. Crane further asked who would own it. Drake replied: the utility company, New Jersey American Well and Water and whoever ties into it would be charged a sewer rate like anybody else.

There was a question from the Township Fire Chief whether or not any hydrants are being incorporated into the project? Drake replied that if it is required it will be put in but is not incorporated into it now. The Fire Chief expressed further concern regarding whether or not tapping into the system would decrease the water flow and if it could be “smacked up somehow”. Drake answered that to the extent that it is required by law it will be done and incorporated into the plan.

Lensak questioned Drake about the placing of the sewage treatment plant in the middle of the townhouses. Drake answered not the plant, but “the discharge location”. Phoebus asked where the plant will be. Drake answered he has not designed that yet, but it can be put anywhere. He further explained that the system is clarified, the water is filtered, and is hit with ozone and it creates basically potable water, unlike a typical septic system with waste that is never treated at any level and goes into a leech field. Comparably this system is 100 times better than a septic system, stated Drake. DeVries asked “So if water comes out really clean and the junk is just behind in the fibers, where does it go”? Drake answered that it gets removed and the sludge gets collected from the utility company and it is taken to another treatment plant and they clean the sludge that way. Crane questioned if this is what is referred to as a “package treatment plant”? Drake replied that it used to be referred to that way, but this treatment is light years ahead of that type of treatment plant. Crane asked whether or not the company can be brought in for questioning when the application begins, Drake replied “Yes.” It was further established that the footprint of the plant would be about the size of a garage.

DeVries said that American Water Management was the same company that proposed to operate another facility in this town and their plan for the future was to sell that once they built the plant and got it operating and that they had no intention to continue to operate it, but to sell it to another company. She asked if they have discussed this matter with them. Drake stated that he would not comment on what he had no knowledge of. However, he assured the Board that New Jersey American Water is actually a part of American Water Company and is a multi-global company. DeVries said her concern is whether or not they are willing to operate a plant in this town. Drake said he would have them come in and speak for themselves when they come back for the application.

Crane opened the floor to the public. The first speaker was Carla Kostelnik of Greendale Road who asked whether there shall be another application for these private public utilities companies that come under these applications. Crane answered that he understands that it may appear that two different projects are going on here. Drake answered that they are a private

corporation franchise as a utility in New Jersey and are regulated by the DEP and would be brought in as part of the application as one of the consultants on the project.

Vic Capo, another member of the public, stated that in the past another project was proposed for this site and it was not approved because of the aquifer underneath the land there and did not see what had changed from the past to allow a project of this magnitude now or in the future. He also stated that in the last election the citizens of the township voted for open space and now this is a great open space area that is proposed to be done away with. And continued that the citizens of the whole area are not pleased with the proposal of a four-lane highway on Newton-Sparta Road.

DeVries said that she understood that there was a proposal for a development on this property in the 1980's at which time a water study was done and the water table at that time was from 3 – 7' below surface and that in early 2006 Laura Nicholson of the DEP did a survey and had given results on the test wells in that area. Her conclusion was that the ground water table had risen appx. 5' under the golf course. DeVries questioned how they can get 4' for their foundation? Drake stated he is aware of the high ground water table and that is why they are not looking for septic system for this project. He went on to state that obviously they will be doing more soil work for the foundations but that they are not at the engineering and detailing point yet.

There was discussion about whether or not there would be two roads coming into the project and how many traffic lights there might be. Drake stated he would have further detail as to turning lanes and lights when they come back at the application meeting. Phoebus stated that she was liaison to the recreation department and liked the golf course concept in the project, but wondered whether or not there could be any parks or areas that children can play for sports, etc. Drake stated that one of the ideas they had was to improve the ball fields at the schools.

DeVries wanted to know how Drake reconciled the concept that this is Planning Area 5, which is the most sensitive planning area in the state, with 430 units and all these retail stores and with our Master Plan, which states that our vision for our town is to maintain the rural character of the Town. Drake stated that the concept of Area 5 said that growth shall be allowed in Centers and this is a very sensitive growth plan. He further stated that he is looking at designing a town center and this plan is in accordance with the design standards of the State plan. Mayor Walsh commented that he would like to have Chuck McGroarty comment on clustering within one certain area and that with different zoning on the outside to keep the rural character in with the rest of your township.

McGroarty said that to be consistent with Planning Area 5, they would have to concentrate development in an area designated as a Center and the Township is considering having one or more centers because of the COAH obligation. There is a 47 unit obligation from the second round. McGroarty noted in the past he stated it is 56, but that probably will change because the growth share methodology has at least been temporarily suspended by the Appellate Division's decision. The Township needs to find locations to accommodate that growth because in the alternative to do nothing, this may put themselves at risk and be involved in a lawsuit.

McGroarty further noted that in going forward with any kind of concept like this the Township would always want to be thinking about plan endorsement. No longer does the Township go in and just get an area designated as a center; now the State considers plan endorsement in terms of how the master plan is developed and whether it is consistent with the State Plan. So there are a lot of things that need to be resolved and worked through. In reference to creating a wastewater treatment facility, a service area, and then running the risk of taking on development of which was never anticipated, McGroarty stated he didn't see that happening at all. Engineer, Joe Golden, knows that to amend your own wastewater management plan is to amend the County's Plan. The County's Plan is in the process now of being revised, they are going through that analysis right now and as you know the County has just received Plan endorsement from the Office of Smart Growth, so for Andover Township to approach Sussex County and say that we want to amend our wastewater management to designate this as a service area, there are a lot of things will have to happen. It seems to me that the most important will be a firm commitment that the new sanitary sewer service area would address only a center, it would not be an amorphous blob on a map. Any permitting that would go with any new system would be directly linked to any center, whether it is at this location or some place else. The DEP will not issue a permit to allow a new treatment plant to be built unless it is consistent with the State plan.

There was much discussion regarding what would happen if a developer were to come in, put the wastewater management system in place and become bankrupt. McGroarty stated that the Board would have control over any new developer that might take over the development. McGroarty also stated that one of the critical questions for a project of this magnitude would be phasing, also bonding. Maintaining and operating the plant would be the responsibility of the utility company or else the Board of Public Utilities would revoke their franchise and right to operate as a public utility in the State. Walsh stated that when you have a regulated public utility they have a legal obligation, even if they have to operate it at a loss. Mr. Raffino questioned "but what if nothing is there to operate and the plant is there and there are no other buildings and they have no reason to operate?" Then the plant will be inactive stated Mr. Walsh.

Phoebus was wondering about the 35' height ordinance and was wondering whether or not this would be a problem for our fire department. Paul Drake mentioned that once again this project is in the conceptual stages and whatever will be necessary in design to deal with the matter will be looked into and should be done. Boyce questioned who maintains and limits the daily allowance of water in the project. Drake answered that the DEP regulates that and requires receiving reports from the company operating the plant and has the right to inspect the plants. Drake stated that the maximum amount of gallons for this project is approximately 130,000 gallons a day, but he thought that if the capacity was available, and the grounds afford it, they would attempt to increase the size of the plant to help address some of the existing municipal issues. In order to do that they would have to account for it very clearly in their application for a water management plan with the DEP.

There was discussion regarding the number of emergency calls to the property and who would be responding to the calls. Phoebus thought there should be a building to store an ambulance, either on the property or near the development. Drake stated that he would look into

whether or not a garage for an emergency vehicle could be built on the property. Crane stated that there was a question as to who would fund, operate and insure such an emergency vehicle if one was built. Crane also stated that this was something that strongly needed to be considered. Lensak stated that the width of the alley ways needs to be taken into account for the emergency vehicles. Drake replied that the alleys would be designed based on the RSIS, minimum of 18' or the 22' wide range and would be generally clear so fire trucks would have access through them.

The Chairman opened the meeting to the public. Phil Boyce questioned what would happen to the Town if they don't take a pro-active approach to the COAH obligation and what a builder's remedy would entail. McGroarty explained if the Township does not satisfy the COAH obligation they lose the presumption of validity and a developer or an outside party can come in and sue. Hypothetically in this case, if Andover Township has not satisfied its COAH obligation the developer will ask the Court to change the zoning density. The developer might say that it would apply one affordable housing unit for every four market units. The Town loses control and the Court will decide what type of zoning will take place and how that obligation will be met. Mr. McGroarty further stated that in Andover Township's case there is a prior obligation to COAH regarding 47 units that does not go away and they will see whatever number it will be with regard to the Third Round. Boyce then questioned Drake as to whether or not the project would satisfy the 47 COAH units. Drake answered that the form of proposal would meet their obligation in Phase 3, if this were to generate a COAH obligation, this would have proposed 47 units to meet the Round 2 and a remainder of a total of 104 COAH units. The 30 unit senior housing building would meet the COAH requirements for age restricted housing, (25% roughly equates to 24 units) and they still have to meet the differential of 74 units which we they are proposing would be in the Main Street community area. Mr. Boyce further questioned what type of retail they were proposing in the retail area. Drake discussed the possibility of typical "small scale" retail, like a Dunkin Donuts, pizza parlor, small grocery store, etc. There was further discussion as to where the retail development might be located within the project.

Peter Spinney questioned how many gallons per day there would be for sewage capacity and whether it would be for residential and for commercial? Drake explained that they designed for both residential and commercial and went on to explain that the DEP requires that any two bedroom units calculate 225 gallons per day, that is their standard, a one bedroom apartment is 150 gallons per day and a retail space is .1 gallons per 1,000 sq. feet. Phoebus questioned who would be the managing company for the development? Drake stated that that is not worked out yet, but more than likely some form of homeowners association would manage the property. He continued to state that there also might be different companies managing different parts of the project, like the main street community area and the main street active adult community area, and so on.

Raffino questioned what impact the residential units would have on the school system. Drake answered that he did not think new school facilities would be needed. Raffino further questioned what the expected amount of school-age children would be. Drake answered that from the active adult section of the project, which is essentially 70% of the project, there would no be school children. He thought there might only be 15 children generated from the one and two bedroom apartments and from the 74 COAH units the number might range from 35 to 50

children, depending upon the type of unit. Drake stated there would be potentially, approximately 50 children overall. DeVries thought that that number appeared to be low. Drake said this was a comparable number to recent research in Rutgers to the local data and that this was a statistic in accordance with the local data. Huelbig stated that he was involved with the Fire Department in the past, and that usually when there is retail on the first floor and residential above, sprinkler systems are needed. He further stated that there are usually two exits, a stairway going up in the front and one in the back in lieu of fire escapes in the back, when you are talking about three stories.

Diane Gillespie stated that she attended some of meetings in Andover Borough and she does not see much difference between the “Beazer” project in the Borough and this project. She stated that the Superintendent of Schools (later to be told that it was not the “Superintendent of the Schools, but a Board of Education member that spoke) at that meeting gave a presentation over the concern about affecting the schools negatively. She further stated if the projects were similar she did not see how this project would not affect the schools negatively. Gillespie further expressed concern over the traffic this project would produce. Phoebus explained she wanted to make it clear that this COAH obligation that has to be met is the Town’s obligation and has nothing to do with the developers who are trying to help the Town and that it is what Andover Township must meet to comply with the State. She further commented that the increase of school children has nothing to do with the developers but that Trenton has stated that Andover must comply with the COAH obligations. McGroarty noted if the Town does not do it, and that the Town is free to say “No”, then the Town will be a vulnerable to a law suit. Raffino stated that although the Township has a COAH obligation, they are not obligated to meet that obligation with this particular applicant. DeVries stated that she shares Raffino’s concern that this discussion about the COAH is slanted towards a single one-shot solution and that people need to know that there is no necessity for Andover Township to go to a center of this size and that at the last committee meeting they did discuss that there was interest in a “hamlet” size center. She continued to express that that there may be other options such as having five different COAH building locations with eleven units in each one and that this is not the only solution. Phoebus said that she agrees with DeVries that it all doesn’t have to be in one place, however, no matter where the Township puts this COAH, they would still have an increase in the school system. There was further discussion regarding this topic. DeVries explained that she wanted people to know that there is more than one way to do this.

Vic Capo had questions of the applicant’s engineer regarding the amount of COAH units on this property and stated his concern about the developer adding huge density on the property. McGroarty stated that after the Court decision regarding the Third Round, he thinks that the process will be similar to what it was in Rounds 1 and 2. He noted the numbers are generated State-wide, and allocated on the county or housing region basis and then they are allocated on the municipal basis. McGroarty went on to explain that he does not think that the number of units or commercial space would really dictate on how many units Andover is assigned on Round 3. There was further discussion regarding the growth share formula and what the Court rulings will be.

Capo raised questions regarding the wastewater treatment plant and whether or not all of the locations regarding this would be on site or off site. Drake stated that it had been discussed and that it could be off-site and could be anywhere within one-half a mile, but it is only under discussion. Capo was interested in the investors in this project. Drake answered that his clients are Jack Richards and Les Cerrelli and that they are partners together working on this project. There was further discussion regarding the density, the retail concept as to location and the natural resource features on the property. Drake answered that he thought that the natural resources, such as the pond features, etc. would be enhanced by this project. Capo further questioned the concept of this project being a "town center" and the fact that it would be more for the people who live there than for other residents of Andover. Drake replied that Capo is correct; it is not going to be that all of Andover Township would be coming and using the clubhouse for instance, it is more of a community for the people that will be living there. Further discussion ensued regarding considering this project as a "town center" and the features of it.

DeVries questioned Drake regarding the discussions of the walkways throughout the project and questioned the potential walkway relating to the railroad tracks that runs along the side of the golf course now. She noted it is private property and wondered whether the applicants have an agreement with the owner concerning this. After much discussion regarding the acquisition of the private piece, Drake answered that his clients will attempt to acquire it. There was further discussion regarding the two roads being shown on the project and where they will come out and the traffic circulation. Raffino questioned how to get to the railroad tracks that run on the right hand side of the property because now that area is entirely under water. Drake suggested that he would consider a timber board walk or a natural trail, etc. DeVries was concerned about the endangered species in that area. Drake stated that it would have to be accommodated and that they would not put a trail where the most critical habitat would be. In the vision plan there would be interpretational signage so there would be education concerning the improvement of habitat in the area.

Stern stated that he understood that Drake has met with DEP already on the issue of the wastewater management possibility. He asked whether or not he has met with the Office of Smart Growth to see how this project would fit into the plan endorsement. Drake answered that he plans to meet with them and he envisions that the plan endorsement will be appropriate.

Crane asked the Board Engineer if he would like to make any comments at this time. Golden mentioned the permitting for traffic, sewer, water, wetlands. He stated that he respects everyone's concerns regarding these issues, but noted that the DEP is going to regulate them significantly. He further explained that he did attend the meeting at the DEP and that the State did have multiple representatives from all the departments and they are aware of the endangered species, the water issue allocations, sewage, etc. Golden said that all of these issues are valid and discussions are already taking place regarding these items. As far as the concern with the treatment plant being built and abandoned – this is a package plant and he thinks that the Board can ask that the plant be removed without much difficulty if they so decide, and a bond can be put up to remove it, if indeed that is a concern. There are a lot of ways for the Board to address these issues as they are put on the table. Golden also stated that he thinks that the Town will have to come up with new zoning to deal with the spacing of the buildings and concerns for fire,

etc. and that there will be a lot of opportunities to work out a developable plan. He stated a lot of the issues that were brought to the table today will be resolved during the application process and that the developer's agreement will also talk about items such as performance bonds, phased construction and probably a phased COAH plan.

DeVries asked Golden to address the question regarding the sewer service area being perhaps one-half a mile away. Golden answered that his understanding is that the sewer service area is going to be specifically defined as part of the Town Center application and that the applicant won't get the sewer service area until all these approvals are put together in concert with Smart Growth. The Board will work hand in hand with the applicant on the areas they want to be included in that sewer service area. There was discussion regarding whether or not the plant would be off-site or on-site. DeVries had further questions regarding the trucks that would remove the sludge and whether or not they are regulated. Golden said that the trucks come in and take a direct deposit into the vehicle and are very well regulated.

Crane asked that Drake take this time to summarize the concept plan. Drake explained the value of designing the project as a town center. He stated they are looking for a level of confidence from the Board and the public and hope to work with them in a partnership. He noted the design concept that was shown at this meeting can be altered. Golden made further comments with regard to roads, landscaping, and creating a "gateway" type effect. Crane then thanked the applicants and professionals for their time and ended this portion of the meeting.

Crane announced that Thomas Germinario, Esq. wanted to go over the Ballantine Woods Order of Judgment. Germinario stated that the Board members received a copy of the Order that Judge Bozonelis recently signed. He further stated that as he briefed the Board members at the last meeting, the Judge is going to allow the additional time for testing to be done and that will result in a new report which will come back to the Board for additional hearings. The testing protocol is attached to the Order marked "A7". It requires that two additional wells to be drilled on the west side of the valley and that one of those test wells will be pumped and the other 4 wells on the site will be monitored. He also stated that he copied the Board on the part of the transcript of the last hearing where they discussed in more detail how the testing would be done and the fact that Mr. Mulhall would be involved with Mr. Dwyer in selecting the appropriate well locations and the viewing test protocol. He also said that he would like the Board to look the documents over between now and the next meeting and to have an item on the next agenda for the Board to decide whether to have Mulhall continue to act as their consultant in this matter. The monies for the Board's consultant would come out of the applicant's escrow. DeVries questioned whether there was any further direction from the Judge as to how long the applicant has to complete the work. Germinario answered that there was a brief discussion about the general parameters and that the Court standard is that the applicant has to proceed with all due diligence to complete the testing in a timely manner and the Board can decide whether or not they are acting in a timely manner and if not then it can be subject to a Court challenge again, if that happens.

MINUTES - March 20, 2007. A motion was made by Walsh, seconded by Lensak, to approve the minutes as distributed. In favor: Howell, Lensak, Walsh, Huelbig, Boyce, Raffino, Crane. Abstained: DeVries. Opposed: None. Motion carried.

VOUCHERS - See Schedule A. A motion was made by Walsh, seconded by Lensak, to approve the vouchers submitted. All in favor. Motion carried.

MATERIAL RECEIVED, GENERAL INFORMATION - See Schedule A.

Vice-Chairman Crane introduced the new Assistant Board Secretary, T. Linda Paolucci to the Board and the public.

Paolucci made an announcement reminding Board members that have not already submitted their financial disclosure statement to please do so. Paolucci also mentioned the mandatory classes that still need to be taken by Crane, Lensak and Raffino and informed them of the date of April 21st for the classes to be given at the Newton Firehouse from 8:30 a.m. to 3:00 p.m. and registration begins at 8:00 a.m.

RESOLUTIONS – Resolutions adopted during this meeting are made a part of these minutes by referral to the specific file.

ADJOURNMENT - Time 10:20 p.m. A motion was made by Phoebus, seconded by Lensak, to adjourn. All in favor. Carried unanimously.

Respectfully submitted,

Michael Crane, Vice-Chairman

T. Linda Paolucci, Assistant Secretary