

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

**THOMAS D. WALSH, MAYOR
CHARLES GROTYOHANN, DEPUTY MAYOR
ROBERT D. WEBSTER
GAIL PHOEBUS
ALEX GILSENAN**

**OCTOBER 09, 2006
6:30 P.M.**

REGULAR MEETING BEGINS AT 7:30 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

The regular meeting of the Andover Township Committee was called to order at 6:50 P.M. by Mayor Walsh, followed by a salute to the flag.

ROLL CALL: Present: Mr. Grotyohann, Mr. Gilsenan,
Mr. Webster, Mayor Walsh
Also present: Administrator Padula, Attorney Semrau
Those absent: Ms. Phoebus (excused)

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

EXECUTIVE SESSION: Administrator Padula asked that the Executive Session agenda be amended as follows:
Under Personnel Matters: Position of Land Use Board Secretary
Under Contract Negotiations: Professional Services – Auditing

Attorney Semrau asked that the discussion regarding auditing services would only apply to the proposal for rate of compensation. Administrator Padula replied that he contacted several auditing firms, two have responded, copies provided to the governing body. He asked the Township Committee in what direction they wish to proceed. Attorney Semrau recommended that this discussion be held in the open session during the Administrator's Report. Mayor Walsh corrected the Executive Session agenda by removing the Professional Services item.

On a motion by Mr. Grotyohann, seconded by Mr. Webster, the resolution to go into executive session to discuss

Personnel Matters:

- 1. Position of Land Use Secretary**

Attorney-Client Privilege:

Pending Litigation

- 1. Andover Township vs. Underground Utilities**
- 2. Tax Appeals – Golf Courses, was carried unanimously.**

(See Insert Attached to These Minutes)

EXECUTIVE SESSION: (CONTINUED) The Committee went into executive session at 6:56 P.M. Mr. Grotyohann moved to adjourn executive session at 7:31 P.M., seconded by Mr. Webster and carried unanimously.

REGULAR AGENDA TO BEGIN AT 7:30 P.M.

APPROVAL OF AGENDA Mayor Walsh asked that the agenda be amended as follows:

UNDER CONSENT AGENDA:

***OTHER BUSINESS:**

- 4. **Approval of Raffle License – Our Lady of the Lake Church To Be Held on November 3, 2006 at Perona Farms**
 - a) **R.L. #764 - On-Premise Merchandise Raffle**

***RESOLUTIONS:**

- 3. **#R2006-165 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND TO JOHN AND DIANE CURRAN IN THE AMOUNT OF \$3,623.26 DUE TO THE APPROVAL OF A TAX EXEMPTION FOR BLOCK 31, LOT 7.03**

Mayor Walsh asked that Approval of Vouchers for Payment be removed.

Mr. Grotyohann moved to approve the amendment of the agenda, seconded by Mr. Webster and carried unanimously.

Attorney Semrau explained that the issue of Personnel Matters: Position of Land Use Secretary, what was discussed was contract negotiations, no potential candidates were discussed. There was discussion regarding the salary, community salaries and how to approach a salary for this position. The other issue discussed, was Underground Utilities litigation with Skytop Road. This matter is currently handled by Attorney Rafanello. The tax appeal litigation involves the three golf courses. There was discussion regarding possible appraisers we may want to hire to defend against these cases.

Mr. Gilsean moved to approve the agenda as amended, seconded by Mr. Webster and carried unanimously.

APPROVAL OF CONSENT AGENDA ITEMS Mr. Gilsean moved the following consent items be approved, seconded by Mr. Webster and carried unanimously.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Insert Attached to These Minutes)

ACCEPTANCE OF THE TAX COLLECTOR'S SEPTEMBER REPORT - \$69,724.62

APPROVAL OF RAFFLE LICENSE – HELEN MORGAN SCHOOL PTO TO BE HELD ON NOVEMBER 15, 2006 AT PERONA FARMS 6:00 TO 11:00

- A) ***R.L. #762 – ON-PREMISE 50/50***
- B) ***R.L. #763 – ON-PREMISE MERCHANDISE***

APPROVAL OF RAFFLE LICENSE – OUR LADY OF THE LAKE CHURCH TO BE HELD ON NOVEMBER 3, 2006 AT PERONA FARMS

- A) ***R.L. #764 - ON-PREMISE MERCHANDISE RAFFLE***

***RESOLUTIONS:**

#R2006-163 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE ISSUANCE OF A NEW PLENARY RETAIL DISTRIBUTION LICENSE BY PUBLIC SALE

#R2006-164 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY ADDRESSING THE SALARY ADJUSTMENT OF MUNICIPAL CLERK/ REGISTRAR OF VITAL STATISTICS VITA THOMPSON

#R2006-165 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND TO JOHN AND DIANE CURRAN IN THE AMOUNT OF \$3,623.26 DUE TO THE APPROVAL OF A TAX EXEMPTION FOR BLOCK 31, LOT 7.03

(See Inserts Attached to These Minutes)

REGULAR AGENDA

REPORT FROM THE FIRE CHIEF: Fire Department President Rick Melfi was present and reported for the month of September 26 calls, 312 man hours. Year to date hours total 140 calls 3040 man hours. He also reported that the Fire Department has decided to put a hold on the annual Rib Fest and do a joint effort with the Andover Township FOP in November. Announcements will be made shortly.

OPEN TO THE PUBLIC: Diane Gillespie of Andover Sparta Road asked Attorney Semrau the status of the removal of the caterpillar construction vehicle on Ballantine Road. He stated he sent a letter to the owner's attorney and asked that it be removed by last Friday. He received a telephone call from this attorney on Friday, Glenn Kienz and he acknowledged it was his client's equipment. Attorney Semrau then stated Mr. Kienz told him he was going to send a letter explaining that they were not going to remove it. Attorney Semrau stated he will respond to this letter once received. He also advised Mr. Kienz that based on the research conducted; he felt it should be removed. He added once he receives the letter then he will take the next step, being either through the construction official or the police department.

Mayor Walsh remarked that he drove through Ballantine and saw the vehicle in which he then questioned Attorney Semrau about its status earlier this date. Mayor Walsh remarked about the tarps which cover the millings and he believes they have until November for their removal.

Ms. Gillespie stated at the last Planning Board meeting there was heated debate between the owners of Casa Bellisima and the Transmission shop regarding the parking situation. She knew an ordinance had been adopted regarding "No Parking" along the entire length of Newton-Sparta Road. She asked why signs have not been installed. Mayor Walsh and Administrator Padula remarked that there are signs, provided by the County and installed by the Department of Public Works several months ago. Chief Coleman added that there will be additional signs placed along the roadway shortly. He has been in contact with John Risko from the County Engineering Department who supplies these signs. Mayor Walsh stated there are not enough signs.

Mr. Webster added that one of the complaints from the owner of Andover Transmission was that patrons at the restaurant use his parking lot in addition to parking on the road which obstructs their vision when pulling out. He added that the transmission shop owner has not yet put up No Parking signs on his property which he needs to do. Chief Coleman stated he has since done that. He added that the owner of the car wash has the same complaints and he has also posted signs. He also stated that there is evidence that people have actually moved these signs and parked nonetheless. He stated that summonses will be issued and this parking issue will be enforced and vehicles will be towed at the owner's expense. The restaurant owner was in the Chief's office today and he was told that this will not continue. Signs are up and we are waiting for additional.

Carla Kostelnik of 50 Greendale Road asked if something could be done regarding the piles of junk, abandoned vehicles and suspicious activity at the former Springdale Market. Administrator Padula will direct the construction official to visit the site, make an investigation and respond in writing to his findings. Chief Coleman will investigate the issue of abandoned vehicles.

OPEN TO THE PUBLIC: (CONTINUED) Lois D’Vries remarked that in reviewing a copy of the agenda for the Joint Meeting between the Board of Education and the Township Committee she realized that there will be discussion regarding the issue of Open Space. She asked why the Open Space Committee was not informed of this discussion so that they can be present to answer questions from the public. Administrator Padula responded that he, Mr. Webster and School Board Administrator Terry VanAuken drafted the agenda recognizing certain issues that pertained to both boards. The Open Space issue was recommended by the School Board. Ms. D’Vries asked why the Committee was not invited. Both Mayor Walsh and Administrator Padula replied that everyone is invited to attend. Mr. Webster stated that the purpose of this meeting is strictly of items of special interest to both boards. The issue of the open space discussion is not that which is on the ballot, but how with more open space, the less pressure on the schools. Mr. Webster stated that if Dan Freed is available at this meeting, it would be a benefit to have him there.

Hearing nothing further from the public, Mayor Walsh closed the public portion.

At this time, Mayor Walsh, a diehard NY Yankees fan, after speaking with Attorney Semrau, a diehard Mets fan, late last week said he had to do something quite unpleasant. He added that he could not bring himself to do exactly what was asked, but he did agree to the next best thing. Mayor Walsh donned a Detroit Tigers baseball cap.

APPROVAL OF VOUCHERS FOR PAYMENT

Mayor Walsh addressed the bills’ list which he pulled from the consent agenda earlier this evening. He stated that there was payment for Engineer Cilo, P.O. 06-01136 which is an escrow account. Engineer Cilo’s request for payment shows no explanation and because of this he asked that payment be tabled for further information.

Mr. Webster moved to approve the bills list as amended, seconded by Mr. Grotyohann and carried unanimously.

(See Insert Attached to These Minutes)

ORDINANCES: INTRODUCTION

#2006-24 TO ADD CHAPTER 68 **BUS TRANSPORTATION SERVICES NOTIFICATION**

“AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ADD CHAPTER 68, BUS TRANSPORTATION SERVICES NOTIFICATION, TO THE REVISED GENERAL ORDINANCES”

Mayor Walsh explained that the purpose of this ordinance is to direct the seller to notify any potential buyer of the location of the school bus stops. This is done by contacting the Board of Education; certification would then be filed with the municipality showing compliance.

ORDINANCES: INTRODUCTION (CONTINUED)

**#2006-24 TO ADD CHAPTER 68
BUS TRANSPORTATION SERVICES NOTIFICATION**

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2006-24, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on November 28, 2006 at 7:30 P.M. local prevailing time, or as soon thereafter as the matter can be reached in the Municipal Building, 134 Newton-Sparta Road, Roll call vote:

- | | |
|--------------------|----------------------|
| Mr. Webster – yes | Mr. Grotyohann – yes |
| Mr. Gilsenan – yes | Ms. Phoebus – absent |
| Mayor Walsh – yes | |

Attorney Semrau asked if extra time would be given before scheduling the final hearing so he can send notification to the school board to advise them of this pending ordinance.

COMMITTEE REPORTS

MR. GROTYOHANN. He reported that the next meeting of the Board of Health will be held next Wednesday. He will be attending the Sussex County Chamber of Commerce meeting tomorrow at 7:30 a.m. with Administrator Padula. The issue of the town center is still being worked on and negotiated and if everyone has any information, he asked if they would see him after the meeting.

MR. GILSEANAN. He reported that the Municipal Court Security Plan meeting has been rescheduled for October 20th in Morristown. Administrator Padula with Court Administrator Breslauer and Chief Coleman will be attending. The Environmental Commission meeting was held last Thursday and the bulk of their agenda pertained to the draft National Resource Inventory (NRI). This is a detailed description of the township’s natural resources and their locations and can be used as a tool for future planning. Ms. D’Vries elaborated on this grant and what it can provide to the township.

MR. WEBSTER. He reported again that the Joint Meeting of the School Board and Township Committee will be held on Thursday at 7:00 at the Hillside Park Barn.

MAYOR WALSH. Reported he met with Township Planner McGroarty and Engineer Golden, Planning Board Christodlous and Attorney Semrau regarding the concept plans for the new town center. They have some obstacles they need to address. This plan should remedy a few problems we have in this town with planning.

He asked the Township Committee to give the Chief of Police their approval to call for a certification list for police officers. With certain issues as they are with the department it is hitting the overtime budget pretty hard. By keeping the overtime budget down those funds can literally pay for a new officer. Approval was given by the governing body for the Chief to proceed.

REPORT FROM THE TOWNSHIP ADMINISTRATOR He reported that Phase III drainage improvements for Skytop Road has been advertised for re-bid, bid opening scheduled for October 25th. Construction on the cell tower located by the DPW garage has begun.

Administrator Padula announced that for the November 13th meeting both the Clerk and Deputy Clerk will not be available due to seminar scheduling at the League of Municipalities Conference. He asked the Township Committee to consider an alternate date for this meeting.

The dispatchers' contract was signed and returned for distribution.

Agendas for the Joint Meeting are available on the back table. Administrator Padula added that if there is a topic that is not on the agenda and is of interest to both boards it will be discussed. He was in contact with the NJDEP and there are grants available for residents who need to remove an oil tank.

He advised the Township Committee that he has two proposals for auditors for professional services and asked if anyone would like to assist in the interview process. Mr. Grotyohann and Mr. Gilsean will participate. Administrator Padula will inform them when the schedule is set.

REPORT FROM THE MUNICIPAL ATTORNEY He stated that he has a draft Growth Share ordinance prepared as requested by the Township Committee. He will be speaking with Township Planner McGroarty and have him review this draft.

Earlier this year he received inquiry from the Animal Control Officer with regard to licensing and stray animals. He has reworked that ordinance as well and will a draft available at the next meeting.

NEXT SCHEDULED MEETINGS: **JOINT MEETING with the Andover Regional School Board - Thursday, October 12, 2006 at 7:00 P.M. – 10:00 P.M. At the Hillside Park Hall**

**Tuesday, October 24, 2006 at 6:30 P.M.
Regular Meeting to Begin at 7:30 P.M.**

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Webster moved the meeting be adjourned at 8:09 P.M., seconded by Mr. Grotyohann and carried unanimously.

Respectfully submitted,

Tom Walsh, Mayor

**Vita Thompson, R.M.C.
Municipal Clerk**

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Andover on the 09th day of October, 2006, that:

1. Prior to the commencement of this Regular Meeting, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):

- () 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.
- () b. (4) A collective bargaining agreement including negotiations.
- () 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.
- () b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.

Pending Litigation

- 1. Andover Township vs. Underground Utilities**
- 2. Tax Appeals – Golf Courses**

() b. (8) Personnel matters.

- () 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:

Moved:

Seconded:

Voted Aye:

Voted Nay: None

Abstained:

Resolution adopted.
