

**ANDOVER TOWNSHIP COMMITTEE MINUTES**

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

**NOVEMBER 28, 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 6:40 P.M. by Mayor Walsh, followed by a salute to the flag.

**ROLL CALL:** Present: Mr. Grotyohann, Mr. Gilsenan, Ms. Phoebus,  
Mr. Webster, Mayor Walsh  
Also present: Administrator Padula, 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. Gilsenan, seconded by Ms. Phoebus, the resolution to go into executive session to discuss

**Contract Negotiations:**

- 1. Professional Auditing Services**
- 2. Shared Services**
- 3. M. Spector, Land Use Administrator  
(Terms of the Retirement Agreement)**

**Attorney-Client Privilege:**

- 1. Update on the Investigation of Possible Violations of the Law**
- 2. Skytop Improvements**
- 3. Steep Slopes Litigation, was carried unanimously.**

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:42 P.M. Mr. Grotyohann moved to adjourn executive session at 7:50 P.M., seconded by Ms. Phoebus 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:**

**\*UNDER OTHER BUSINESS:**

TO AMEND THE BILLS LIST TO INCLUDE PAYMENT TO J. DORAN IN THE AMOUNT OF \$75.00 FOR CHILDREN’S HOLIDAY PARTY

UNDER REGULAR AGENDA

**OTHER BUSINESS:**

- 3. APPROVAL OF OFF PREMISE RAFFLE LICENSE – #R.L. 767  
KAREN ANN QUINLAN MEMORIAL FOUNDATION – TO BE HELD  
MAY 23, 2007 AT THE FARMSTEAD GOLF & COUNTRY CLUB

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

**APPROVAL OF CONSENT AGENDA** Resident Lois D’Vries asked that Resolution #R2006-182 be removed from the consent agenda for discussion.

**\*CONSENT AGENDA:**

**\*OTHER BUSINESS:**

*Approval of Vouchers for Payment*

(See Insert Attached to These Minutes)

**\*RESOLUTIONS:**

**#R2006-176 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AMEND THE 2006 CAPITAL BUDGET**

**\*CONSENT AGENDA: (CONTINUED)****\*RESOLUTIONS: (CONTINUED)**

#R2006-177 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ISSUE A TAX REFUND TO PARK FINANCE, LLC IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE # 05-009 SOLD FOR DELINQUENT TAXES FOR BLOCK 157, LOT 3, 00036 IN THE AMOUNT OF \$2,795.27

#R2006-178 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND TO FIRST AMERICAN REAL ESTATE TAX SERVICE IN THE AMOUNT OF \$11,343.67 FOR AN OVERPAYMENT IN THE FOURTH QUARTER 2006 TAXES FOR BLOCK 118, LOT 2

#R2006-179 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO ISSUE A TAX REFUND TO CRUSADER SERVICING CORPORATION IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE # 03-002 SOLD FOR DELINQUENT TAXES FOR BLOCK 38, LOT 21, IN THE AMOUNT OF \$31,356.67

#R2006-180 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND TO JOSEPH & VIRGINIA KAPLAFKA IN THE AMOUNT OF \$350.00 FOR AN OVERPAYMENT IN THE FOURTH QUARTER 2006 TAXES FOR BLOCK 135, LOT 16

#R2006-181 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND TO WELLS FARGO HOME MORTGAGE IN THE AMOUNT OF \$3,423.81 FOR AN OVERPAYMENT IN THE FOURTH QUARTER 2006 TAXES FOR BLOCK 54, LOT 5

**\*CONSENT AGENDA: (CONTINUED)**

**\*RESOLUTIONS: (CONTINUED)**

#R2006-183 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE  
*TO ISSUE A TAX REFUND TO CRUSADER SERVICING*  
*CORPORATION IN REGARDS TO THE REDEMPTION OF*  
*TAX SALE CERTIFICATE # 06-00001 SOLD FOR*  
*DELINQUENT TAXES FOR BLOCK 6, LOT 12, IN THE*  
*AMOUNT OF \$58,413.59*

#R2006-184 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE  
*TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A*  
*REFUND TO RUBY SMITH IN THE AMOUNT OF \$250.00*  
*FOR AN OVERPAYMENT IN THE FOURTH QUARTER 2006*  
*TAXES FOR BLOCK 142, LOT 6*

#R2006-185 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY  
OF SUSSEX AND STATE OF NEW JERSEY *AUTHORIZING*  
*THE AWARD OF A PROFESSIONAL SERVICES CONTRACT*  
*WITHOUT COMPETITIVE BIDDING TO PAUL W.*  
*FERRIERO OF FERRIERO ENGINEERING, INC. FOR*  
*CERTAIN ENGINEERING SERVICES*

(See Inserts Attached to These Minutes)

In light of the number of people present, Mayor Walsh asked that the Public Hearing for Ordinance #2006-24 “Bus Transportation Notification” be heard at this time.

**REGULAR AGENDA**

**ORDINANCES: PUBLIC HEARING**

**#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”***

Before asking for a motion to open the public hearing, Mayor Walsh asked the Township Committee for a straw poll. He stated that this ordinance was drafted in cooperation with the Board of Education. Mr. Webster explained that the Board of Education had expressed many problems regarding the school bus transportation situation. Every year the school employees are flooded with phone calls and complaints as to where their children’s bus stops are located.

**ORDINANCES: PUBLIC HEARING (CONTINUED)****#2006-24 TO ADD CHAPTER 68**  
**BUS TRANSPORTATION SERVICES NOTIFICATION**

Mr. Webster stated that once this ordinance was introduced he heard back from the Board of Education stating there were more issues and they were not ready to move forward. Mr. Webster advised them that the only reason this ordinance was considered was because of their complaints and request for assistance from the township.

There were comments from the public with regard to the penalty clause of the ordinance finding it to be too strict. Mayor Walsh explained that the penalties stated are "up to" a certain amount. The penalties mentioned were not the minimums, but the maximums.

A straw poll to approve this ordinance was conducted and the results are as follows:

Mr. Gilsean – no	Mr. Webster – no
Ms. Phoebus – no	Mr. Grotyohann – no
Mayor Walsh - no	

Mr. Webster moved to open the public hearing, seconded by Mr. Gilsean and carried unanimously.

Ken Marvec, President of the Sussex County Board of Realtors asked that if the Township Committee were to reconsider this Ordinance at any time that perhaps they could reach out to the Association so conditions could be discussed prior to any further action.

Resident Carla Kostelnik was present and she stated that this issue is a School Board problem and the responsibility should lie with them.

Attorney Semrau explained that since June 2006 there were numerous discussions and then given direction to proceed with a draft. He referenced the penalty clause and stated that in order to give a Court latitude that is the language used for any violation.

Ms. Phoebus asked if there is anyone present from the Board of Education. Mr. Pierson stated he was not here for this hearing and was not aware of this ordinance. He added that he is also on the Transportation Committee. He stated that every September it is a nightmare in the office with complaints from parents regarding school bus stops. The Township Committee asked that Mr. Pierson speak with Business Administrator VanAuken and School Superintendent Jerry Clymer regarding this situation. Mr. Webster stated that he has been in conversation with both of them all along and is very surprised by this.

Doreen Keller of Goodale Road expressed the need for the township to balance the good use of tax dollars versus what is not necessary and this ordinance is not necessary. She added that she has witnessed through the past several years many times that the township has spent funds unnecessarily. Mayor Walsh asked Ms. Keller if she has noticed a change since June in wasteful spending of tax dollars. She agreed and Mayor Walsh explained that this Committee can not be held responsible for the actions of past committees.

**ORDINANCES: PUBLIC HEARING (CONTINUED)**

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

The Township Committee stated this Ordinance was discussed during the Joint Meeting of the School Board and Township Committee and only six people were present.

Ms. Phoebus asked Mr. Pierson how many people are present during a Board of Education meeting. He replied that the same five people are at every meeting.

There were comments asking that the School Board consider easier methods to address this problem rather than have an Ordinance requiring a certification which can change several times a year depending when homes are sold. There were comments regarding the placement of bus stop information on the website. Ms. Phoebus stated that due to a public safety concern this information can not be made available to the general public.

Mr. Gilsenan moved to close the public hearing, seconded by Mr. Webster and carried unanimously.

Mayor Walsh asked for a motion to adopt Ordinance #2006-24 "Bus Transportation Services Notification". Mr. Grotyohann moved to adopt this Ordinance as presented, seconded by Ms. Phoebus. Roll call vote:

- |                     |                  |
|---------------------|------------------|
| Mr. Grotyohann – no | Ms. Phoebus – no |
| Mr. Gilsenan – no   | Mr. Webster – no |
| Mayor Walsh – no    |                  |

This Ordinance was defeated.

**RECESS WAS CALLED AT 8:37 P.M.**

**MEETING RESUMED AT 8:45 P.M.**

**OPEN TO THE PUBLIC** A resident asked about the issue of Shared Services discussed under the Executive Session. Mayor Walsh explained that we are in discussions with Andover Borough regarding police and court services. There is a possibility of discussing plumbing and building inspection services. He added that we currently have a shared service with Andover Borough for Road Department services. Mayor Walsh stated there is a push by the State encouraging shared services for a way to say tax dollars. He explained that Administrator Padula has been in contact with the State with regard to the availability of grant monies for shared services which would subsidize the costs.

**OPEN TO THE PUBLIC (CONTINUED)** The resident stated that Township residents pay \$120.00 per person for police services and the Borough would pay \$40.00. Mayor Walsh explained that right now and as it has always been, our police department responds to Andover Borough 30 percent of the time and we receive nothing from the Borough for this service. The State Police contacts Andover Township for assistance and we must respond when they can't. Chief Coleman stated that the State Police does not have the manpower to respond in a timely manner. She asked if Andover Township Police Department has the manpower. Chief Coleman explained that is something that is currently being reviewed.

Mayor Walsh asked this resident to identify herself, Mrs. L'Hommedieu of Cherokee Road, Rolling Hills.

Steve Dugan, Andover Township Volunteer Fire Department member for 13 years stated that he has witnessed many times in those years that our police department has responded to Andover Borough and there has never been any compensation for this service. He commends the Township Committee in taking the necessary steps to see that Andover Township receives something for their response to Andover Borough for all these years.

Mayor Walsh stated that if we could assist another town and add personnel to our department in the process by way of State funding this is something that should definitely be investigated. By having the funding to add manpower, which will mean better coverage in Andover Township.

Mayor Walsh stated that if there is agreement, this will be tried for one year. Administrator Padula stated that we are currently completing the fourth year of a five year contract regarding Road Department services. Mayor Walsh stated that the last administration never applied for any grants for this shared service.

Resident Phil Boyce asked about the Possibility of Violation of the Law matter listed under Executive Session. Mayor Walsh stated this issue can not be discussed at this time.

Dan Freed, Open Space Committee member made a formal request to put the mechanism in place for the Open Space Trust Fund. There was a consensus by the governing body to direct Attorney Semrau to begin this process. Attorney Semrau stated everything will be in place by the first of the year.

Doreen Keller remarked about the parking situation on Goodale Road during soccer tournaments. Mayor Walsh stated promises were made to run van shuttles from Hillside Park to alleviate the parking problem. Various solutions were discussed at this time. He will look into this matter with Administrator Padula and Supervising Laborer Dickinson.

Mr. Pierson was present on behalf of the Highlands Soccer Club. He referenced his email to the Recreation Director regarding their request for turf fields in Andover Township. There was discussion regarding how these fields though expensive in the beginning will eventually pay for itself through the maintenance savings.

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

**RESOLUTIONS:**

**#R2006-182 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE  
TO ISSUE A TAX REFUND TO BLACK DAUGHTERS  
PROPERTIES, LLC IN REGARDS TO THE REDEMPTION  
OF TAX SALE CERTIFICATE #751-91 SOLD FOR  
DELINQUENT TAXES FOR BLOCK 159, LOT 7, IN THE  
AMOUNT OF \$6,058.54**

Lois de Vries explained that the Land Use Board just gave preliminary and final approval for this property. Administrator Padula explained that this refund is for the sale of a tax sale certificate held by Black Daughters and in 1991 the property was owned by their father. The certificate was not redeemed and the monies can now be dispersed. Black Daughters have now come forward.

Mr. Webster moved to approve this Resolution as presented, seconded by Ms. Phoebus and carried unanimously.  
(See Insert Attached to These Minutes)

**ORDINANCES: PUBLIC HEARING (CONTINUED)**

**#2006-25 TO AMEND CHAPTER 115 “PERSONNEL  
POLICIES” SECTION 115-8. HOLIDAYS  
AND PERSONAL DAYS**

***“AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 115  
“PERSONNEL POLICIES” OF THE REVISED GENERAL  
ORDINANCES OF THE TOWNSHIP OF ANDOVER”***

Mr. Webster moved to open the public hearing, seconded by Mr. Gilsenan and carried unanimously.

Hearing no comments from the public, Mayor Walsh closed the public portion.

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 November 13, 2006, was advertised according to the law and was brought before the public for final consideration. There being no objections, Mr. Webster moved the adoption of the above entitled ordinance, seconded by Ms. Phoebus. Roll call vote:

Mr. Webster – yes  
Mr. Grotyohann – yes  
Mayor Walsh – yes  
Ms. Phoebus – yes  
Mr. Gilsenan – yes

**ORDINANCES: INTRODUCTION**

**#2006-26 TO AMEND CHAPTER 115 "PERSONNEL POLICIES"  
SECTION 21 "CRIMINAL HISTORY BACKGROUND  
CHECKS"**

***"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING CHAPTER 115, "PERSONNEL POLICIES," SECTION 21, "CRIMINAL HISTORY BACKGROUND CHECKS OF EMPLOYEES AND VOLUNTEERS OF NONPROFIT YOUTH SERVING ORGANIZATIONS"***

***BE IT RESOLVED*** by the Mayor and Committee of the Township of Andover, that Ordinance #2006-26, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on December 11, 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. Gilsenan – yes   | Mr. Webster – yes |
| Mr. Grotyohann – yes | Ms. Phoebus – yes |
| Mayor Walsh - yes    |                   |

**#2006-27 BOND ORDINANCE FOR VARIOUS CAPITAL IMPROVEMENTS**

***"BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$25,750 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$24,523 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF"***

***BE IT RESOLVED*** by the Mayor and Committee of the Township of Andover, that Ordinance #2006-27, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on December 11, 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:

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

**OTHER BUSINESS**

**DISCUSSION REGARDING WEB/NETWORK SERVICES** Mr. Webster explained that Bob Smith, a member of the Recreation Committee has volunteered his services to redesign the municipal website. He has assisted the municipal staff in resolving many of their computer issues. Mr. Webster stated he and Mr. Smith had some discussions about the use of computer facilities throughout the township. The police department, the school board and the municipal building all have their own contractor. He and Mr. Smith discussed this and thought perhaps we could save money for the township by bringing all services under one contract and eliminate the possibility of duplication of services.

Ms. Phoebus stated she was present during this meeting and she said the knowledge that both Mr. Webster and Mr. Smith bring to this township we should all be very thankful. We are lucky to have these gentlemen because they understand this process and can save the township some money.

Decision was made to have Mr. Webster and Mr. Smith continue to research this issue. Chief Coleman informed the Township Committee that he had made a recommendation in 2005 to bring the contractor for the on board in the municipal building in order to attempt to do the same thing.

**PROPOSED AMENDMENTS TO THE CURRENT FENCE ORDINANCE**

Mayor Walsh explained that this Ordinance was revised several months ago because certain fence heights referred to in the Ordinance were only available through special order. He suggested that any further amendments to this ordinance should be handled through the Master Plan amendment process. Additional comments were made at the time of the public hearing, those comments have been incorporated and the draft Ordinance will be forwarded to the Land Use Board for consideration in the Master Plan. All members agreed.

**APPROVAL OF OFF PREMISE RAFFLE LICENSE – #R.L. 767  
KAREN ANN QUINLAN MEMORIAL FOUNDATION – TO BE HELD  
MAY 23, 2007 AT THE FARMSTEAD GOLF & COUNTRY CLUB**

Mr. Webster moved to approve this license, seconded by Mayor Walsh. Roll call vote:

Mr. Webster – yes

Mayor Walsh – yes

Ms. Phoebus – abstain

Mr. Gilsenan – yes

Mr. Grotyohann – yes

**COMMITTEE REPORTS**

**MR. GROTYOHANN.** He reported the next Board of Health meeting is scheduled for Wednesday, December 13<sup>th</sup>. He and Administrator Padula continue to meet with various health insurance companies in an attempt to save some money. The task is to keep the benefits the same but save money where we can. Progress is being made.

There was a meeting on the proposed Town Center and we are moving forward and negotiations are continuing.

**MS. PHOEBUS.** She reported on the Senior Luncheon thanking Jackie Huelbig and the entire Recreation Committee. They provided all the food. The New York City bus trip is scheduled for this Saturday with a waiting list if there are cancellations. She reported that on Sunday, December 3<sup>rd</sup>, the Children's Holiday Party is scheduled for 2:30 at Hillside Park Hall.

The teen dance was a great success and the 7<sup>th</sup> and 8<sup>th</sup> graders really enjoyed themselves. She stated the DJ is provided by a private donation made by one of our residents.

She informed everyone that Andover Township Day is scheduled for May 2007 and if anyone wants to assist, to please contact the Recreation Committee.

Ms. Phoebus stated that the newly installed message board is working out very well.

The Fire Department's monthly meeting is scheduled for Monday, December 4<sup>th</sup> and she will provide a report at the next Township Committee meeting. Regarding the cistern ordinance draft and review, the proposed amendments are being reviewed by Attorney Semrau and an introduction should be scheduled.

**MR. GILSENAN.** He reported that on December 5<sup>th</sup>, he and Chief Coleman will be going to the Sussex County Court House to inspect the walk through metal detectors and will report their findings at the next meeting.

He also stated that Administrator Padula had advised that the Homeland Security Defense Grant funds can be applied to this purchase.

He reported that he was unable to attend the last Environmental Commission meeting due to personal reasons. Chairperson de Vries reported that there was not a quorum available for this meeting so there was an informal discussion held regarding detention basins.

Mayor Walsh asked Ms. de Vries to ask Diane Gillespie to visit Goodale Road and give an opinion as to what can be planted there to provide a proper buffer between the park, the road and Mrs. Keller's home. It was reminded that free trees were offered last year to provide a buffer in this area and the former Administrator had refused them.

**COMMITTEE REPORTS: (CONTINUED)**

**MR. WEBSTER.** He reported that he will contact School Board Administrator VanAuken and the president of the Sussex County Realtors Association and come up with a solution to the bus transportation issue. A suggestion was to make school information a part of the municipal welcome packet.

**REPORT FROM THE TOWNSHIP ADMINISTRATOR** He reported the scheduled date for the receipts of bids and supporting documents for the new distribution liquor license is December 11<sup>th</sup> at 1:00 p.m. The actual bid opening is December 18<sup>th</sup>.

He stated that \$12,259.56 was received through the sale of surplus municipal equipment held in Sparta late last month.

Assemblyman Guy Gregg called and confirmed that the next phase of Department of Transportation grant funds have been awarded and Andover Township will receive \$150,000.00 for Skytop Road Phase IV.

He recommended that beginning next year we should consider Workshop Sessions in order to discuss certain topics before action is taken at a Regular meeting.

He reported that he contacted a local physician who will provide a program on Stress Management on December 15<sup>th</sup>. There is no charge for this seminar. All employees will be invited to attend.

Administrator Padula reported that traffic lines were placed on Huntsville Road, Yates Avenue and Skytop Road. The drainage projects for Hillside Avenue and Fenner Drive have been deferred until the Spring 2007.

He stated that due to the efforts of Bob Smith, who volunteers his time almost everyday in the municipal building assisting employees with computer issues and updates our website regularly, he strongly recommends that he be named Citizen of the Year for 2006. All agreed.

Mayor Walsh informed everyone that Attorney Semrau reviewed several avenues in which the municipality could be eligible for additional revenues. With regard to liquor licenses, Andover Township has reached its capacity for its population. But he discovered the fact that Andover Township does not have a Distribution License and we are entitled to one. Bids with a minimum of \$150,000.00 will be accepted shortly. We had three interested people pick up bid packets.

Administrator Padula also stated he is in the process of filing an application for the Mayors' Wellness Grant.

**REPORT FROM THE CHIEF OF POLICE** He reported year to date Andover Township dispatch has received 7,707 calls for service, Andover Borough 260, Hamburg 4,974 and Green Township 484. Chief Coleman stated he will prepare a year end report for the last meeting of 2006.

He also notified the Township Committee that the recruit Daniel Kern will be graduating from the Police Academy on December 7th. All are welcomed to attend.

**REPORT FROM THE MUNICIPAL ATTORNEY** He reported that he will be working on the Open Space Trust Fund and the initial tax has been set at \$.01 for the first year.

Regarding the request for a Growth Share Ordinance and Andover Township has no affordable housing funds at all, Planner McGroarty, Attorney Germinario, Mr. Webster and Planning Board Chair Christodlous have met and submitted for the Township Committee's consideration, a draft. Planner McGroarty offered to attend the next meeting in order to explain the Ordinance. Attorney Semrau stated that the draft is consistent with the Third Round rules and a lot of thought went into it in order to address the township's situation. They agreed the Planner should attend and if anything needs to be amended it can be done prior to introduction and final adoption.

Attorney Semrau then referenced the Developer's Fee Ordinance but he stated that can not be addressed at this time because we need COAH approval for the form of the Ordinance.

**NEXT SCHEDULED MEETINGS:**

**December 11, 2006 at 6:30 P.M.  
Regular Meeting to Begin at 7:30 P.M.**

**December 28, 2006  
Regular Meeting to Begin at 10:00 A.M.**

**ADJOURNMENT** No further business appearing before the Committee at this time, Mr. Grotyohann moved the meeting be adjourned at 9:51 P.M., seconded by Ms. Phoebus and carried unanimously.

Respectfully submitted,

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Tom Walsh, Mayor

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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 28<sup>th</sup> day of November, 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.

**Attorney-Client Privilege:**

**1. Update on the Investigation of Possible Violations of the Law**

- ( ) 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:

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Moved:

Seconded:

Voted Aye:

Voted Nay: None

Abstained:

Resolution adopted.

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