

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

TOM WALSH, MAYOR
GAIL PHOEBUS, DEPUTY MAYOR
PHIL BOYCE
MICHAEL LENSAK
BOB SMITH

MARCH 29, 2010

EXECUTIVE SESSION – 6:30 P.M.

REGULAR MEETING – 7:30 P.M.

The regular meeting of the Andover Township Committee was called to order at 6:30 P.M. by Mayor Walsh, followed by a salute to the flag.

ROLL CALL: Present: Mr. Boyce, Mr. Lensak, Mr. Smith,
Ms. Phoebus, Mayor Walsh
Also present: 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 MS. Phoebus, seconded by Mr. Lensak, the resolution to go into executive session to discuss

Personnel Matters:

1. *T. Day, Chief Financial Officer*

Contract Negotiations:

1. *Property Acquisition – Scotto Properties*
2. *Possible Shared Services Including Contract Negotiations with Personnel and Budgeting*

Attorney-Client Privilege:

1. *T. Sugar, Court Administrator*

Potential Litigation

Pending Litigation

1. *PSE&G Litigation*

Ms. Phoebus moved to amend the motion, seconded by Mr. Lensak and carried unanimously.
(See Insert Attached to These Minutes)

The Committee went into executive session at 6:36 P.M. Ms. Phoebus moved to adjourn executive session at 7:35 P.M., seconded by Mr. Lensak and carried unanimously.

REGULAR MEETING

APPROVAL OF AGENDA Ms. Phoebus moved to approve the agenda as presented, seconded by Mr. Lensak and carried unanimously.

APPROVAL OF CONSENT AGENDA ITEMS Mr. Smith asked Resolution #R2010-68, 71 and 72 be removed for separate discussion. Mayor Walsh asked to pull invoice #117204 in the amount of \$8,366. Ms. Phoebus moved to approve the Consent Agenda as amended, seconded by Mr. Boyce and carried unanimously.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

**APPROVAL OF VOUCHERS FOR PAYMENT
(SEE INSERT ATTACHED TO THESE MINUTES)**

***RESOLUTIONS:**

#R2010-67 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND TO ALMERIC AND KELLY CIANCIULLI IN THE AMOUNT OF \$1,745.42 FOR AN OVERPAYMENT IN THE FIRST QUARTER 2010 TAXES FOR BLOCK 43/LOT 4

#R2010-69 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AUTHORIZE AN EMERGENCY TEMPORARY APPROPRIATION TO THE 2010 TEMPORARY BUDGET

#R2010-70 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY - CANCELLATION OF OUTSTANDING CHECKS

(See Inserts Attached to These Minutes)

***APPROVAL OF MINUTES**

FEBRUARY 22, 2010 REGULAR MEETING

REGULAR AGENDA

RESOLUTIONS

#R2010-68 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO OPPOSE THE PASSAGE AND ENACTMENT OF SENATE BILL 458

Mr. Smith stated he pulled this resolution because it seems to him it is exactly the type of thing that we are attempting to do which is consolidation and shared services. He added that he disagrees with almost all of the reasons and feels the arguments are weak. He added that this is a public referendum and if we oppose it it means we are not interested in hearing what the public has to say about this issue. He stated he does not feel we should adopt this resolution. Attorney Semrau explained this Bill calls for certain services to be taken over by the County and in his experience with this issue, there is a lot of information that has yet to be distributed. Based on his discussions with the Assessors' Association and Tax Collectors' the concern is these services would go to the County so if there is a question you would have to contact the County level for these answers who perhaps may not understand your municipality. There has been no study done whether there would be a cost savings and what the charge back would be ultimately to the Township.

Mr. Smith stated he feels we serves as a collection agency for the County, State and Board of Education with no compensation for that service. If it were a shared service, we would pay for them to be the collecting agency. Attorney Semrau explained the pilot program in Gloucester County that began last year that was to run for five years placing the assessors at the County level, which most states do have it that way.

RESOLUTIONS (CONTINUED)

#R2010-68 Attorney Semrau stated that the argument is this is being rushed without any proof that there would be savings. Attorney Semrau recommended to rewrite this resolution with stronger reasons to oppose this Bill. He suggested asking the Collector and Assessor for additional factors to consider in rewriting this resolution.

Mr. Smith moved to table this resolution for the April 12, 2010 meeting for revisions to be made to the current draft. The motion was seconded by Ms. Phoebus and carried unanimously.

#R2010-71 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AWARDING THE CONTRACT FOR THE 2010 TURF CARE PROGRAM FOR MUNICIPAL PROPERTIES AND BALL FIELDS TO FARMSIDE LANDSCAPE & DESIGN

Mr. Smith in reading the contract found a misprint where the party read as the Owner and it should have been the Contractor. Mr. Lensak agreed it is a misprint and a correction was made to the contract. Ms. Phoebus moved the resolution with the amendment, seconded by Mr. Boyce and carried unanimously.

#R2010-72 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT ANGELA THIES TO THE POSITION OF CLERK-TYPIST TO PROVIDE SECRETARIAL SERVICES FOR THE OPEN SPACE, RECREATION AND FARMLAND AND HISTORIC PRESERVATION COMMITTEE

Mr. Smith stated this resolution addresses the hiring of an individual to serve as a recording secretary for the Open Space Committee. He stated that when he did the math the total amount of the contract should read not to exceed \$1056.00 so to be consistent. He asked if this appointment is based on the recommendation from the Open Space Committee and if there are funds available. The answer to both questions is yes. He asked is there should be expiration to this appointment and Ms. Thompson explained that the resolution runs for the year it is adopted. This appointment is per diem and we have no other obligation. Attorney Semrau explained that if there is dissatisfaction, the Committee can terminate at any time.

Mr. Smith moved to approve the resolution with the change in the salary cap, seconded by Mr. Boyce and carried unanimously.

(SEE INSERTS ATTACHED TO THESE MINUTES)

APPROVAL OF MINUTES:**JANUARY 01, 2010 REORGANIZATION EXECUTIVE SESSION**

Mr. Boyce moved to approve the foregoing minutes as presented, seconded by Ms. Phoebus. Roll call vote:

Mr. Boyce – yes
Ms. Phoebus – yes
Mayor Walsh – yes

Mr. Lensak – yes
Mr. Smith – abstain

APPROVAL OF MINUTES:**JANUARY 08, 2010 SPECIAL EXECUTIVE SESSION
JANUARY 25, 2010 EXECUTIVE SESSION**

Mr. Boyce moved to approve the foregoing minutes as presented, seconded by Ms. Phoebus. Roll call vote:

Mr. Boyce – yes
Ms. Phoebus – abstain
Mayor Walsh – yes

Mr. Lensak – yes
Mr. Smith – yes

REGULAR AGENDA

OPEN TO THE PUBLIC Following Mayor's Walsh's reading of the rules for the public portion, Chief Coleman made a comment to the public stating he feels compelled to come before the Committee this evening to make a statement. In the past several months and the past year his department has been asked several times to perform security details at some meetings regarding certain issues. He stated he understands the public is very passionate with their views. He added that because of some recent incidents he stated he has to advise everyone that police officers are present at meetings. There have been incidents that border on or carry into disorderly persons offenses that can be charged and he warned that if something happens in their presence he has instructed them to either make the arrest or sign a complaint. Mayor Walsh added that anyone approaching the benches in a menacing manner or aggressive they will be removed from the meeting. This behavior will not be tolerated at any meeting including Land Use and any other.

Anthony Massaro of Current Drive spoke about the zoning change being considered this evening for introduction. He stated the Planner mentioned at the Land Use Board meeting that the zoning can be changed in that area of Limecrest Road because it is only 2 ½ miles from Route 15. Mr. Massaro stated that the Planner did not tell the public that the property is about 3/10ths of a mile from a residential section on Limecrest Road. He added it is only about 1 mile from Newton-Sparta Road. He stated there could be a traffic impact on our residents in those areas. He asked why don't we have the petitioner who wants to put his business in an area that is not zoned for that file for a variance. If he does that the onus is on him to prove that the business should be there. He stated he would hate to see this ordinance pushed through without the people being heard.

Dan Freed of 85 Lawrence Road echoed what Mr. Massaro just stated. He stated we have the ordinances we need for the Land Use Board to do what they need to do to protect the town. He said he is concerned about expanding the content of what the Industrial Zone may be labeled as going beyond just the asphalt plant, to have the cement plant to include asphalt.

Jeffrey Wolk of 34 Payne Road said he knows that the town is in dire need of ratable and he knows that the Committee works hard to do just that. He said there is a problem with our education budget and some of that will fall on the taxpayers. He said he doesn't know if Cambridge proposal is a good one, not knowing enough about it. He doesn't know how this rezoning proposal fits in with our Master Plan and he doesn't know if anyone has even addressed that issue. Mr. Wolk stated it certainly was not addressed by the Land Use Board. The Land Use Board made an interesting proposal and he recommended that the Committee think about the Township look at all of the areas in the Township that are zoned light industry. Mr. Wolk stated Chair O'Connell then established a Committee to look at these areas throughout the Township and come back with a report with recommendations as to what we as a Township want to do. He said he does not to give a message that he opposes this project because there are weights in favor of the project but there may be some in opposition.

OPEN TO THE PUBLIC (CONTINUED) Mr. Wolk said if we are to make zoning changes we ought to do so on a much grander scale. He suggested the Township Committee wait for this report from the Land use Board.

Attorney Semrau stated early on there was a request for a zone change and that was sent back to the Township Planner. That actual request came with a proposal to change that particular industrial zone. The Township Planner looked at all the zones and came back with various recommendations and went before the Land Use Board at the direction of the Township Committee. The Committee did not make any determination except to hear what the Land Use Board has to say. He said this was a prohibited use and this is not about the application but making sure there is planning guidance and direction in the Master Plan, Reexamination and in the Ordinances. The Planner came back with a proposal to change the Reexamination Report, the Land Use Plan and ultimately, he has come back with an Ordinance for the Committee to review. Attorney Semrau asked to keep in mind that in this process it is not about a particular application. It is to make sure that if there is a prohibited use, we can come up with recommendations and specific guidelines. He stressed this is not about an application but to make sure the planning tools are there to protect the Township and also guide appropriate planning techniques. This is for all the industrial zones, there wasn't just one looked at. One Ordinance has come forward from this process and others may follow.

Diane Gillespie of Andover-Mohawk Road stated she agrees with the comments made earlier from Mr. Massaro, Mr. Wolk and Mr. Freed. She said after attending various township board and commission meetings she stated she does know that Andover does not quickly write ordinances and pass them. She said there is a perception that this is being done piece-meal because if it weren't we wouldn't have an ordinance that designates certain blocks and lots. She said it wouldn't be done in such a timely fashion. She added that she does not think they have given the Land Use Board the chance to really look at this matter and discuss it. If everything was looked at and considered there should be a much larger ordinance. She asked why a copy is not available for the public. Attorney Semrau stated copies will be made available once, if it is introduced.

Attorney Semrau added there was an application filed last year. In talking about expediency and under the circumstances, if the Committee were to just let things go and not act then none of the planning tools would be in place. The Land Use Board is autonomous, they made certain recommendations, and no one forced them to make them. They had all the data and voted on a Reexamination Amendment and a Master Plan Amendment. Again, he stressed, no one voted for the application, but if you don't move timely, an application will move forward with whatever there is on the books right now, which may not be the best thing for the Township. He said things have moved along promptly but they moved along in the right way. He said he has seen the Committee be criticized in the past when Land Use matters have come before them and they are not deferred to the Land Use Board. The Planner independently with no condition he had to make any kind of decision, he looked at various township documents and came back with recommendations that were approved by the Land Use Board. If these planning recommendations are taken into account, now is the time for them to be considered. There may be a significant application coming forward and we want to be ready for that and this Committee can make a decision.

Ms. Gillespie then stated what she is hearing that moving forward any other recommendation that a resident may have about revisiting ordinances will be done in the same timely manner that this one was done because she prefers consistently in these matters. Attorney Semrau stated that same night that Cambridge made a request for review of the industrial ordinance, a resident came forward with a question regarding the Steep Slopes ordinance and the next day and before the Cambridge request was considered, the Planner had already responded and made recommendations. Mr. Boyce said it would be our goal to make every proposal as efficient as possible.

John Carafello of Eileen's Way stated he disagrees with Ms. Gillespie that all ordinances are not the same. He said he knows most of the Land Use Board membership and you will not get them to do anything unless they want to. A great deal of work went into this ordinance and like many projects; there are timelines to adhere to. He suggested the Planner be given an opportunity to present before us on this matter.

OPEN TO THE PUBLIC (CONTINUED) Jack O'Krepky of Dana Drive stated he is a professional engineer and planner. He stated the Township Committee is being very polite to the audience saying the planning process is very complicated and to the layperson, they look at things that aren't right and assume that what they think is the way it will be done. When Mr. Massaro said we would only require them to come for a zone change that is not how the law works. The law says if you don't zone this property industrial and this company wants to come in, you locked them out. According to the laws they can't go to the Planning Board because the way of the Appellate Division, you cannot break the zoning. He said what the Township Attorney stated earlier and he believes what the Planner will say will be good for the municipality. You want these tools in place and you do not want a town with all houses.

Seeing no other hands, Mayor Walsh closed the public portion.

ORDINANCES: INTRODUCTION

NO. 2010-04 BOND ORDINANCE – SOLAR PROJECT

“BOND ORDINANCE PROVIDING FOR THE SOLAR PHOTOVOLTAIC) PROJECT IN AND BY THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$237,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”

Mr. Lensak explained the financing portion of this project stating the cost projection is on the high side. He said we are looking at about \$172,000 if we get that \$32,000 rebate. Using a 5.5% interest rate, we are in the black in the 7th year. The CFO believes the interest rate will be about 2.5%. At the end of 20 years we have a commutative net cash flow of almost \$250,000 and the end of 30 years we could bring in close to a half of million dollars in savings and serecs.

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2009-04, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on April 26, 2010 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. Boyce – yes	Mr. Lensak – yes
Ms. Phoebus – yes	Mr. Smith – yes
Mayor Walsh – yes	

NO. 2010-05 TO AMEND CHAPTER 190 “ZONING” GENERAL INDUSTRIAL ZONE DISTRICT

“AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “ZONING” OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO ESTABLISH A NEW ZONE DISTRICT TO BE KNOWN AS THE “GENERAL INDUSTRIAL” ZONE DISTRICT AND TO REVISE CERTAIN DEVELOPMENT STANDARDS IN CHAPTER 131 ENTITLED “SITE PLAN REVIEW” AND IN CHAPTER 190 IN REGARD TO THE NEW GENERAL INDUSTRIAL ZONE DISTRICT”

Ms. Phoebus recused herself from this Ordinance and stepped down from the dais. Planner McGroarty was present to provide an overview.

ORDINANCES: INTRODUCTION (CONTINUED)**NO. 2010-05 TO AMEND CHAPTER 190 "ZONING"
GENERAL INDUSTRIAL ZONE DISTRICT**

There was an application filed last year for a certain concrete production facility and Land Use Board evaluated that. Their determination that it satisfied the light industrial zone but notwithstanding that, recognized after a hearing process that in the zoning ordinance there is a specific prohibition against asphalt and concrete plants. That lead to whether or not these types of uses are desirous. If so, where would they be best located. That was given to him to evaluate and report his suggestions.

In the Reexamination Report, he had suggested six industrial zones. He cited in that report the reasons why. He then looked at if the Township desires these types of facilities where would they be best located and in his judgment the industrial zones the one in proximity to the active quarry makes the most sense. He articulated the reasons why in the amendments. This ordinance would create a general industrial zone district encompassing three parcels. These three parcels are presenting zoned industrial by the quarry and borders Lafayette and Sparta. It would essentially mirror all the permitted uses that are presently allowed in the industrial zone and it would allow the same bulk standards.

He recommended that a specific category be created as a conditional use for concrete production and products and asphalt production and products. We would attach a number of performance conditions to that. If there is another application, that applicant would have to adhere to the specific conditions that are now laid out in the ordinance which are currently not on the books today. It would be a more intensive use and it doesn't belong in other industrial zones and if it were to be located here, it needs to adhere to the very specific standards that he believes works best as he has outlined in the ordinance.

Planner McGroarty stated that concrete plants or any type of concrete production are regulated by the Department of Environmental Protection and there is a lengthy permit process with regards to storm water management and a variety of other items. He added that C-1 streams and wetlands also fall under the jurisdiction of the NJDEP.

Mr. Boyce commended Mr. McGroarty on a job well done. He asked if he looked at all the industrial acres in the municipality when he drafted this report. Mr. McGroarty said he did, he did not physically investigate all but he did visit some including this site. He evaluated all the industrial zones by going through the tax records and reviewing all documents including the Master Plan and zoning ordinances back to the 1950's. Mr. Boyce said he noticed an excerpt from the Master Plan from that time. Mr. Boyce read, "once again there is a need to provide sufficient space for industrial sites, yet not contradict the basic planning goal of maintaining a rural character in the community."

Mr. Smith asked would the adoption or denial of this ordinance have any affect on an applicant's ability to apply for a variance in the future. Mr. McGroarty responded that as a planner and not an attorney in his perspective the answer is there is no action that this Committee can take can prevent an applicant from filing for a variance. Mr. Lensak asked if Mr. McGroarty was in any way coerced to move in a specific direction by any member of the Land Use Board, Cambridge Pavers, members of the Township Committee and landowners. Mr. McGroarty replied he was not and he had that experience in Andover already because some of the recommendations he had made were not necessarily been accepted. He said no one has told him what conclusions to come to and based on the integrity of his work he has to do that independent of any other instructions.

Mr. Lensak stated the Town has utilized Mr. McGroarty for four years and he has always held himself to that standard which he admired, though did not always agreed with him.

ORDINANCES: INTRODUCTION (CONTINUED)NO. 2010-05 TO AMEND CHAPTER 190 "ZONING"
GENERAL INDUSTRIAL ZONE DISTRICT

Mr. Boyce stated there have been some questions raised about the escrow funding by one principal for this process and he asked Mr. McGroarty if this is normally the case. Mr. McGroarty said he submits his invoices to the municipality. He stated as in this case there is interest and rather than the township pay for the professional services an escrow account would be established and charged. He stated that the party he has to satisfy is the Land Use Board and the Township Committee. If you do not want the ordinance, you will not adopt it.

Mr. Boyce added that it is a good thing we got a very thorough and comprehensive report on all our industrial zones and the taxpayers didn't have to pay for it.

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2009-05, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on April 26, 2010 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. Boyce – yes	Mr. Lensak – yes
Mr. Smith – no	Mayor Walsh – yes

Mr. Boyce moved to schedule the public hearing on this ordinance for April 26, 2010, seconded by Mr. Lensak and carried unanimously.

Ms. Phoebus joined the Committee on the dais.

ORDINANCES: PUBLIC HEARINGNO. 2010-03 TO AMEND CHAPTER 20 "ANIMALS"
SECTION 20-6 "DELINQUENT FEES"***"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER,
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY
AMENDING CHAPTER 20, "ANIMALS" OF THE REVISED
GENERAL ORDINANCES, SECTION 20-6 "DELINQUENT FEES"***

Mr. Smith explained the purpose of this ordinance is to reduce the late fee penalty on dog licensing. We had the most stringent ordinance in the County. The late fee is now \$5 per month each month after January 31 for the remainder of the year.

Ms. Phoebus moved to open the public hearing, seconded by Mr. Boyce and carried unanimously. Seeing no hands, Ms. Phoebus moved to close the public hearing, seconded by Mr. Lensak and carried unanimously.

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 March 08, 2010, was advertised according to the law and was brought before the public for final consideration. There being no objections, Ms. Phoebus moved the adoption of the above entitled ordinance, seconded by Mr. Lensak. Roll call vote:

Mr. Boyce – yes	Mr. Lensak – yes
Ms. Phoebus – yes	Mr. Smith – yes
Mayor Walsh – yes	

APPROVAL OF RAFFLE LICENSES**FARMSTEAD GOLF & COUNTRY CLUB**

- a. RL #905 – Our Lady of Consolation Church - Off Premise 50/50 – May 13, 2010
- b. RL #906 – Rev. Brown School – On Premise Merchandise – April 30, 2010
- c. RL #907 – Rev. Brown School - On Premise 50/50 – April 30, 2010

HILLSIDE PARK BARN

- a. RL #908 – Hampton Twp. Fire & Rescue – Off Premise 50/50 – November 13, 2010

PERONA FARMS

- a. RL #909 – SCARC, Inc. – On Premise 50/50 – May 6, 2010

NEWTON COUNTRY CLUB

- a. RL #910 – SCARC, Inc. – Off Premise 50/50 – June 22, 2010

Mr. Boyce moved to approve the foregoing licenses, seconded by Mr. Lensak. Roll call vote:

Mr. Boyce – yes

Mr. Lensak – yes

Ms. Phoebus – yes

Mr. Smith – yes

Mayor Walsh – yes

COMMITTEE REPORTS

MS. PHOEBUS. She reported last Saturday night she worked hand in hand with the fire department at their Venison Dinner. She said it was one of the nicest things she's ever done. They work extremely well as a unit. We are blessed to have this group of volunteers who work so hard for the department and the residents of the township.

Reporting on the Recreation Committee, Andover Township Day is May 22nd. The local businesses have stepped up without being asked with financial support for this event. Everything is covered except for the fireworks, pony rides, and petting zoo. There is an outpour of vendors who wish to participate. The event runs from 4PM to 9PM, ending with the fireworks. The rain date is May 23rd.

She then reported on the Andover Township schools. She said it was brought to her attention that the Long Pond School has a wastewater treatment plant that is ineffectively operating. It should be operating at 10,000 gallons per day and it is at about 2,400 gallons. It is costing them more to maintain it. This plant is a real value to that school. The plant discharge its gray water above ground to the open space acquisition we made off Lake Iliff. She said that wetlands is a great indication of a good working plant. Ms. Phoebus stated she has a meeting scheduled with County Engineer Eric Snyder to discuss potential use of this plant among other items.

Ms. Phoebus remarked that when she graduated from the Andover School is 1964 there were 554 students and in 2010 there is a population of 667 total from both schools. There is an increase of only 113 in 46 years.

MR. LENSAK. He reported on the Open Space Committee and they discussed the placement of docks on the Lake Iliff property that was purchased. They talked about the liability of a floating dock as opposed to running it off the land. The cost estimates have been received for laying down stone to prepare an access off the roadway. There will be no motorized boats, only kayaks and canoes.

Due to a conflict, he could not attend the Environmental Commission meeting. Reporting on the Lakeland Emergency Squad, their meeting was canceled due to a lack of quorum. They are hosting an Easter Egg Hunt this Saturday at Wild West City. The hunt is free.

COMMITTEE REPORTS (CONTINUED)

MR. LENSAK. He spoke at the PSE&G project and they are still moving forward with a meeting tomorrow in Parsippany. He referenced a recent newspaper article regarding one of their trucks running through a Fredon resident's property without the owner's permission.

Mr. Lensak stated that PSE&G is a stockholders' company and they are beholden to the ratepayers as well. This is a \$1.2 billion project and even if 50% is going inside the National Park Service, which isn't the case, we are talking about \$600 million to build lines to a point that they don't even know they are going to get approval.

MR. SMITH. Just returning from vacation he has no official report but a few comments. He stated this year for the first time he never saw so few Americans traveling abroad which was very concerning to him. He said it could only be a testament to our economy. When in Casa Blanca there is no Rick's Café, only invented by Hollywood. The Moroccan's build one to accommodate the Americans.

MR. BOYCE. He reported tomorrow evening the School Board will be holding their public hearing on their 2010-2011 budget. He said we are in the middle of a horrible budget situation in the municipality and they are going through the same at the school level. He encouraged everyone to attend this meeting. Superintendent Baggs and Administrator Van Auken will present the budget at the April 12th Township Committee meeting.

In speaking to Mr. Baggs this afternoon, Mr. Boyce said he wanted everyone to know that they are not cutting any programs or services. They have heard from a number of residents about this issue. Child Study Team services will be handled through shared services with the County. The School Board Election will be held on April 20th from 2PM through 9PM.

MAYOR WALSH. Mayor Walsh said their budget was a \$.05 which a home valued at \$250,000 is an increase of \$125 per year. A home assessed at \$500,000 would mean an increase of \$250 a year. This would be in addition to municipal and county taxes.

He reported we have a couple of Eagle Scout candidates working at the park repairing the sheds and putting new roofs, shingles and painting these buildings. The Recreation Committee does have a little extra money from a past ordinance in which the funds must be spent for recreation. Mayor Walsh stated he visited the school and found a location at the Long Pond School to place a softball field. Construction of this field should begin April 5th. This field can also be used during gym classes. Mr. Boyce commended Mayor Walsh because he was the one who would work to get this project done. Mayor Walsh stated the school officials wanted to construct a field and their cost would be \$60,000 and when all is said and done the total cost of this field will be between \$13,000 and \$14,000. This field will be just as professional as the more expensive plan at no cost to the taxpayer.

He then referred to the Voucher that was pulled from the Bills List. The bill was #117204 for \$8,366. He has a number of questions, beginning with the fact it is dated back to June 2009 and he wants to be able to table it and asked the Finance Department why it has taken so long to address this bill.

Ms. Phoebus moved to table this bill in order to have an explanation, seconded by Mr. Boyce and carried unanimously.

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Andover on the 29th day of March, 2010, 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.
- (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.

Contract Negotiations:

- 1. ***Property Acquisition – Scotto Properties***
- 2. ***Possible Shared Services Including Contract Negotiations with Personnel and Budgeting***

Attorney-Client Privilege:

- 1. ***T. Sugar, Court Administrator***

Potential Litigation

Pending Litigation

- 1. ***PSE&G Litigation***

(X) a. (8) Personnel matters.

- 1. ***T. Day, Chief Financial Officer***

() 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: March 29, 2010

Moved: Phoebus Seconded: Lensak
Voted Aye: Boyce, Lensak, Phoebus, Smith, Walsh
Voted Nay: None
Abstained: None
Resolution adopted. March 29, 2010
