

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

6:30 P.M.

NOVEMBER 14, 2011

REGULAR MEETING BEGINS AT 7:30 P.M.

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

ROLL CALL: Present: Mr. Lensak, Ms. Phoebus, Mr. Smith
Mr. Walsh, Mayor Boyce
Also present: Attorney Semrau

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

EXECUTIVE SESSION: On a motion by Mr. Smith, seconded by Mr. Walsh, the resolution to go into executive session to discuss

Personnel Matters:

1. **MaryAnn Frodella, Principal Account Clerk/Deputy Treasurer**

Contract Negotiations:

1. **St. Paul's Abbey Due Diligence (Executive Session "B": Item)**
2. **FOP Lodge #177, Police Dispatcher's & DPW Union Contracts Status Reports (Executive Session "B" Item)**
3. **Position of Smoke Detector, Carbon Monoxide & Fire Extinguisher Inspector**

Attorney-Client Privilege:

1. **Solar Project Status Report**
2. **Highland Farms Soil Erosion/Sediment Control Compliance**
3. **Various Flooding Issues**
4. **Leenstra Potential Litigation (Executive Session "B" Item)**

Pending Litigation:

1. **Krueger vs. Andover Township (Executive Session "B" Item)**
2. **Sussex & Warren Holding – Life Care Mews (Executive Session "B" Item)**

, was carried unanimously.
(See Insert Attached to These Minutes)

The Committee went into executive session at 6:36 P.M. Mr. Smith moved to adjourn executive session at 7:59 P.M., seconded by Mr. Lensak and carried unanimously.

Mayor Boyce announced those items on the Executive Session agenda that have not been reached and have been tagged for discussion during a second session following the regular meeting. Mayor Boyce stated that no action will be taken following that second Executive Session.

REGULAR MEETING

APPROVAL OF AGENDA Ms. Thompson asked if Resolution #R2011-140 To Appoint Joe Steinwand to the Position of Smoke Detector, Carbon Monoxide, Fire Extinguisher Inspector Effective November 1, 2011 to the Consent Agenda. Mr. Lensak asked about Resolution #R2011-139 confirming the rate of compensation to Byram will remain unchanged for the next two years. Ms. Thompson said the rate stays the same at \$5000 with the addition of Salt Brine Treatment to that area of roadway by the Andover Township DPW. Mr. Walsh moved to approve the agenda as amended, seconded by Mr. Smith and carried unanimously.

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

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Insert Attached to These Minutes)

TAX COLLECTOR'S OCTOBER 2011 REPORT - \$1,433,707.07

APPROVAL OF RAFFLE LICENSE – RL #987 – ST. JOSEPH'S REGIONAL HAS OFF PREMISE MERCHANDISE RAFFLE TO BE HELD ON MARCH 3, 2012 AT PERONA FARMS

TREASURER'S REPORT FOR THE MONTH ENDING SEPTEMBER 2011

***RESOLUTIONS:**

#R2011-137 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO ISSUE A TAX REFUND TO US BANK CUST FOR CRESTAR CAPITAL I, LLC IN REGARDS TO A NON-ISSUED TAX SALE CERTIFICATE SOLD FOR DELINQUENT TAXES FOR BLOCK 116 LOT 21 C0411 IN THE AMOUNT OF \$2,905.79

#R2011-138 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO ISSUE A TAX REFUND TO US BANK- CUST FOR PRO CAPITAL I, LLC IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE # 10-00002 SOLD FOR DELINQUENT TAXES FOR BLOCK 109, LOT 4.01, C0120, IN THE AMOUNT OF \$15,227.83

#R2011-139 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF THE SNOW REMOVAL SERVICES AGREEMENT WITH THE TOWNSHIP OF BYRAM

#R2011-140 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT JOSEPH STEINWAND TO THE POSITION OF SMOKE DETECTOR, CARBON MONOXIDE AND FIRE EXTINGUISHER INSPECTOR EFFECTIVE NOVEMBER 1, 2011

(See Inserts Attached to These Minutes)

PRESENTATION BY MARSHALL CHUDLEY, TROOP #85, EAGLE SCOUT CANDIDATE

Marshall Chudley provided a power point presentation to the Committee and audience. Mayor Boyce stated Eagle Scout candidate Chudley is preparing to be an Eagle Scout and this is part of his process.

He began by saying this presentation is about his project for Eagle Scout which is to build bat enclosures for the Township of Andover. He plans to construct around 40 which will greatly benefit the declining bat population of this area. Bats are necessary to the environment as well as being beneficial to humans. He stated that due to the high amount of rain fall the mosquito population has exploded. Mosquitoes are pestilent to humans and they spread disease from victim to victim. The increase in bats will quail the mosquitoes.

The bats in this area have been declining in numbers due to loss of habitat and white nose syndrome. This disease is a fungal growth that collects in the mussels in the facial area. Since being identified in 2006, this disease has claimed the lives of over 1 million bats. All attempts to maintain it are mandated to fumigate it *in order to stop the spread. There are no ways to treat it.*

He said he will work at Hillside Park Recreation area with the help of fellow scouts, friends and family. He estimates about 14 days of total work depending on the amount of assistance. When the boxes are complete, he will meet with people from the DPW to decide where these boxes should be located. They have to be at least 10 feet above the ground. They will be placed on public land throughout the municipality. When completed, up to 100 bats will be able to live in one house. This project has the potential to bring up to 4000 bats into the area and returning the area to its natural state.

Mayor Boyce asked if the building of the bat habitat will encourage them to live there and discourage them from going into attics and barns. He replied that to put tar paper on the front of the house will create a warm environment as a attic may or may not be a suitable climate.

PRESENTATION BY PAT KIBILDIS, ACTION ALLIANCE COORDINATOR

Ms. Kibildis was present and she stated she is the County coordinator for 12 Alliances in Sussex County. The Action Alliance Coordinator Kevin Stanton, an Administrator working in the Merriam Avenue School could not attend this evening. She explained that the Action Alliance is made up of four towns, Andover Borough, Andover Township, Green and Newton. With that, the four towns receive a total of \$18,772 from the State to do substance abuse prevention education programs. This is education for all ages, from the very young to old. She stated the grant puts in 25% cash match and the breakdown is calculated by population. Since Andover Township is providing a DARE program to its schools in which the Township pays a police officer to run this program, that money for that officer's salary can be counted toward the cash match. Ms. Thompson stated that the Township pays an officer for salary and supplies nearly \$2300 for the DARE program. Committee meetings for the Alliances are held every quarter.

Mayor Boyce stated he served as Chairman for one year under Carol Wiley and he is familiar with the programs. He stated his concern was the matching funds. The Committee as a whole is coming up with \$46593. There is a breakdown for each town as a guide for contribution and if Andover Township's portion is \$6000 the cash match is \$1500. The balance of the amount would go to the in-kind portion. There will be no further cash contribution from Andover Township. Without a DARE program we would have to come up with a cash portion, such as Ogdensburg whose DARE is provided through the Sheriff's office and they don't pay for this service.

RESOLUTION**#R2011-141 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE SUBMISSION OF AN APPLICATION FOR THE ACTION ALLIANCE GRANT FOR CALENDAR YEAR 2012 IN THE AMOUNT OF \$18,772.00**

Ms. Phoebus moved to approve this resolution as presented, seconded by Mr. Walsh and carried unanimously.

(See Insert Attached to These Minutes)

PUBLIC HEARING ON PERSON TO PERSON LIQUOR LICENSE TRANSFER**PLENARY RETAIL CONSUMPTION LICENSE #1902-33-003-002 FROM ALSATIAN CORPORATION T/S LAKE LENAPE LODGE TO McRITE ENTERPRISES, INC. T/A LAKE LENAPE LODGE AND CONSIDERATION OF RESOLUTION TO TRANSFER**

Mayor Boyce opened the public hearing and seeing no hands, he closed the hearing.

RESOLUTION**#R2011-142 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPROVE THE PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-003-002 FROM ALSATIAN CORPORATION T/A LAKE LENAPE LODGE TO McRITE ENTERPRISES, INC. T/A LAKE LENAPE LODGE EFFECTIVE IMMEDIATELY**

Mr. Walsh moved to approve the foregoing resolution as presented, seconded by Mr. Lensak. Attorney Semrau stated that the Clerk's Office is satisfied that this application has complied with the requirements of having a satisfactory background check and also clearance from the appropriate departments and all is in order. Ms. Thompson stated that all the required documents were received, the public hearing for this evening was advertised accordingly, all fees were received and the background was completed and found satisfactory.

Mr. Smith asked the applicant if he had other businesses in Morris County. He said he doesn't operate the facility but he has a 50% partner who operates the JP McHugh's for 22 years in Randolph. Mr. Smith asked if this is a sports bar and he said yes. He is not the sole operator. Mr. Smith asked about Lake Lenape Lodge and what type of operation this will be. He said he would call it a bar and grill to turn it back to a family restaurant that it was 20 years ago. Food will be served from 10AM to 2AM. There were no objections from area residents to this application.

Hearing no further comments from the Committee the roll call was as follows:

Mr. Lensak – yes

Ms. Phoebus – recused

Mr. Smith – yes

Mr. Walsh – yes

Mayor Boyce – yes

The applicant thanked Ms. Thompson stating he worked in Jersey City for 22 years doing real estate and going before many council meetings. He said she is off the charts, very good. He also thanked Detective Mosner who was equally as good to work with.

REPORT FROM THE FIRE CHIEF On behalf of the Fire Department, Assistant Chief Steinwand reported the department responded to eight activated fire alarms, one brush fire, one carbon monoxide incident, one mutual aid out of town, four motor vehicle accidents, one pump detail, one smoke condition, one structure fire and three downed power lines. There were 29 reported calls for the month and 346 for the year.

Mayor Boyce thanked Assistant Chief Steinwand for agreeing to take over the additional responsibility. He asked him if there is anything he would like to advise the public about the smoke detectors. Assistant Chief Steinwand stated the minimum requirement from the State of NJ is one on every level and within 10 feet of every bedroom door. He said if you don't have that, make sure you take care of that immediately. Mr. Smith asked if this is a relatively new requirement and Mr. Steinwand replied that regulation has been in effect for quite some time.

Mayor Boyce then commended the fire department in doing a fabulous job during these storms and power outage. He has heard nothing but praise from the residents. Mr. Smith stated he has heard the same.

REPORT FROM THE RESCUE SQUAD CHIEF Chief Allenspach reported for the month of October they responded to 117 calls, total of 49 in Andover Township. There were 11 mutual aid calls to various municipalities. They traveled a total 8605 miles and over 334 volunteer hours with one fly out.

REPORT FROM THE CHIEF OF POLICE He reported for the month of October there were 839 calls for service, Andover Borough had 14, Hamburg had 471 and Green Township had 37 for a yearly total 13,076 calls. In the 24 hour period since the start of the snowstorm, Saturday at about 9:30AM into Sunday early evening, there were 710 calls into the dispatch center. Of that number 183 were 9-1-1 calls. Most calls on the regular line were still calls for service. In a one week period from Saturday when the snowstorm began until the following Saturday, there were 343 9-1-1 calls which is a monumental amount. There were two dispatchers scheduled to work and a third had to be brought in and sat in another room just trying to take some of the volume of calls. He praised all the emergency services that assisted during the storm, the dispatchers, and the officers were running around town doing a great job. Mayor Boyce also praised the fire department and police department on the job they did. Chief Tagliatela said the cooperation between the emergency services and the personnel here helped in making the situation run cohesively. Mayor Boyce also thanked the DPW.

Mayor Boyce stated that obviously the snowstorm on October 29 was a very unusual event that hit us at a difficult time when the trees were full of foliage. He thanked all citizens for their cooperation in the township's efforts to postpone Halloween that night which was done as a safety precaution. There were areas of live downed wires and also dark streets at that time. The word through reverse 9-1-1 did get out and we also contacted the schools and through their emergency alert they contacted people as well. At one point the percentage of people without power in Andover Township was 83%. By Monday night that figure was down to about 50% and by Thursday there were 300 people without power. By Friday just about everybody was back on service except for a few isolated cases where the power line was ripped from the side of a house because of a fallen tree.

JCP&L did a better job communicating than in the past. They had daily conference calls with the mayors. Mayor Boyce stated he and Deputy Mayor Lensak traded places making sure one of them was on each call. He said he cannot say they gave a lot of good information, just an opportunity for mayors to vent regarding the lack of response in their town. He said he received a number of calls from JCP&L representatives advising there were crews in Andover working. They were not able to give him locations, how many crews and better estimate of timeframe. They were obviously overwhelmed. He added that the town is very prepared for these storms as they have exhibited in these events, being very proud of everything that was done.

REGULAR AGENDA

PUBLIC PORTION

Diane Gillespie of Andover-Mohawk Road stated she would like to thank Officer Brian Kithcart for his actions when the police were called regarding smoking wires on her property. She stated he responded immediately. She said her husband had no success with JCP&L. Officer Kithcart called dispatch who called JCP&L and within five minutes a crew was at their house. She said she knows it would not have happened with the aid of the police department.

Ms. Gillespie said she would like to have asked Eagle Scout candidate Marshall Chudley further questions on his project. Mr. Chudley was still present and the Committee agreed to have Ms. Gillespie ask questions. She told him that she supports him 100% and hopes he has 150% success rate. She asked if he decided where these houses will be going. He responded that he has to work out the details but does know these houses can only be placed on municipal property and not private property. She asked if anyone was going to help him with the locations. She suggested he work with Fish & Wildlife in determining the best locations so there is a better chance of succeeding.

PUBLIC PORTION (CONTINUED) Environmental Commission Chair Christine Kretzmer was present and she said that Brian Marsh has been contacted and will be assisting in evaluating the town and then he will determine where the best location for these houses is. She said that these houses can only be placed on public property and if there are extra and doesn't all fit where Mr. Marsh recommends, then we can have a list of residents to contact to say they are welcomed to the extra house but they would have to install it. Eagle Scout regulations state that these candidates cannot go on private property. Ms. Kretzmer stated this list was compiled from interested residents calling. Ms. Gillespie asked to be included on this list.

She then said that during the snowstorm pheasants from Hudson Farm got loose and many of them were destroyed. She said she spoke with the Police Chief and he contacted Byram. She stated she is greatly concerned due to the public safety hazard. People were driving and these pheasants were coming every which way into their vehicles. There were 2000 birds that escaped from Hudson Farm.

Attorney Semrau stated the DEP has the jurisdiction and rightfully a group of residents thought this jurisdiction didn't take anything into consideration as to the impact of that preserve. He suggested that this situation be documented because their permit requires annual renewal and it seems to come and go every year. He recommended that this be documented and sent in with all information and photos with a copy to the Township Committee. He said these are serious issues raised which have been raised in the past and for everybody's recollection, the DEP took the position that they have a notice period, there is no hearing, and we issue the permit. He stressed the need to document the incident, copy the neighboring municipality as well, keeping in mind that the DEP really needs to be made aware of this and address this. Mayor Boyce did explain that these birds are raised solely for sport. The Township has no jurisdiction in this matter.

Mayor Boyce stated that Town Hall was without power as well and he commended the employees to keep the building open during this time. Many residents came in to complain and vent thinking we had control over the utility company.

Shirley Sullivan of Hidden Valley Road stated at the last meeting we discussed the flooding issues at the Leenstra property along with discussion regarding proposal of a \$35 million bond for referendum vote. She said such a referendum would never pass but she said there are different levels of severity on all the flooding issues and how many it affects. She asked if the study will be made public, will it list each flooding issue along with a severity level on it. She then read from the October 26th minutes quoting Mr. Walsh's statement that we are not apathetic and he said he did stop by looked around and left. She then read about the compiling of complaints from residents' flooding issues in which they will review complaints to determine if causes are due to drainage or roadway. Ms. Sullivan commented on the last minutes that the cost to the township for the flooding is about \$40,000. She said the Leenstras are looking at costs about \$100,000 to move the house. The cost to fix the drain to Howell's Pond was mentioned to be from \$300,000 to \$500,000 which to her seems minor compared to the cost of \$100,000 to run a family where only one person can support the household. She then asked if there has been any further study on from Mr. Golden on what funds have been received over the years from FEMA for flooding and how these funds have been used.

Linda Leenstra of Limecrest Road spoke to the public and gave history from 1990 when her family moved into their home at 820. She explained that what she read is something she wrote herself and she gave copies to the Township Committee. She then showed pictures of her family to the Committee as well as photographs of the home following Hurricane Irene and subsequent storms. She then asked why won't the town address the flooding. She said there is no litigation filed and they rather not have to pursue that avenue. She said she does not want to go to court. They simply have a plea for assistance to the township and the county. As of this date there has been no response. She said they have been suffering with severe flooding over 15 years, not just from severe weather. She said her house has flooded to the extent of five to eight feet of water every year for the last 15 years. She said she had to stand in horror, countless times and dread the very event that has happened to them.

She then referenced a recent newspaper article that stated the township met with the county and Joe Golden was directed to do a study and look at the piping and drainage. She said we've been looking at this for 15 years and we need to do something about it.

PUBLIC PORTION (CONTINUED) Ms. Leenstra said she requested a week or so ago while the snow was melting for Engineer Golden to call her so she could explain to him what the flooding situation is, that it is not just drainage, it's runoff from the neighbors. She said this water does not come from her property and it doesn't even come down the hill behind her. She said at no time has any water ever entered the back of her house, ever. She further stated that this water comes out between the next two neighbors. It comes down and it's been redirected by both of them to come to her house because that is the only existing drain. She said she believes it was put in for the drainage off her property. She explained that what happens is there is so much water coming off the mountain, it builds up like a lake on the two adjacent neighbors' property which for the life of her, she cannot understand why neither one of them has been before the Committee to say, there is something with this water. She said she guesses they don't have to because they send it to her house. She said her front wall collapsed because the water comes and crests over her driveway and into her front yard because the pipe there is inadequate to take away the volume.

Ms. Leenstra stated what they are requesting is when the engineer is looking at the drainage and piping, is to come out and meet with her so she can show her what these pictures represent, and what the situation is. She remarked that in her opinion the pipe is not big enough. She added that it may be big enough to take the runoff from her property, which is minimal but not big enough to take the lake that builds up and then disappears three days later.

She asked if the town has made any direction to her neighbors to stop the illegal runoff to her property. She said she needs an answer to this. She then questioned Attorney Semrau's statement to the newspaper that the previous litigation has nothing to do with this matter and is not related; she said it is absolutely related. She said that if anyone had to stand out in front of their home and suffered the severe loss that she suffered, their mental status may not be all it needs to be either. She said she is not ashamed and she has suffered greatly as well as her family. They are asking for some compassion and assistance one human being to another.

Attorney Semrau asked Ms. Leenstra if in 1990 they built the home. She replied they didn't. They purchased the home with undisclosed problems. Attorney Semrau stated it appears the pipe was there since 1959 and that drainage was in place. The home was built in 1987. She added they installed the swales on either side of her driveway in front of that pipe and put a pipe under the driveway within the construction of the home. He asked when they moved in, no one mentioned this to them at all and she replied no. She said when the first home was built in Victoria Pines in 1993 is when they had their first flood in 1994. She said she called the town at that town. Attorney Semrau asked if no one else has consulted with her over the years such as her own engineer, to assist her to try to address these concerns and identify what they are. She replied no and added they had friends that have told them what needs to be done. This is what the problem is and when they came to the town and received no satisfaction from the town, except they sent the engineer out along with the county engineer. That was about 2007 that they had decided that the pipe should be enlarged and the town said they will do it when the county does and the county said they will when the township does.

Attorney Semrau stated he understands she is in the process of keeping the structure and move the house. She said they need to build a new foundation, higher on the hill. It is a modular home and the main floor needs to be moved with a crane. He asked if someone gave guidance that move will alleviate future water. She said yes, that move puts the bottom of the foundation should be a foot above the highest point in the road because with the storm, the water came up over 36 inches on their property before it crested the road. Attorney Semrau confirmed she was told that if they did this move you won't have this issue happen again.

He asked her if she thinks they will be able to complete that move over the next few months. They are hoping to break ground this week. He said he knows permits were issued. She said funding is an issue. Attorney Semrau asked if approval was given to move the house and she replied yes, she paid over \$840 for permits. He said if they break ground this week they should be done over the next few months. She replied that is their hope but it all depends on loans and finances. He asked about FEMA assistance and she said they received \$27,800 which is the highest allowed. They didn't get the last \$600 because it would be an extension of rent and they couldn't afford to rent again. The family of four is living in three different locations.

PUBLIC PORTION (CONTINUED) She asked the Committee why she isn't getting answers to her questions. Mayor Boyce stated once everyone has had a chance to comment during the public portion, Attorney Semrau will comment on this issue.

Christine Gallagher of 813 Limecrest Road addressed the Committee stating she lives across the street from the Leenstra's and she is here to lend her support. She said she moved into her home in 1987 and was there when that house was built. They have been neighbors for years. She said she marvels at what this family has persevered through. Over the years she has heard and experienced firsthand, spoke to the Leenstras directly with regard to the flooding issue. She said they have been bearing this all along and they have done so much on their own to try to resolve the problem. Mrs. Gallagher stated that a few years ago the Leenstra landscaped their property to try and improve the situation. She said she has never experienced any flooding but she has never seen Limecrest Road as it did after the storms in early September. She said she is concerned about the changing dynamics that we are seeing. That all being said, she stated she has watched this family pick themselves up to try and persevere. She asked with regard to any compassion and anything that the town can do, living on Limecrest Road, they are always faced with the issue that this is a county road. She said the county points to the town and they in turn point to the county. She said at the end of the day, they are residents of Andover Township.

Attorney Semrau stated that he feels it is important that the public is made aware that at this point in time no decision has been made nor have any conclusions been drawn. The township had a number of complaints and every member of this Committee has been involved in trying to assist residents. He said he, the administrator, Mr. Walsh, the township engineer, we went to meet with the county over this issue. It isn't that the township hasn't done anything. He said we can't just make a decision with something that has quite a history to it. No one has turned their back. He said the matter has been looked into. He said he reported that Engineer Golden was going to look into this matter from a factual standpoint and make certain observations and recommendations. Engineer Golden met earlier this evening with the Committee in Executive Session. He said we are now going to speak with the county. Attorney Semrau stressed that this is an issue that involves a number of different facets and one being the township to communicate with the county. We are in the process of doing just that. He also stated that for anyone to draw a conclusion at this point in time is not fair to say or cast a light that in any way that the township hasn't done anything or allow this to happen.

He also stated that it isn't fair to say neighbors' properties are discharging illegally because now it is being said that neighbors are breaking the law. It's not as though nothing is happening. At the same token, the township has received a request for documents that we are trying to cooperate and do whatever has been asked. The next step is to have that conversation with the county and ultimately, a determination or recommendation will be made. That is mindful of the Township Committee's obligation to all the residents.

Attorney Semrau stated that it was made clear at the last meeting that there are issues township wide and there is responsibility to all of the residents. There is a question as to what the responsibility is with respect to this property. He said we heard tonight about the history and how difficult that is but we also heard that certain things are in place and there are obligations that everyone has. The question is whether it is the homeowner's obligation, is this a private matter that can only be resolved by the owner or is it something that the township should necessarily or is obligated to take responsibility or to assist. He said we are trying to coordinate this and try to get an answer and be sensitive to the situation.

Mr. Walsh said there was a question asked about the \$35 million bond. In speaking with Engineer Golden in Executive Session this evening, he asked him what it would take to at a minimum put a formal proposal in writing. Engineer Golden's response was \$100,000 just to put the proposal on paper and then it could be anywhere from 40 to 75% wrong. Mr. Walsh stated are we willing to spend \$100,000 of taxpayers' dollars on an estimate alone for something that may never pass muster with the residents.

Mayor Boyce stated the Committee feels bad for the Leenstras and what they have gone through but there are other residents that have had bad things happen as well but probably nobody as bad as them. This has not been swept under the rug and we will continue to work on this issue.

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

Mr. Walsh asked if he could address a question posed by Mrs. Sullivan earlier in the public portion. He said she asked about a disconnect about him driving by the Leenstra house and leaving. He said he went by because he was advised by the township attorney that he shouldn't go on the property because of something that happened a few years ago. Mr. Walsh was advised to go check it out and stay off the property.

OLD BUSINESS

CONTINUED DISCUSSION REGARDING THE STEEP SLOPES ORDINANCE PROPOSED AMENDMENTS

Attorney Semrau stated he spoke with Planner McGroarty and he said that he would like to attend the next meeting to go over the issue regarding built in pools and the construction. Attorney Semrau stated that Planner McGroarty assured him that in 15 minutes he could sort out the issue and get some guidance and direction. Mr. Smith asked about a revised ordinance that has yet to be seen. Attorney Semrau explained that the engineer drafted the changes to the ordinances and the planner did not. He said that it would take more time if Planner McGroarty were to draft these revisions as opposed to addressing the Committee to ascertain whether or not the changes are needed and warranted. Mr. Smith asked if Attorney Semrau could promise that Planner McGroarty will simply explain the ordinance without confusion, he will agree to have him come to the next meeting. Attorney Semrau stated because these amendments came from the Land Use Board and no one really knows how it got started. Attorney Semrau estimated the cost to have Planner McGroarty come to the meeting should be about 1 hour.

The Committee agreed to have Planner McGroarty come to the next meeting if he is available.

NEW BUSINESS

GENERATOR FOR THE MUNICIPAL BUILDING

Mr. Smith stated that the municipal building is the heart beat of the town and when it loses power the beat stops. He suggested that if not already being done to look into the fact of providing some type of emergency backup generator for this building. Mr. Walsh replied that DPW Supervisor Dickinson is obtaining quotes. He added that he has done so in the past but no action was taken at that time.

COMMITTEE REPORTS:

MR. SMITH. He reported on the Seniors beginning with October 25th they had their Harvest Senior Luncheon sponsored by the Lafayette House, paid for by each Senior. There was a great deal of complaints regarding cold food and poor service. On November 7th the Seniors attended a Thanksgiving Luncheon at the Farmstead and there were rave reviews as in the past. The food was excellent, the service was terrific and the ambiance was great. On November 21st at noon, Senior Services will be providing a catered lunch for the membership. He stated his concern that the County has this excess money that they need to distribute, though he is happy they benefit. On December 5th the club will celebrate Christmas at the Andover Inn at noon and December 19th the Andover Township Police have volunteered to come to their meeting and provide goodies and snacks. Detective Mosner is in charge of that event. The police presence is very welcomed by the Seniors.

He gave special thanks to the Office of Emergency Management during the power outage. He stated there was a senior couple in their high 80's and the husband is a bedridden stroke victim without power for four days. He stated he contacted Sgt. Danielson from Emergency Management and he was amazing in what he went through to try to expedite service to those people. It was complicated because the wires came down and pulled the box off the wall, electricians had to be called and he helped us through the process. He was reassuring. Mr. Smith said he suffered and they had to evacuate their house and move in with neighbors. When they moved back home, they repaid the favor by bringing other people into their home.

COMMITTEE REPORTS: (CONTINUED)

MR. SMITH. The Seniors will assist in stuffing the newsletters, getting them ready for the mail, a way for them to give back and help with costs. On February 6th the Sheriff's Department will be bringing in their K-9 Unit for a demonstration. Anyone interested is invited to attend.

The SWAC meeting was cancelled due to Election Day but they received bad news from SCMUA that they are proposing an increase in the tipping fees from \$89 to \$125 per ton. He stated that he has requested a meeting with Blue Diamond to discuss this increase and what this assessment will mean to the township. A public hearing by SCMUA will be held on November 23 at 4PM where they will be justifying why these rates need to be increased. The meeting will be at the administration building in Lafayette.

The Blue Diamond complaint log for October is 12 complaints and for September that number was 21. The average received is seven and we normally receive about 17 per month. One compliment was also received. Each complaint is investigated; we ask Blue Diamond for an explanation and report back to the complainant. The Board of Health will meet on November 16th at the Municipal Building. He thanked those supporters for his Election Day victory that allows him to remain on the Committee for three more years.

MR. WALSH. Reporting on the DPW brush pickup will be done over the course of time. There is a massive amount of brush along the roads and he asked for everyone's patience to get this amount of debris. They could be chipping until the Spring. Mr. Walsh asked if everyone could try to keep the branches back away from the side of the road. He asked everyone doing work on their trees to be extremely careful. A councilman in Andover Borough was killed last night taking a tree down.

With regard to the Environmental Commission, they are working with Eagle Scout candidate Marshall Chudley on the bat houses. Chairperson Kretzmer is doing a great job assisting with that project. Ms. Kretzmer added that the Green Team is organizing a Valentine Winter's Farmers' Market and they are coordinating dates for use of the Hillside Park Barn. Local farmers will be getting together to sell their winter farm items. They are also working on Valentine Baskets which will include locally grown items. Their meeting for this Thursday was rescheduled to a date unknown at this time.

He said that work has begun on the 2012 budget which appears to be a bit tough as usual. The revenues have fallen and hopefully we can bring in more businesses. He said there have been discussions lately to encourage people to attend school board meetings when there are complaints about taxes. He said the last time they were at the school to listen to the budget hearings, the teachers did say at that time they would take a zero pay raise that particular year. He learned that what happened was the Board of Education turned them down. People don't know that. The reason for that is if they had taken that zero, the Board of Education would have lower their budget and knowing a 2% CAP was coming they wanted to make sure the pay raise was in the budget to allow for a cushion for the coming years.

MS. PHOEBUS. She reported that the new Smart Growth plan for the State of New Jersey no longer includes Plan Endorsement. Some municipalities have spent hundreds of thousands of dollars to do their Plan Endorsement and now their plans are useless. Luckily, though we began a Plan Endorsement process, we never continued on that path. No monies were ever budgeted for this process. Affordable Housing is still very much in the picture. The State knows that can't eliminate affordable housing but what they can do is change the methodology on how the figures are determined. Andover still owes Rounds One and Two and hopefully with what we've done with the Abbey and the other projects around town, we will go over our obligation.

The Planning Board is slow at this time which shows very little growth. The County Planning Board is also slow. She hopes the economy will come back and there will be some increase in the growth activity. She reported that she will attend the League Conference in Atlantic City which she paid for. She will attend all the seminars regarding affordable housing and the new State Plan.

Open Space is having a meeting tomorrow and they are trying to draft a two year plan of what they would like to do with the Lake Iliff Access and the old railroad trail.

COMMITTEE REPORTS: (CONTINUED)

MS. PHOEBUS. The Fire Department had their meeting for nominations of officers. The voting will be held at their December meeting.

She then asked about Andover Day stating that she had done some research on the matter and the cost two years ago was a little over \$13,000. Everything was funded by the businesses in town through their generous donations. That event cost the taxpayers nothing. She said she doesn't know in this economic climate if we are going to come up with that type of money from our businesses. She said we could budget the amount required to address the event and whatever can be raised we put back into the budget.

Mayor Boyce stated in order to do this each member of the Committee needs to get out and try to come up with donations from businesses. Ms. Phoebus stated she wants to put a Committee together but wants to make sure we are willing to put the funds in the budget. Mayor Boyce asked if \$6000 should be budgeted in order to cover the cost of the fireworks. Ms. Phoebus felt that putting the full \$13,000 would be better. She will try to raise the money and replenish. Mr. Smith commented that \$13,000 is a lot of money and in some cases, half of an employee. He suggested we think long and hard on this until we have a better feel on what next year's budget will look like. He stressed that the Committee be cautious thinking things will be very tough. Mayor Boyce suggested each of them go to those businesses that they know and ask the question that if they are asked to contribute for Andover Day, will they be willing support it and if so, how much.

Mr. Smith added that the businesses are being hit left and right and going to them, they will feel obligated to contribute. He said he didn't feel that is a business friendly thing to do. Mayor Boyce stated he believes the businesses want to support community activities, adding that it is one of the nicest things we do for our town. In some cases, a clever business person could figure a way to make some, if not all his contribution back. Mayor Boyce said there are ways to have the businesses advertise during this event.

Mr. Walsh stated in this economy he believes it is important to have gatherings of the community because there are many people who can't get away, can't afford vacation and events such as this one is a great way for everyone to get out. Events like the softball tournament, the chicken bbq and the wet downs are all a great time for the residents. Mr. Lensak said that he is in favor of putting \$6000 in the budget for at a minimum to cover the fireworks. He said the response from people on the street was that the fireworks were the best they had ever seen and wished we could do this every year. He said as a Committee we should go out and see what contributions we can get. We have a great town with great people and as soon as we get any kind of donation, we begin paying that \$6000 down.

Ms. Phoebus said she will see Garden State Fireworks at the League conference and she will tell them we will have \$6000 for fireworks in 2012.

MR. LENSAK. He reported on the Recreation Committee, stating he could not attend because it was Election night. He congratulated Mayor Boyce and Mr. Smith on their re-election bid. On the Economic Development Committee he said there are two new restaurants in town. Domino's is holding their Grand Opening on Saturday at noon. There will be a ribbon cutting and \$1 of each order goes half to the FOP and half to the fire department. He said he ate at a new restaurant called Becc's, the old Cellar. He said the food was good. Lake Lenape Lodge will be re-opening soon. Mr. Lensak said he received an email with an idea for gifts for the holidays that instead of buying presents made out of the country, we should purchase gift certificates from local merchants and vendors. We can support our local businesses and services. He stressed how important it is to support our businesses. He does whatever he can to support our businesses.

He then mentioned the conference calls with JCP&L and said that though some mayors were opining and subsequently had technical difficulties with their lines after they began talking. One mayor was lashing out and suddenly his line went dead. He said he complained that the pecking order that hospitals, municipal building and police departments would be serviced first and three days later there were still no crews to be found. These out of town crews did not know where to go and it could have been better than it was.

COMMITTEE REPORTS: (CONTINUED)

MAYOR BOYCE. He reported on the power outage and his guest parrots. He commended Court Administrator Diana Francisco receiving a certificate from the State of NJ. She passed the course of instruction on Principles of Municipal Court Administration Management.

As Mr. Lensak mentioned earlier there is a certificate from the Economic Development Advisory Committee for Domino's Pizza which will be presented at the Grand Opening.

Mayor Boyce stated a few months ago Diane Gillespie mentioned at a meeting that she wanted the Township to educate members of the group home on the black bears. He agreed it was a great idea. He stated just the other day he received in the mail a DVD from the Department of Environmental Protection entitled Living with NJ Black Bears. This is part of their continuing effort to educate NJ residents about co-existing with black bears. The State has been working on this for about four years.

He reported on Election Day thanking everyone who voted. He and Mr. Smith were reelected.

REPORT FROM THE CLERK/ADMINISTRATOR She reported that she and DPW Supervisor Dickinson have been receiving emails from Extreme Energy wanting to schedule a meeting to discuss the status of the Interchargers placed on certain DPW and police department vehicles. Following a short discussion it was decided that DPW Supervisor Dickinson provide the latest report for the month of October and those figures along with his determination will be discussed at the next meeting. Mr. Lensak reiterated that if the numbers don't justify the product we will not proceed. Ms. Thompson stated she will inform Extreme Energy officials that the Committee will meet to discuss the reports before scheduling a meeting with them.

She reported on the Construction Office and on November 1st there are new hours posted in the building. The inspectors will be here on Mondays and Wednesdays from 8AM – 10AM. This morning they were here until noon. Phone numbers are posted in the hallway along with permit application packets. By telephone, they are available Monday through Friday from 8AM to 4:30PM. The Zoning Officer is available Tuesdays from 1PM to 3PM and Thursdays from 10AM to 12PM.

She said she hasn't heard anything negative regarding this transition. They are familiarizing themselves with the township and the office. They are developing plans to better streamlining all the forms, some of which are outdated. With 24 hours notice, inspections are done every day.

The County Health Department is relocating to Hardyston Township beginning tomorrow, not far from the Hardyston Municipal Building.

Mayor Boyce added that the next Board of Education meeting is tomorrow night at Long Pond School and there are two items of interest. One is the approval of the comprehensive annual financial report and a corrective action plan for that audit.

REPORT FROM THE MUNICIPAL ATTORNEY He deferred his report because it primarily relates to the second Executive Session.

NEXT SCHEDULED MEETINGS: **Regular Meeting November 28, 2011**
 Regular Meeting December 12, 2011

Executive Session - 6:30 p.m.
Regular Meeting - 7:30 p.m.

EXECUTIVE SESSION: On a motion by Mr. Walsh, seconded by Mr. Lensak, the resolution to go into executive session to discuss

Contract Negotiations:

- 1. *St. Paul's Abbey Due Diligence (Executive Session "B": Item)*
- 2. *FOP Lodge #177, Police Dispatcher's & DPW Union Contracts Status Reports (Executive Session "B" Item)*

Attorney-Client Privilege:

- 4. *Leenstra Potential Litigation (Executive Session "B" Item)*

Pending Litigation:

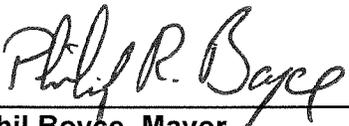
- 1. *Krueger vs. Andover Township (Executive Session "B" Item)*
- 2. *Sussex & Warren Holding – Life Care Mews (Executive Session "B" Item)*

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session "B" at 9:52 P.M. Mr. Walsh moved to adjourn executive session at 10:33 P.M., seconded by Mr. Smith and carried unanimously.

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 10:33 P.M., seconded by Mr. Smith and carried unanimously.


 Phil Boyce, Mayor

Respectfully submitted,

 Vita Thompson, R.M.C.
 Clerk/Administrator

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION "A"

BE IT RESOLVED by the Township Committee of the Township of Andover on the 14th day of November 2011, that:

1. Following 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):

- (x) 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.
- (x) b. (4) A collective bargaining agreement including negotiations.
- (x) 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. *St. Paul's Abbey Due Diligence*
- 2. *FOP Lodge #177, Police Dispatcher's & DPW Union Contracts Status Reports*
- 3. *Position of Smoke Detector, Carbon Monoxide & Fire Extinguisher Inspector*

Attorney-Client Privilege:

- 1. *Solar Project Status Report*
- 2. *Highland Farms Soil Erosion/Sediment Control Compliance*
- 3. *Various Flooding Issues*

Pending Litigation:

- 1. *Krueger vs. Andover Township*
- 2. *Sussex & Warren Holding – Life Care Mews*

(x) a. (8) Personnel matters.

- 1. *MaryAnn Frodella, Principal Account Clerk/Deputy Treasurer*

() 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: November 14, 2011

Moved: Smith Seconded: Walsh
Voted Aye: Lensak, Phoebus, Smith, Walsh, Boyce
Voted Nay: None
Abstained: None
Resolution adopted. November 14, 2011

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION "B"

BE IT RESOLVED by the Township Committee of the Township of Andover on the 14th day of November 2011, that:

2. Following 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):

- (x) 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.
- (x) b. (4) A collective bargaining agreement including negotiations.
- (x) 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. *St. Paul's Abbey Due Diligence*
2. *FOP Lodge #177, Police Dispatcher's & DPW Union Contracts Status Reports*

Attorney-Client Privilege:

4. *Leenstra Potential Litigation*

Pending Litigation:

1. *Krueger vs. Andover Township*
2. *Sussex & Warren Holding – Life Care Mews*

- () 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: November 14, 2011

Moved: Walsh Seconded: Lensak
Voted Aye: Lensak, Phoebus, Smith, Walsh, Boyce
Voted Nay: None
Abstained: None
Resolution adopted. November 14, 2011
