

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

NOVEMBER 28, 2011

6:30 P.M.

REGULAR MEETING BEGINS AT 7:30 P.M.

Ms. Phoebus moved to appoint Mr. Walsh to serve as the Chair for this evening's meeting due to the excused absences of Mayor Boyce and Deputy Mayor Lensak. Motion was seconded by Mr. Smith and carried unanimously.

The regular meeting of the Andover Township Committee was called to order at 6:32 P.M. by Mr. Walsh, followed by a salute to the flag.

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

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

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

Personnel Matters:

1. ***G. Magura, Chief Financial Officer***
2. ***D. Dickinson, DPW Supervisor***
3. ***V. Thompson, Clerk/Administrator***

Contract Negotiations:

1. ***St. Paul's Abbey Due Diligence***
2. ***FOP Lodge #177 Union Contract Status Report***
3. ***ATT Step Down Program – Goodale Road Cell Tower***

Attorney-Client Privilege:

1. ***Highland Farms Soil Erosion/Sediment Control Compliance***
2. ***Leenstra Potential Litigation***
3. ***Dorset Farm – Phase VI (Brecia Court)***

Pending Litigation:

1. ***Sussex & Warren Holding – Life Care Mews***

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

The Committee went into executive session at 6:32 P.M. Mr. Smith moved to adjourn executive session at 7:35 P.M., seconded by Ms. Phoebus and carried unanimously.

REGULAR MEETING

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

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

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Insert Attached to These Minutes)

***RESOLUTIONS:**

#R2011-143 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO ISSUE A TAX REFUND TO US BANK CUST FOR CRESTAR CAPITAL, LLC IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE #11-00011 SOLD FOR DELINQUENT TAXES FOR BLOCK 153 LOT 21 IN THE AMOUNT OF \$5,618.61

#R2011-144 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH SPACE FARMS, INC. FOR DEER CARCASS RECOVERY/REMOVAL FROM THE TOWNSHIP'S ROADWAYS AND ROAD RIGHT-OF-WAYS EFFECTIVE OCTOBER 31, 2011 THROUGH DECEMBER 31, 2012

#R2011-145 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN INTERLOCAL SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF WANTAGE FOR THE PROVISION OF ANIMAL CONTROL SERVICES

(See Inserts Attached to These Minutes)

APPROVAL OF MINUTES:

**OCTOBER 24, 2011 REGULAR MEETING
OCTOBER 24, 2011 EXECUTIVE SESSION**

Mr. Smith moved to approve the foregoing minutes as presented, seconded by Ms. Phoebus and carried unanimously.

REGULAR AGENDA

PUBLIC PORTION Linda Golonski asked about the update on the Leenstra property on Limecrest Road. Mr. Walsh explained the Committee is actively discussing this issue. Today the Township Engineer met with the County Engineer. On December 8th the DPW will borrow cameras from Newton DPW and they will use these cameras to view the drains under Sussex Park Homes and they will check all these pipes to make certain they have not been compromised. There have been discussions with the County and their attorney has been communicating with ours.

PUBLIC PORTION (CONTINUED) She then asked if anyone has an update on the Road Department and what they are presently doing. She said she is very nervous that if we have another snow storm before all the roadside brush is picked up, the plows will push this debris all over town. Mr. Walsh stated that an employee has been pulled from another department to assist the DPW in the brush pickup. There is an unseemingly amount of branches and trees to be picked up. Mr. Walsh said the department was in Drake Manor today and it took them all day to do one area. When it rains, they can't chip due to safety concerns. They are working constantly on this project but there is just so much.

Rick Melfi of Park View Road asked for additional information on the possible end of the Newton-Sparta Road project. Ms. Phoebus said there is not much we can do because the County had 10 years to do this project. Newton and Andover Township supported this project, but Sparta did not. She explained that Sparta through one road block after another on this project. The Federal government had said that funding will only be available for the entire project, not for a portion. Without the Sparta support the project cannot proceed.

The Freeholders have the choice to either stop the project or move forward. If they move forward, a \$2 million environmental study will have to be performed prior to the commencement of the project. This study will take about two years, thereby causing the project not to be done in the 10 year timeline.

Mr. Melfi asked if the \$500,000 used in the conceptual planning was taxpayers' money. He was assured that the design planning was funding by Federal grants. No County monies have been expended in this process.

There was a short discussion regarding the installation of a median near Pope John and residents of Sparta were up in arms about this. Ms. Phoebus stated she remembered that at one point the Sparta Planning Board was fine with this and then with some people campaigning against this project.

Mr. Smith asked if any pressure on the Freeholders either by citizens or the Committee could help. Following this discussion, Attorney Semrau was directed to write a letter to Sparta and copy the Freeholder's and ask the Town of Newton to join in the letter that will indicate how much is at risk by them saying no. Following further discussion, Mr. Smith moved to direct Attorney Semrau to send a letter to the Freeholders, read into the record at the November 30, 2011 Freeholder's meeting when this matter is discussed. Motion was seconded by Ms. Phoebus and carried unanimously.

Ms. Phoebus agreed with Mr. Melfi that these improvements are meant to increase safety measures, better traffic flow by the school, reduction of traffic from Sparta to Newton. Mr. Walsh reminded everyone that this road is the heaviest traveled in Sussex County. If the jug handle is the issue holding back the project, perhaps that part of the plan can be omitted.

OLD BUSINESS

CONTINUED DISCUSSION REGARDING THE STEEP SLOPES ORDINANCE PROPOSED AMENDMENTS

Attorney Semrau stated that Planner McGroarty was not available this evening to discuss this matter. It will be rescheduled for December 12, 2011.

COMMITTEE REPORTS

MR. SMITH. Reporting on the Seniors he warned everyone never to miss a meeting. While he was away, elections were held and the Seniors voted him to the position of President. Lois McCue is Vice-President and the same people will remain as the secretary and treasurer.

COMMITTEE REPORTS (CONTINUED)

MS. PHOEBUS. She reported on the seminars she attended at the League Conference in Atlantic City. She said the word COAH will never be used again; Affordable Housing is the proper word to us. There was a joint meeting with the Commissioner of the DCA, Lori Grifa and the Commissioner of the DEP, Bob Martin and the DEP Commissioner. They stated they are in total agreement that this administration is to make sure that these three commissioners must communicate. When there is an issue in the municipality you will receive representations of these departments. She stated she believes that is a great improvement. It was a problem in the past that you would have the blessing of one and two but never the third.

Ms. Phoebus also stated they have drafted a new State Plan which is 33 pages which speaks a great deal of redevelopment. The old plan was 350 pages and difficult to interpret. She said many towns spent hundreds of thousands of dollars for Plan Endorsement and now those plans are obsolete. We met our affordable housing without the need of spending this money on Plan Endorsement.

MR. WALSH. He reported that the DPW is clearing drains, collecting the leaves, the sanders ready for the season. They are also collecting brush while preparing for the winter months. If anyone sees anything that needs immediate attention, he asked that they call Ms. Thompson.

Regarding the Environmental Commission, he received the project details for the bat houses and the material list as well. This project will take place at the barn in the lower level. The DPW will pick up all the supplies needed.

He said that budget work will begin this week and he will meet with department heads as soon as possible. His goal is to get the budget done quickly.

REPORT FROM THE CLERK/ADMINISTRATOR She reported that the Township was awarded the 2011 Energy and Efficiency Conservation Block Grant Rebate Program for the police station and DPW garage. The total amount for the police is \$3411 and the DPW garage. Improvements total \$9941. Officials from Donnelly Energy did a site inspection last week at both locations and work will begin shortly. All the municipal properties will be completed and all upgraded with energy efficient devices.

November 30th is the deadline to register for FEMA assistance.

REPORT FROM THE MUNICIPAL ATTORNEY He stated he was asked at a prior meeting regarding the pumping of water from basements onto public roadways. He said there really isn't an ordinance to that affect but if the Committee were to take any action relevant to that issue, the question is where the water would then go. He said he sent a note to Engineer Golden. He will confer with Mr. Golden because there are not many options.

Reporting on the Krueger litigation, the trial is scheduled to go forward on December 12th. There have been discussions that perhaps there may be some type of resolution that date and if not, the trial will begin.

The County Tax Board has asked for him and the Tax Assessor to appear this month to update them on the town's status with respect to tax matters.

In discussing flooding matters and the Leenstra issue, one thing that has taken a great deal of time is we are working on an enormous OPRA request from a number of departments, totaling over 1000 pages of documents he has been provided with for review.

Attorney Semrau confirmed that the Committee wanted to move to introduce a salary ordinance amendment by title. He said there are salaries that have ranges and from time to time those ranges need to be amended. An amendment each year is advisable.

ORDINANCES: INTRODUCTION

NO. 2011-12 2011 SALARY ORDINANCE

“AN ORDINANCE TO PROVIDE AND DETERMINE RATES OF COMPENSATION FOR OFFICIALS, OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY”

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2011-12, 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 12, 2011 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. Lensak– absent	Ms. Phoebus – yes
Mr. Smith – yes	Mr. Walsh – yes
Mayor Boyce – absent	

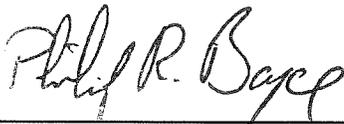
There was a brief discussion regarding the cancellation of the December 26th meeting. Following a short discussion it was decided to wait until the December 12th meeting to see if one is needed.

NEXT SCHEDULED MEETINGS: **Regular Meeting December 12, 2011**
Regular Meeting December 26, 2011
Executive Session - 6:30 p.m.
Regular Meeting - 7:30 p.m.

2012 Reorganization Meeting
Monday, January 02 @ 7:30 p.m.

ADJOURNMENT No further business appearing before the Committee at this time, Ms. Phoebus moved the meeting be adjourned at 8:16 P.M., seconded by Mr. Smith and carried unanimously.

Respectfully submitted,



Phil Boyce, Mayor



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

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Andover on the 28th 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 Union Contract Status Reports*

Attorney-Client Privilege:

- 1. *Highland Farms Soil Erosion/Sediment Control Compliance*
- 2. *Various Flooding Issues*
- 3. *Dorset Farm – Phase VI (Brecia Court)*

Pending Litigation:

- 1. *Sussex & Warren Holding – Life Care Mews*

- (x) a. (8) Personnel matters.
 - 1. *D. Dickinson, DPW Supervisor*
 - 2. *V. Thompson, Clerk/Administrator*
- () 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 28, 2011

Moved: Phoebus Seconded: Smith
Voted Aye: Phoebus, Smith, Walsh
Voted Nay: None
Absent: Boyce, Lensak
Abstained: None
Resolution adopted. November 28, 2011
