

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

JANUARY 23, 2012

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 6:37 P.M. by Mayor Lensak, followed by a salute to the flag.

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

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

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

**Personnel Matters:**

1. ***J. Cutler, Zoning Officer***

**Contract Negotiations:**

1. ***FOP Lodge #177 Union Contract Status Report***
2. ***St. Paul's Abbey Due Diligence***

**Attorney-Client Privilege:**

1. ***Tax Revaluation***
2. ***Leenstra Potential Litigation***
3. ***Rolling Hills Condominiums***

**Potential Litigation:**

**Pending Litigation:**

1. ***Krueger vs. Andover Township***
2. ***Leenstra vs. Then, etal.***
3. ***Sussex & Warren Holding – Life Care Mews***

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:35 P.M. Mr. Walsh moved to adjourn executive session at 7:42 P.M., seconded by Mr. Smith and carried unanimously.

**REGULAR MEETING**

**APPROVAL OF AGENDA** Mr. Boyce asked that the agenda to include the Swearing In Ceremony for Mr. Smith and Ms. Phoebus adding it right before the approval of the minutes. Mr. Walsh seconded the motion which was carried unanimously.

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

**APPROVAL OF CONSENT AGENDA ITEMS** Mr. Smith asked if Resolution #R2012-34 be removed for separate discussion. Mr. Walsh moved the following consent items be approved, seconded by Ms. Phoebus and carried unanimously.

**\*CONSENT AGENDA:****\*OTHER BUSINESS:**

***APPROVAL OF VOUCHERS FOR PAYMENT  
(See Insert Attached to These Minutes)***

***APPROVAL OF THE TAX COLLECTOR'S DECEMBER 2011 REPORT  
\$168,593.33 YEAR TO DATE TOTAL - \$19,863,445.58***

***APPROVAL AND ACCEPTANCE OF THE CHIEF FINANCIAL OFFICER'S  
NOVEMBER AND DECEMBER 2011 REPORTS***

***ACCEPTANCE OF THE 2011 LAND USE BOARD ANNUAL REPORT  
PURSUANT TO N.J.S. 40:55D-70.1***

**\*RESOLUTIONS:**

**#R2012-31 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY TO ACCEPT THE LETTER  
OF RESIGNATION FROM KEVIN P. JOHNSON, PART-TIME PUBLIC  
SAFETY TELECOMMUNICATOR**

**#R2012-32 2011 BUDGET APPROPRIATIONS TRANSFER RESOLUTION**

**#R2012-33 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY TO CONTINUE TO  
DESIGNATE THE SERVICES OF THE LAKELAND EMERGENCY  
SQUAD AS THE TOWNSHIP'S AMBULANCE/RESCUE SQUAD**

(See Inserts Attached to These Minutes)

**\*APPROVAL OF MINUTES:**

***DECEMBER 12, 2011 REGULAR MEETING  
DECEMBER 12, 2011 EXECUTIVE SESSIONS "A" & "B"***

**RESOLUTION FROM THE CONSENT AGENDA:****#R2012-34 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE RENEWAL OF THE VOLUNTEER ACCIDENT POLICY NUMBER FHH030157 FROM QBE INSURANCE CORPORATION AT AN ANNUAL PREMIUM OF \$479.00 FOR THE TERM FEBRUARY 1, 2012 THROUGH FEBRUARY 1, 2013**

Mr. Smith stated that the concept of this policy is right and we should protect our volunteers and those who give of their time. He said his only concern is in the second paragraph it states that in the event the individual does not have any health coverage, this policy becomes primary and subject to reasonable and customary charges. He asked if the town now absorbs that liability and that individual becomes covered by the township for all issues. Mayor Lensak stated it is the insurance company that assumes the liability at the point in time of the incident.

Attorney Semrau explained this policy would become the primary if someone is uninsured. The actual policy would become the primary and the township would not cover that exposure. This is a separate policy that would step up and cover that individual. Mayor Lensak said the premium of \$479 covering up to 100 volunteers at a maximum of \$10,000 for medical and dental up to \$500 with zero deductible per occurrence.

Mr. Walsh moved to adopt the foregoing Resolution as presented, seconded by Mr. Boyce and carried unanimously.  
(See Insert Attached to These Minutes)

Mr. Boyce commented that we approved tonight under the Consent Agenda the designating of the Lakeland Emergency Squad as the Township's ambulance and rescue squad. He added that Lakeland has served Andover Township for 45 years doing a fabulous job. He acknowledged and passed on his thanks to Lakeland Chief George Allenspach who was present.

**APPROVAL OF MINUTES****JANUARY 02, 2012 REORGANIZATION MEETING**

Mr. Walsh moved to approve these minutes as presented, seconded by Mr. Boyce. Roll call vote:

Mr. Boyce— yes

Ms. Phoebus – abstain

Mr. Smith – abstain

Mr. Walsh – yes

Mayor Lensak – yes

**OATH OF OFFICE**

***DULY ELECTED TO THE ANDOVER TOWNSHIP  
COMMITTEE FOR THE TERM  
JANUARY 1, 2012 TO DECEMBER 31, 2014***

***ROBERT SMITH***

**OATH OF OFFICE CEREMONY** At this time, Municipal Clerk/Administrator Thompson conducted the oath of office ceremony for Mr. Smith while Ms. Phoebus held the Bible. This position is for the term January 1, 2012 through December 31, 2014. A round of applause followed.

**OATH OF OFFICE**

***POSITION OF DEPUTY MAYOR, GAIL PHOEBUS  
FOR THE TERM JANUARY 1, 2012 TO DECEMBER 31, 2012***

**OATH OF OFFICE CEREMONY** At this time, Municipal Clerk/Administrator Thompson conducted the oath of office ceremony for Deputy Mayor Phoebus while Municipal Attorney Semrau held the Bible. This position is for the term January 1, 2012 through December 31, 2012. A round of applause followed.

**SECOND PRESENTATION BY MARSHALL CHUDLEY, TROOP #85, EAGLE SCOUT CANDIDATE  
REGARDING THE STATUS OF HIS EAGLE SCOUT PROJECT – BAT HOUSES**

Eagle Scout candidate Marshall Chudley presented his final work project, showcasing five completed bat houses. He stated that for the past several months he has been working on this project. He showed the public how they were put together and how they work. Each house will hold up to 100 bats. He will complete 26 bat houses for this project. He also stated that there are instructions from Fish and Wildlife as to how to correctly hang these houses for optimum benefit. He said once all houses are completed he will be back before the public again for the final presentation before receiving his rank of Eagle Scout.

Mr. Smith asked what encourages the bat to use these houses. He explained that these houses are supposed to help keep them warm which they enjoy. Mayor Lensak stated he received emails on this subject and one asked if they hibernate in these houses. He said he doesn't think they hibernate. Mr. Walsh stated he believes many of them go to the caves in New York State and there are caves in Jefferson also. Mayor Lensak asked if he was going to monitor how many bats are living in these houses throughout the Township. These houses are hung pretty high so it would be hard to determine the number.

Mayor Lensak then asked where and how to hang these houses. He explained they have to be hung in a southern exposure, 10 feet high. Mr. Smith added that anyone who has done any amateur carpentry as he has can appreciate the work Marshall has done with these bat houses and applaud him for this.

Mr. Boyce asked how long it takes to build one of these houses. Mr. Chudley said about 30 minutes prior to the staining process. He has completed 18 of the 28 and he needs to wait until March to hang them.

Ms. Diane Gillespie suggested that since this project is part of an Eagle Scout commitment, he should number each house and indicate this as a project with his name of it. He said he will stencil on each that it is a bat house. She added that putting his initials and a number it will personalize each one. An unidentified resident suggested using a website to follow the bat activity at each of these houses. Environmental Commission Chair Christine Kretzmer offered her information on the proper placement of the bat houses, explaining how, when and where to install these houses for optimum use by the bats. She also mentioned how the bees tend to make themselves at home in these houses and talked about how to clean them out. She also stated that they should not be attached to a tree because they are heavy. Using a post or scrap lumber that was donated by Excelsior Lumber will be used to hang these houses. She said that DPW Supervisor Dickinson will have the lumber available for anyone needing the posts. They need to put two feet in the ground and 10 feet high. It was suggested by Mayor Lensak and Mr. Walsh to put three feet in the ground. There was a round of applause concluding this presentation. Attorney Semrau commented that though the project is terrific, Marshall deserves a separate badge for his presentation and fielding questions from the public. The presentation was very well done.

## **REGULAR AGENDA**

**REPORT FROM THE FIRE CHIEF** Chief Steinwand reported for December 2011 four activated fire alarms, one appliance fire, one chimney fire, three regular monthly drills, one mutual aid – out of town, two motor vehicle accidents, and one structure fire. He explained that their year begins in November and there are 43 calls for the year. Mr. Boyce asked about the installation of officers. Chief Steinwand stated that event will be held on Saturday, January 28, 2012 at 6:00PM. He announced that his Assistant Chief is Dan Hennigan; Jason Garrigan is Captain, Greg Martin as First Lieutenant, Second Lieutenant is Jon Art.

**REPORT FROM THE RESCUE SQUAD CHIEF** Chief Allenspach reported for December 2011 they responded to 82 calls of which 24 were in Andover Township. There were 11 mutual aid calls, one fly out, traveled a total 1670 miles and a total of volunteer hours of 246. For the year they responded to 1188 calls of which 198 calls were in Andover Township. There was a total of 109 mutual aid calls, 10 fly outs, three applications of the AEDs, a total of 25,598 miles traveled and 4,540 hours. Of the 109 mutual aid calls, Lakeland had only one instance all year long where they had to bring in mutual aid to their coverage area. He then reported on their annual installation dinner last weekend stating Donna Conkling is the Captain, Ann Foster is the Lieutenant, Art Schickschneit is Sergeant and Scott Danielson, Rescue Sergeant.

Mayor Lensak stated he had the pleasure of being at the installation dinner. He said it is amazing the work they do. They have a great group of people, but Rourke Day responded to 604, half of the calls of the entire department. Chief Allenspach stated his numbers for 2011 were actually lower than 2010 in which he had over 700. Mr. Smith added that he is a fine young man.

**REPORT FROM THE CHIEF OF POLICE** He stated the calls for service for 2011, Andover Township dispatch handled 554 calls for Andover Township, 20 for Andover Borough, 406 for Hamburg Borough and 27 for Green Township for a total of 15,269. He explained that the CADD system was switched over from Enforys to Spillman which will modify these reports in the near future to accommodate your requests for a different format. He asked for patience while they work out the bugs. He stated it is a countywide system so every agency is trying to adapt to the new system. Mr. Smith offered the Chief that if he needs any help in verifying or modifying the information, he will be happy to assist. Mayor Lensak added that now all of Sussex County departments will be communicating through this system when a crime is committed, everyone will be aware of this activity.

**PUBLIC PORTION** Jim Woodstrom of Limecrest Road commented from the last meeting stating that the Committee gave an employee a \$12,000 increase which amounts to a 16.8% increase. The Governor announced to keep all raises under 2%. He added that he is also upset at the fact that the DPW agreed to a zero increase for 2011 and he questioned how the Committee can ask the department to take a zero increase when the Supervisor is given a 16.8% increase. He was referring to the 2010 Salary Resolution which outlines salary at \$74,223 plus a \$12,000 raise. Mr. Woodstrom added even though the remaining DPW staff received close to 4% in each of the previous three previous years, they received zero for 2011.

Mr. Woodstrom then spoke about the raise for the Chief of Police which was in the amount of \$9,000 in the fall of 2011. He said that was an increase of 8.6%. Now the Committee is dealing with the FOP contract negotiations and they received 4% raises every year for the last four years. He said private industry does not receive that. He asked for the Committee to consider the fact there are people that are getting minimum wage, about \$290 a week, \$15,060 a year.

Mr. Woodstrom then asked if the Judge, the Prosecutor, the Attorney or the Public Defender received increases. The answer was no. He then asked if any of these jobs are put out to bid. Mr. Boyce explained that in the case of the Judge, when Judge Mulhern resigned his position in 2010, requests for proposals were posted and we received four resumes. We interviewed all candidates before settling on Judge Devine. This is a three year term.

Mr. Walsh explained that the DPW Supervisor was given more responsibility for this additional salary which will require additional time.

Mr. Woodstrom then asked about the Secretary to the Board of Health which is not needed. Mr. Walsh stated to Mr. Woodstrom that he has come to every meeting to tell the Committee what they are doing wrong and he suggested he put his name on a petition and run for this office. Mr. Walsh said he is defensive because we do many good things for this town and he said that Mr. Woodstrom has brought a lot of good ideas to them and many of them the Committee has followed up on. He said we are all taxpayers watching after every penny. Mr. Walsh stressed that he is doing everything he can to hold taxes down because he can't afford them himself. He asked for Mr. Woodstrom to give the Committee some credit for the good they do.

**PUBLIC PORTION (CONTINUED)** Mr. Boyce asked to comment on a reference Mr. Woodstrom made on the \$8000 raise that he says the Chief of Police received. Mr. Boyce explained he is actually making less money than he would have made if he remained a lieutenant. They did not replace the lieutenant's position so we saved the town over \$100,000. Mayor Lensak agreed with this statement.

Diane Gillespie of Andover-Mohawk Road said last year the Township Committee took great pride in passing a budget that assured the public cuts have been made and contracts have been settled with no or little increase. She said she was surprised when on the January Reorganization meeting Consent Agenda there appeared a new title position at the cost of \$12,000. Since there was no official public hearing she was interested in finding out why and how this position was added to the budget. She said on January 5 she sent an OPRA request asking for documents that she thought the Committee would have used to determine the creation of a new position and salary. She asked for the job descriptions for Supervisor of Public Works and Building and Grounds Supervisor as well as Special Projects Supervisor. She said through all this, Ms. Thompson was above and beyond helpful. The job descriptions she was given for the first two positions and she was surprised that they were the State of NJ job descriptions. She said they were hard to use to make comparisons. Lastly, the third job description is being prepared in house and she assumes it is a work in progress. She stated she thought it would have been completed prior to the appointment.

She then stated since that information wasn't helpful, she then asked for copies of all invoices for 2010 and 2011 of services provided that will now be covered under the new positions. She said she thought that information was what was used to determine the salary. The response was that the request was too broad and that it wasn't possible to review all the township's invoices to make a determination of what was done by contractors in those years that will now be handled under the new positions. She said if there was no job description and they didn't have invoices to use as a comparison of salary as to what the savings would be. She wanted to know where we got \$12,000.

She then stated she requested copies of any documentation that was used to make the decision for the new position. She said she received information stating the criteria used to determine the salary is truly unknown. She said she is not here to criticize the DPW because she has always said they do a great job on the roads but what is bothering her is what criteria is being used when deciding on a new position and what that salary may be.

Mr. Walsh used Skytop Road project as an example saying we had \$125,000 grant from the State to do drainage on another road in town. The Committee at that time found that the \$125,000 would not be enough to do that road. We could not get easements and we would ultimately lose the grant. Once you receive a grant from the DOT the improvements have to be done to their standards and that could not be done with this particular road. We asked the State to switch the road improvements from that road over to finish Skytop Road and they approved the amendment to the grant. The residents on the other road were quite upset because they needed drainage improvements on their road. The Committee at that time said perhaps they could do the work in-house and less expensive. We asked the DPW Supervisor to work with Engineer Golden and they did the work at a cost at about \$20,000 to \$25,000. That project did open their eyes to some other projects they could do in-house instead of going out to bid. Mr. Walsh then gave some other examples of work that was done and not under his job description. He then referenced the COAH project and the trails work that will be done by the Supervisor and his staff. Mr. Walsh also mentioned the ball field at the school which they did and saved the Township a great deal of money. Some of the work done on the dugouts was done on his own time. Ms. Gillespie said obviously Mr. Walsh is aware of the work being done but not everyone does. Ms. Gillespie stated she is only trying to determine in black and white how the salary was derived at. She then spoke about receiving a spreadsheet of the entire department of their hours which wasn't what she was looking for. She then said if she had asked Mr. Boyce or Mayor Lensak for this information, they wouldn't have the answer. Mayor Lensak said that is correct, because Mr. Walsh is the department's liaison. He added that the entire Committee cannot micromanage each employee and department. He explained that is why Mr. Smith has the Seniors, Mr. Walsh has the DPW, he has the police. He said we all take responsibility and trust each other on how they handle their departments and employees.

**PUBLIC PORTION (CONTINUED)** Attorney Semrau explained one issue being raised is where is the information that the Committee used to make this determination. He said that when you have an Executive Session regarding Personnel Matters, that is information that cannot be released to the public. Many times, whenever there is ability to release information this Township has been very open and transparent except when it's a personnel matter. Until the legislation changes, you cannot release personnel discussion and information to the public. He added that in the last year and one-half in the case of Mr. Dickinson he was noticed and there was discussion about that individual in Executive Session. He added that he cannot tell all the details of that discussion but in Executive Session, the employee has the right to that private discussion where things can be discussed regarding performance, hours worked, compensation and certain job responsibilities. In this case, this matter has been listed for Executive Session discussion at least three or four times in the past several months. At that point in time information is discussed with the entire Township Committee. Other positions were also discussed in the same manner such as Animal Control, the Construction Office, and the CFO.

Ms. Gillespie stated she wasn't questioning the individual but the process. Mr. Boyce has had to look at shared services though it was a good idea to do so; we were forced to do it. It would be nice to have full time employees in certain positions but things have changed. The level of responsibility of those here has not changed. The obligation and responsibility to our town to perform all the required services and duties has not changed, we have to do it with fewer people. That puts a strain on those who remain. Those that remain are doing a great job and if we can find a way to help those that remain, it's a smart way to manage the town. He complimented the DPW on a job well done.

Mr. Boyce mentioned the Police Chief who was the Lieutenant which position was not replaced. The level of work of the police department remains the same though fewer people are doing that work and we are saving \$100,000 by not replacing that position. He then mentioned other shared services opportunities in which we saved money. Mr. Walsh then mentioned the construction of a softball field that the school set aside \$60,000 for this project. The DPW came in and at a cost of \$17,000 including fencing. The fencing and the field were done by the DPW and that money came from funding from property sold years ago to the State that is earmarked solely for recreation.

Mr. Boyce added that the Committee spends a great deal of time looking at ways to save money and do a better job managing this town. We do so because we care about the town.

Dan Freed of Lawrence Road said while listening to this conversation he always comes back to the fact that the largest part of the tax bill is the school budget. One of the frustrating things is we have the opportunity to vote on that budget and so little people come out to vote at that time. He mentioned a Bill to move that election to the General Election in which more people will then come out to vote. Attorney Semrau with this Bill there is a down side because in doing that the people lose the ability to vote on the school budget.

### **ORDINANCES: INTRODUCTION**

#### **NO. 2012-01 TO AMEND CHAPTER 63 "GAMES OF CHANCE" "ISSUING AUTHORITY"**

***"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO AMEND CHAPTER 63, "GAMES OF CHANCE", TO ADD SECTION 63-6 ENTITLED "ISSUING AUTHORITY"***

Ms. Thompson explained that this Ordinance will give the authority to approve all raffle licenses to the Municipal Clerk instead of the governing body. Each application has to be placed on the agenda for action by the Committee. She explained that sometimes, depending on the filing date, this is a hardship on an organization, because the next meeting date is less than two weeks before their scheduled event.

**ORDINANCES: INTRODUCTION (CONTINUED)****NO. 2012-01 TO AMEND CHAPTER 63 "GAMES OF CHANCE"  
"ISSUING AUTHORITY"**

***"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO AMEND CHAPTER 63, "GAMES OF CHANCE", TO ADD SECTION 63-6 ENTITLED "ISSUING AUTHORITY"***

She stated that Legalized Games of Chance Control Commission mandates that applications be in their office for review two weeks prior to an event. I believe this Ordinance will make it much easier for the organizations to meet their deadlines without difficulty. We have had situations where applicants had to drive their documents to Newark for approval. Following a short discussion it was decided to introduce this ordinance with the understanding that the Committee is given a list of Raffles approved by the Clerk's Office for their information. Mr. Smith stated that this is a wonderful step towards streamlining government. Attorney Semrau added there are a number of instances over the years in other municipalities where the residents don't know the rules and they are not aware of the timing issues. The applicants become frustrated with the process but without this Ordinance we need the governing body's approval. He also stated that if there was a controversial application with an issue, the Clerk would bring that to the Committee for a determination.

Mayor Lensak asked if there is any way that by doing this the applicant can somehow abuse the situation given the responsibility to another Clerk years from now. Even with the approval at the local level, the application still needs State approval. Attorney Semrau added that the Ordinance can always be repealed if they so choose.

***BE IT RESOLVED*** by the Mayor and Committee of the Township of Andover, that Ordinance #2012-01, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on February 13, 2012 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

Ms. Phoebus – yes

Mr. Smith – yes

Mr. Walsh – yes

Mayor Lensak – yes

**ORDINANCES: PUBLIC HEARING****NO. 2011-13 TO AMEND CHAPTER 51 "FIRE CODE"  
EMERGENCY RESPONSE RECOVERY OF COSTS**

***"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO AMEND CHAPTER 51, "FIRE CODE", ARTICLE II, "FIRE DEPARTMENT", TO ADD SECTION 51-22.1 ENTITLED "ANDOVER TOWNSHIP EMERGENCY RESPONSE RECOVERY OF COSTS ORDINANCE"***

Mayor Lensak spoke about two recent incidents with tracker trailers at the Lake Iliff Bridge. Mr. Smith said initially he had questions because he hadn't had time to review the draft. Since he read the Ordinance and spoke to Attorney Semrau he is completely satisfied with it. He wants to make certain the fire department is fine with it. He said he has always been in favor of this concept.

Ms. Phoebus stated that Chief Steinwand and Kyle Wilson are present if there are any questions regarding this Ordinance. Mr. Boyce stated he believes such an Ordinance can act as a deterrent; hopefully those will be encouraged to be more careful. Mayor Lensak opened the hearing to the public.

**ORDINANCES: PUBLIC HEARING (CONTINUED)****NO. 2011-13 TO AMEND CHAPTER 51 "FIRE CODE"  
EMERGENCY RESPONSE RECOVERY OF COSTS**

***"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO AMEND CHAPTER 51, "FIRE CODE", ARTICLE II, "FIRE DEPARTMENT", TO ADD SECTION 51-22.1 ENTITLED "ANDOVER TOWNSHIP EMERGENCY RESPONSE RECOVERY OF COSTS ORDINANCE"***

Mr. Woodstrom read about this Ordinance in the Township Journal and he asked about the costs to the fire department. Chief Steinwand explained that following a call the department needs to replace certain items that are used during a cleanup of hazardous materials. He stated that insurance companies are already collecting these funds from the clients for the purpose to reimburse fire departments. Attorney Semrau stated that in order to specify what the amount of the damages are, this Ordinance has a fee schedule attached that will be used if such an incident were to arise. There needs to be a schedule so that an insurance company has notice to what the costs are. Chief Steinwand explained there is a recovery third party company that will be filing the claims on behalf of the department.

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 December 12, 2011, was advertised according to the law and was brought before the public for final consideration. There being no objections, Mr. Walsh moved the adoption of the above entitled ordinance, seconded by Mr. Smith. Roll call vote:

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

**OLD BUSINESS****REVIEW AND DISCUSSION OF THE FINAL DRAFT OF THE PROPOSED PROPERTY MAINTENANCE CODE AS APPROVED BY THE LAND USE BOARD**

Ms. Phoebus stated that this draft was discussed by the Land Use Board and action was taken to bring it before the Township Committee for consideration and possible adoption. This Ordinance only deals with commercial/industrial properties and no residential. It will help the Route 206 and Newton-Sparta Road corridors. It will allow the Township to have the zoning official be able to enforce conditions on abandoned properties to their owners. These buildings will eventually become a hazard and they will also take value from someone else's property. This will mandate the owners to clean and maintain their properties.

Mr. Smith stated his concern that this Ordinance is aimed directly to businesses and excludes residential. He asked if that was legal. If it is appropriate for businesses why isn't it appropriate for residences. He added that in reading this draft he found nothing outrageous in this where only businesses should be affected. Attorney Semrau explained that businesses and commercial properties are the concern at this point. He said you can distinguish from both, but we would have to expand on this Ordinance. Ms. Phoebus stated that when the Land Use Board worked on this Ordinance they used Ordinances from other towns. The reason they approached only commercial properties is because they thought that was what the governing body wanted. If the Committee wishes to include residential, it will only take some minor changes.

Attorney Semrau suggested taking this Ordinance in phases such as putting it in effect for commercial for a period of six months to a year for some feedback before including residential properties. Mr. Walsh referenced the area referring to a neat appearance of lawns and shrubs. There was discussion regarding the draft and Ms. Phoebus then suggested a workshop.

**OLD BUSINESS (CONTINUED)****REVIEW AND DISCUSSION OF THE FINAL DRAFT OF THE PROPOSED PROPERTY MAINTENANCE CODE AS APPROVED BY THE LAND USE BOARD**

Attorney Semrau stated that it was mentioned that the Economic Development Committee started this and perhaps some feedback from them might be helpful. He also suggested that when we look at some of the sections of the code, he isn't sure of some of the definitions and how these will conflict with other sections of the code, needing to cross reference. He believes we need the input of the Planner and the Zoning Officer and come back to the Committee for further discussion. Mayor Lensak suggested having business owners take a look for their opinion. Ms. Phoebus thought a small mix of commissions and departments should sit down with a few hours to the Planner allocated in order to take a look at this. Mr. Boyce mentioned other sections in which he is concerned sending our zoning official out to give residents a citation because they haven't pruned or trimmed their trees. Mr. Smith stated he feels it's wrong to impose such a violation on both.

Mr. Smith stated it is a good start. Attorney Semrau stated he would ask Planner McGroarty for a cursory review of the Ordinance at no cost to the Township and based on what he gives the Committee, we can then decide going further if we need more investigation. All agreed.

**CONTINUED DISCUSSION REGARDING THE PROPOSED AMENDMENTS TO THE STEEP SLOPES ORDINANCE**

Ms. Phoebus stated that the Land Use Board does not want to see this Ordinance again. Mayor Lensak said we were supposed to have a comment from our Planner today but he could not attend. It was suggested to table this matter for the next meeting in which he could address both of these issues. Mr. Smith stated that if Planner McGroarty is going to explain his explanation, or repeat it, we don't need him to do that.

**OTHER BUSINESS****APPROVAL OF RAFFLE LICENSES**

- A. **#RL988 – Catholic Family & Community Services/Partnership for Social Services Family Center – Off Premise 50/50 To Be Held on June 6, 2012 At the Rolling Greens Golf Club**
- B. **#RL989 – St. Joseph Regional School – On Premise Merchandise To Be Held on March 3, 2012 at Perona Farms**

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

Mr. Boyce – yes

Ms. Phoebus – abstain

Mr. Smith – yes

Mr. Walsh – yes

Mayor Lensak – yes

**COMMITTEE REPORTS:**

**MR. SMITH.** Reporting on the Seniors meeting, they held their installation of officers on January 16<sup>th</sup> and the occasion was celebrated by a luncheon catered by Bella Italia. On February 6<sup>th</sup> the Sherriff's Department is coming with their K-9 Unit to do a demonstration and explanation to the Seniors. They would like to open the invitation to anyone available. On March 5<sup>th</sup> Lorraine Heines, Director of Senior Citizens for the County and she will speak to the Seniors in Andover Township regarding a Needs Assessment survey.

Reporting on SWAC, Wednesday at 4PM there is a meeting with Mayor Lensak and the Green Team to discuss recycling, which is a very critical issue. Andover Township does quite a good job, but doesn't mean we can't do a better job. Much success has to do with education so he is looking forward to that meeting. The next SWAC meeting is scheduled on February 14<sup>th</sup> in Newton.

**COMMITTEE REPORTS: (CONTINUED)**

**MR. SMITH.** Mr. Smith then reported on the Blue Diamond Complaint Log and we had a record low of five complaints for December. Of the five, three of them were cases of misunderstanding on schedules. The total for the year is 184 complaints, average of 15 per month. He said that each complaint is monitored very carefully and everyone is investigated and follow up in order to resolve each. We now completed one full year of monitoring so now on we will be able to compare figures.

Mr. Smith then reported on the Board of Health stating that the Rabies Clinic was held on January 6<sup>th</sup> and there were 248 vaccinations given. There were 134 dogs and 34 cats were inoculated. There were 68 out of town dogs and 12 cats. Forty licenses were issued that night. He then said there are about 1200 dogs in town and only 575 were renewed to date. Residents have until January 31<sup>st</sup> to renew without a late fee. He mentioned that the rabies certificate cannot expire to November 1<sup>st</sup> of the licensing year. He also asked that if someone no longer has their pet should contact Ms. Hattersley; the records will be updated accordingly.

The Board of Health held their reorganization meeting. Rachel Nazarian was reappointed as the Chair with Maryann Frodella reappointed as the Vice-Chair. He mentioned that Ms. Nazarian has served on the Board of Health for 25 years, Jackie Huelbig has 21, Maryann Frodella has 11 and Maryann Klenke has nine years. The newest member James Cunningham has four years. Mr. Smith added that the Board of Health has to be the most senioreed board in the Township. Mayor Lensak invited anyone from the public who is interested in the meeting on Wednesday; it will be at the municipal building at 4PM.

**MR. WALSH.** Reporting on the DPW, the last snowstorm went very smooth. The salt brine treatment seems to be working. He said it appears that we are being called out for storms several hours after other municipalities that don't use the treatment, saving on overtime. He asked that if anyone has seen first and evidence that the treatment is working, he would like to hear from them. They are continuing to chip from the October storm and they will probably be doing so all winter.

The generator for the DPW is down. It is an old army surplus generator and they are looking for one that will take care of town hall and the DPW. In case of a storm and loss of power the fuel pumps will be down and DPW Dickinson has made plans for fuel stations around the town for the municipal services.

Reporting on Finance, a rough draft of the budget has been put together and they are working on fine tuning it further. It will be distributed to the Committee for feedback in the next few weeks. He said regarding Capital Budgets, there was very little done last year and it is necessary to look at certain items in order to preserve the infrastructure in town. Half the roads were oiled and stoned a couple of years ago to save money and we have to keep up with repairs. If we wait in attempt to save money, it will only cost more down the road. Mr. Walsh said there are completed bat houses behind the dais for members of the public in attendance. They will be distributed at the end of the meeting.

**MR. BOYCE.** Due to being out of town last week, he mentioned the next meeting of the Board of Education is February 7<sup>th</sup> at 7:30. The Board of Education Trade Show which was rescheduled from last October, will now be held on March 16<sup>th</sup> from 6:30 to 8:30. This is a business and community get together. It gives them the opportunity for the school to meet with local businesses to thank them for what they do for the school system.

**MS. PHOEBUS.** On February 26<sup>th</sup> she will be attending one of six hearings held by the State regarding the State Plan. She stated she has been elected Chair of the County Planning Board and she and Michael Francis, her Co-Chair will attend the hearing. This Plan will affect Andover Township but not negatively. Following these six sessions, they will take action to adopt this Plan sometime this Spring.

The Fire Department has their installation dinner this Saturday night at Perona Farms. She then asked the Committee to give serious thought to Andover Township Day. Two years ago donations were received from area businesses to offset the costs and some people feel we shouldn't do that again this year due to the economic strain on most. Some feel this expenditure should be placed on our budget for 2012.

**COMMITTEE REPORTS: (CONTINUED)**

**MAYOR LENSAK.** He reported that he had the pleasure of attending the Lakeland Reorganization/Installation Dinner at the Adam Todd. He said they are an impressive group of people and we owe them quite a bit of gratitude for what they do for this town. He mentioned a great deal of restrictions coming down from the State regarding their certification program. He will be meeting with them to find out exactly what more will be entailed in this program. This State is actually making it harder for volunteers and to continue to do so. He said to put more demands on volunteerism at a time of economic crises, we should thank them all for what they do and not make it harder.

He then congratulated Ms. Thompson on achieving her re-certification for the New Jersey Department of Health and Senior Services/Office of Vital Statistics and Registrar.

He then reported on the Recreation Committee stating that they have fun things planned for the year. They are also a great group working hard and excited about Andover Day. He also is looking forward to the Fire Department's Installation Dinner this weekend.

**REPORT FROM THE MUNICIPAL ATTORNEY** He said that he is working on the AT&T lease agreement for restricting of the payments for the cell tower. The Township would lose some revenue on this restructuring but in exchange the Township will be granted a longer and more secure lease. AT&T is going back through their lease agreements and because of the changing technology, there is essentially less of a need for as many cell tower arrangements that they have. Mr. Walsh asked if years ago when we were approached to sell the towers, perhaps we should have. Attorney Semrau explained those companies wanted a buyout and when computing the differential and it wouldn't have worked.

On the Krueger litigation, as indicated in December, the matter has been resolved. This evening, the Committee has given direction to sign the Stipulation of Dismissal to bring the matter to conclusion. There are no changes to the Ordinance based on the challenge. That will conclude both the litigation and the actual application and the right to appeal the application which was approved for development.

As the Mayor mentioned in Executive Session there was discussion regarding the revaluation. He stated that the Sussex County Board of Taxation has ordered a revaluation for the Township for the 2014 tax year. We need to get maps and a contractor in place to proceed with this project.

He then spoke about the St. Paul's Abbey lease agreement stating that the developers have come back with modifications so Ms. Phoebus and he will continue to work with the Abbey on these revised terms of this agreement. He said he has been advised by a member of the Township Committee that there is a certain property owner that may be coming forward regarding a property acquisition and that will be communicated to the Administrator so that perhaps at the next meeting there could be some discussion in Executive Session.

Attorney Semrau then referenced a memo regarding the Solar Project dated January 18, 2012 from Engineer Golden. He recommends that essentially a significant portion of the final payment be withheld and providing there are no objections by the Township Committee he will coordinate with the Engineer to go ahead and advise the contractor of this withholding of a portion of their final payment. The Committee fully agrees.

Ms. Phoebus stated she and Mr. Smith were assigned to investigate the substation on Limecrest Road and she spoke to Engineer Golden about this and the station has been completed. He told Ms. Phoebus he spoke with George Sous of PSE&G and the substation has not been activated but the project is finished. She then mentioned the active Petition with the BPU against JCP&L. Mr. Smith stated the Petition should not be removed until the substation is up and running. Attorney Semrau stated he will reach out to Mr. Sous. He then introduced an associate with his office Michael Augello who is new to the firm.

Mayor Lensak reminded everyone about the Green Team's Farmer's Market on Sunday, February 12<sup>th</sup> at the Hillside Park Barn from 10 to 3PM. There will be local farmers, artisans and their food, cheese, breads. He asked all to support their local farmers.



**TOWNSHIP OF ANDOVER**

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Committee of the Township of Andover on the 23RD day of January 2012, 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):**

- (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. FOP Lodge #177 Union Contract Status Report**
- 2. St. Paul's Abbey Due Diligence**

**Attorney-Client Privilege:**

- 1. Tax Revaluation**
- 2. Leenstra Potential Litigation**
- 3. Rolling Hills Condominiums**

**Potential Litigation:**

**Pending Litigation:**

- 1. Krueger vs. Andover Township**
- 2. Leenstra vs. Then, etal.**
- 3. Sussex & Warren Holding – Life Care Mews**

(x) a. (8) Personnel matters.

- 1. J. Cutler, Zoning 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: January 23, 2012

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Moved: Walsh      Seconded: Smith  
Voted Aye: Boyce, Phoebus, Smith, Walsh, Lensak  
Voted Nay: None  
Abstained: None  
Resolution adopted. January 23, 2012

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