

**ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES**

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

**FEBRUARY 13, 2012**

**6:30 P.M.**

**REGULAR MEETING BEGINS AT 7:30 P.M.**

The regular meeting of the Andover Township Committee was called to order at 6:35 P.M. by Mayor Lensak, followed by a salute to the flag.

**ROLL CALL:** Present: Mr. Boyce (arrived at 6:45) Ms. Phoebus, Mr. Smith  
Mr. Walsh, Mayor Lensak  
Also present: Attorney Augello

**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. Walsh, seconded by Ms. Phoebus, the resolution to go into executive session to discuss

**Personnel Matters:**

1. ***Position of Zoning Officer***
2. ***Possible Staff Reductions***

**Contract Negotiations:**

1. ***FOP Lodge #177 Union Contract Status Report***
2. ***St. Paul's Abbey Due Diligence***
3. ***Municipal Software Finance Program***

**Attorney-Client Privilege:**

1. ***Tax Revaluation***
2. ***Leenstra Potential Litigation***
3. ***Rolling Hills Condominiums***
4. ***Discussion Regarding SCMUA & Recycling Regulations***

**Potential Litigation:**

**Pending Litigation:**

1. ***Leenstra vs. Then, etal.***
2. ***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. The Committee came out of Executive Session to amend the agenda to include under Personnel – Possible Staff Reductions. Ms. Phoebus moved to go back into Executive Session as amended at 6:36 P.M., seconded by Mr. Smith and carried unanimously. Mr. Walsh moved to adjourn executive session at 7:32 P.M., seconded by Mr. Smith and carried unanimously.

REGULAR MEETING

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

**APPROVAL OF CONSENT AGENDA ITEMS** Mayor Lensak asked that Resolution #R2012-40, 2011 BUDGET APPROPRIATIONS TRANSFER be added to the Consent Agenda. Mr. Walsh moved the following consent items be approved, seconded by Mr. Boyce and carried unanimously.

**\*CONSENT AGENDA:**

**\*OTHER BUSINESS:**

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

**APPROVAL OF THE TAX COLLECTOR'S JANUARY 2012 REPORT - \$1,386,011.92**

**\*RESOLUTIONS:**

**#R2012-35 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ACCEPT THE LETTER OF RESIGNATION FROM JAMES CUTLER, ZONING OFFICER**

**#R2012-36 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY REVISING THE RENTAL AGREEMENT WITH PITNEY BOWES GLOBAL FINANCIAL SERVICES FOR THE LEASE OF THE POSTAGE MACHINE**

**#R2012-37 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ENDORSE NEA'S READ ACROSS AMERICA DAY IN ANDOVER TOWNSHIP ON MARCH 2, 2012**

**#R2012-38 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE RELEASE OF THE MAINTENANCE BOND NO. 1965MB IN THE AMOUNT OF \$3,477.10 FROM SALMON BROS., INC. FOR THE PERONA ROAD RECONSTRUCTION - PHASE I PROJECT**

**#R2012-39 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY ENDORSING THE SUBMISSION OF THE 2011 RECYCLING TONNAGE GRANT APPLICATION TO THE NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**#R2012-40 2011 BUDGET APPROPRIATIONS TRANSFER**

**\*APPROVAL OF MINUTES:**

**JANUARY 23, 2012 REGULAR MEETING**  
**JANUARY 23, 2012 EXECUTIVE SESSION**

Mayor Lensak read the following Proclamation in honor of Lance Corporal Cassidy who was present this evening with his parents, sister, aunt and many friends.

**PROCLAMATION BY THE MAYOR IN HONOR OF UNITED STATES MARINE CORPS.**  
**LANCE CORPORAL PATRICK CASSIDY**

- WHEREAS, *The freedom and security that citizens of the United States enjoy today are direct results of the continued vigilance given by the United States Armed Forces over the history of our great nation; and***
- WHEREAS, *the sacrifices that such members of the United States Armed Forces and of the family members that support them, have preserved the liberties that have enriched this nation making it unique in the world community; and***
- WHEREAS, *Lance Corporal Patrick Cassidy grew up in Upper Merion Township, and King of Prussia Pennsylvania excelling in football, soccer, baseball and wrestling; and***
- WHEREAS, *Lance Corporal Cassidy moved to Andover Township in 2007 and while at Newton High School he was involved in the Future Farmers of America Program where he received an award for Most Outstanding Student; and***
- WHEREAS, *Lance Corporal Cassidy, joined the United States Marine Corps shortly after graduating from Newton High School in 2010, choosing the Marine Corps., finding it the most challenging branch of the Armed Forces; and***
- WHEREAS, *Lance Corporal Cassidy joined the 3<sup>RD</sup> Battalion/6<sup>TH</sup> Marines Regiment where he was awarded the French Fourragere, awarded by the French government when a unit has been cited twice for the French Cross of War, which he wears proudly on his uniform; and***
- WHEREAS, *since being promoted to the rank of Lance Corporal he has been awarded the Non-Article 5 NATO Medal, presented to personnel participating in NATO Support Operation International Security Assistance Force in Afghanistan; and***

**NOW, THEREFORE, I, Michael Lensak, Mayor and the Township Committee of the Township of Andover, County of Sussex, State of New Jersey do hereby accord special recognition, thanks and appreciation to United States Marine Lance Corporal Patrick Cassidy for his service and his outstanding dedication to his duty, serving the people of the United States with great honor and to all our Armed Forces who have served and are now serving in order to keep America free.**

#### **REGULAR AGENDA**

**REPORT FROM THE FIRE CHIEF** President Rick Melfi stated that Chief Steinwand is not available and he is with the rest of the department on a drill of Thor Labs in Newton. President Melfi reported for the month of January there were a total of 16 reported calls, two activated fire alarms, one carbon monoxide, one ice rescue drill, one illegal burn, one monthly drill, three mutual aid out of town, two special work drills, one smoke condition, one standby at the fire house, one structure fire and one traffic detail. There were reported hours of 263, 59 calls for the year and 668 hours for the year. Mr. Melfi elaborated on the ice rescue drill. The department has a full set of ice rescue suits available for their use in a rescue.

**REPORT FROM THE RESCUE SQUAD CHIEF** Chief Allenspach is not available but the Captain was present and she reported 32 calls for the Township, Andover Borough there were three, Byram Township there were 44 and various mutual aid calls for a total of 91 calls. There were 14 ALS cancels, five releases, one pronouncement. For the month of January there were 1,328 miles with 148 hours. She expressed some issues with the new Skillman Program.

**REPORT FROM THE CHIEF OF POLICE** Chief Tagliatela stated there are some bugs that are being worked out of the system. He reported at last month's meeting that they went live in January and have experienced a number of issues they are trying sort out. He stated Sgt. Danielson is working diligently with the programmers to try to iron these issues out. He said that his report this evening is not 100% broken down in categories, but the totals are accurate.

He reported the year to date total for all municipalities serviced by Andover Township is 954 calls and by the next meeting, he expects to have separate reports for each. He then congratulated Sgts. Danielson and Murrell for passing the Lieutenant's examination which is very stressful. He then thanked Lance Corporal Cassidy on behalf of the Police Department for his service which is greatly appreciated.

**PUBLIC PORTION** Diane Gillespie of Andover-Mohawk Road referenced a comment made at the last meeting and in her attempt to draw comparisons, she inadvertently made a comment that was never her intent to do.

Mayor Lensak invited Eric Derby from the Green Team to speak on the success of the Farmers' Market held yesterday. Mr. Derby stated the Green Team had their first event at Hillside Park which was an indoor Winter Farmers' Market. They had seasonal items from 30 farmers and craft vendors. The event was held from 10AM to 3PM. There were about 350 people visit the event which was very successful and it received much publicity. This event will help the Green Team work towards its certification for Sustainable NJ. Mr. Smith congratulated them, stating it was an outstanding event and one of the best things that has happened in a long time.

Mr. Boyce echoed Mr. Smith's comments, stating there was great publicity with three colored pictures on the cover of the NJ Herald this morning. He said it was great timing for the event. He said the organizers for this event should all be commended. Mr. Boyce thanked Eric Olsen, Christine Kretzmer, David Kolstad, Diana Boyce as well as Monica Sterniker and Rosemarie Hoffman. Mr. Derby commented on the great community spirit.

Seeing no hands, Mayor Lensak closed the public portion.

#### **ORDINANCES: PUBLIC HEARING**

##### **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"***

Mr. Boyce explained that raffle applications are on almost all agendas for approval by the Committee. This Ordinance will give the authority to approve all raffle licenses to the Municipal Clerk. As you know, under our current Ordinances, each application has to be placed on the agenda for action by the Committee. 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.

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. This ordinance was introduced and advertised for public hearing this evening introduced, the public hearing will be scheduled for February 13<sup>th</sup>.

Mayor Lensak opened the hearing to the public and seeing no hands he closed the public hearing.

**ORDINANCES: PUBLIC HEARING (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"***

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 January 26, 2012, 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**

Mr. Walsh stated he has been thinking about this Ordinance for the past three weeks and Mr. Smith's comments as to why don't we include residential properties. Mr. Walsh stated that he feels this Ordinance would be excellent for commercial only for the fact there are commercial properties are bringing down home values because they are not being maintained. He said we can address residential at a later date. Now, we want people to come and visit our businesses in town. With residential it is a private matter. With commercial properties it should be safe and maintained.

Mr. Smith agrees that this is a strong Ordinance but feels we should not target one segment of the population. Reading through the Ordinance, he said he does not see one item that doesn't apply equally to residents as it does to businesses. There is one exception under the definition of Rubbish on page four, where it includes trees, branches, and yard trimmings. He objects to that definition.

Mr. Boyce stated he is in favor of passing this Ordinance as it is and addressing the residential issue at a later date. He also mentioned an item on Page 4, item 10 mentioning inoperable vehicles. He asked if this includes tractor trailers. The Committee agreed that it does and therefore giving us the power to clean up some areas in towns. Mr. Smith asked why that wouldn't apply to residents. Mr. Boyce agreed that it would if the property owner had a tractor trailer abandoned on their property.

Mr. Smith stated he looked at every single one of the sections asking if it can also apply to residents or not and he said they all apply. He said he does not like to target one segment and treat them different than another. Mr. Boyce said and he can't remember who, if we begin to target residents, then people will come here and complain. But as he looks at this, what are they going to complain about, that they are not allowed to have infestation and rodents and vermin. These are commonsense and neighborly things. Following this discussion it was decided to include residential to this Ordinance.

Mayor Lensak stated that in speaking with Attorney Semrau earlier he had asked the Committee to hold off on introduction until he has had a chance to layer this Ordinance with our other Ordinances to make sure there is consistency and no conflicts. Mr. Walsh said how much longer are we going to wait to make a move on these Ordinances. He is concerned that these delays will allow things to fall by the wayside. Following a short discussion it was decided to proceed with the Introduction of this Ordinance.

**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 will be directed to review the Ordinance for consistency and no conflicts with other Ordinances. Attorney Augello stated that this Ordinance will be modified in time for publication one week prior to the public hearing.

**ORDINANCE: INTRODUCTION****NO. 2012-02 TO CREATE CHAPTER 67A MINIMUM PROPERTY MAINTENANCE CODE*****“AN ORDINANCE TO CREATE CHAPTER 67A OF THE ANDOVER TOWNSHIP CODE TO BE KNOWN AS “MINIMUM PROPERTY MAINTENANCE CODE FOR THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ANDOVER”***

**BE IT RESOLVED** by the Mayor and Committee of the Township of Andover, that Ordinance #2012-02, 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 27, 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

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

Ms. Phoebus stated the reason this is continually tabled is because we need our Planner to review this with Attorney Semrau due to the fact that this Ordinance when first introduced had some residents concerned and created litigation. Attorney Augello stated he spoke with Attorney Semrau earlier today and Planner McGroarty told him he would be present at the February 27<sup>th</sup> meeting.

Mr. Smith stated that he had heard the Planner stated he explained it once and if the Committee wants him to come in and re-read his explanation he would. Mr. Smith said it won't do him any good. Ms. Phoebus said if we don't hear from the Planner we might as well forget the whole matter. The Land Use Board truly wants to incorporate these changes into the Ordinance. She said she feels Attorney Semrau would feel better if the Planner was before the Committee to explain these changes and his opinion.

The Committee was adamant that the Planner's explanations even in layman's terms are very difficult to comprehend. Ms. Phoebus stated that if the governing body has an issue with our Planner, and the Land Use Board needs a Planner. Mr. Walsh explains that there is no issue with his work but his explanations are hard to understand. Mayor Lensak suggested that we should wait until he meets with us on February 27<sup>th</sup> and make a determination at that point. Attorney Augello added that his office will have a discussion with him before that meeting and communicate these concerns to him and perhaps prepare him better for that evening. Mr. Walsh stated we cannot vote on something they can't understand.

OTHER BUSINESSAPPROVAL OF RAFFLE LICENSES

- A. #RL990 – SCARC, INC. - ON PREMISE 50/50 TO BE HELD ON MARCH 22, 2012 AT PERONA FARMS
- B. #RL991 – OUR LADY OF CONSOLATION CHURCH OFF PREMISE 50/50 TO BE HELD ON MAY 10, 2012 AT THE FARMSTEAD GOLF & COUNTRY CLUB
- C. #RL992 – KAREN ANN QUINLAN MEMORIAL FOUNDATION OFF PREMISE 50/50 TO BE HELD ON MAY 23, 2012 AT THE FARMSTEAD GOLF & COUNTRY CLUB
- D. #RL993 – SCARC, INC. – OFF PREMISE 50/50 TO BE HELD ON JUNE 19, 2012 AT THE NEWTON COUNTRY CLUB

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

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

COMMITTEE REPORTS:

**MR. BOYCE.** He reported that the School Board has a meeting on February 21<sup>st</sup>. They expect to review their 2012-2013 budget at that time. He encouraged everyone to attend that meeting and ask questions as to where their money is going. The School District represents about 56% of your tax dollar. As much as the Committee does what they can to hold down the 23%, sometimes it is inconsequential compared to what they can do. We ask them to more a little more vigilant because it is always helpful.

On Friday, March 16<sup>th</sup> the School is holding a business and community get together. The Board is always trying to meet with businesses to continue a good relationship. This event is at 6:30 to 8:30.

On a personal note, he informed the public that about a month ago he was named Vice-President of Spoken Word Formats for Salem Communication. He provided some background regarding this company and what he will do.

**MS. PHOEBUS.** She reported that there will be an Open Space meeting next Wednesday at 7PM. On the Abbey there will be a meeting on February 22<sup>nd</sup> at the attorney's office in Boonton. Communications will continue with RPM to discuss affordable housing agreements. The fire department will be doing the Venison Dinner.

There was a subcommittee meeting regarding Andover Township Day. The DPW Supervisor Dickinson, Sgt. Murrell representing traffic control, Mr. Walsh, Ms. Thompson and Jackie Huelbig representing the Recreation Committee. Through research conducted by the Clerk's Office, it was determined that Andover Township will be celebrating 150 year anniversary. With the economic conditions the way it is at this time, it was suggested that we concentrate our efforts for a grand gala in two years and do something on a smaller scale this year. Following a short discussion with the Committee it was decided to do a family camp out at the park in conjunction with the Green Team who is looking to rent a large movie screen, for a movie at the park night. A fee will be charged per family for this event at the rate of \$25. Byram did this last year and found it to be very successful. Mr. Smith found this alternative to be a fabulous idea. Mr. Boyce agreed. Mayor Lensak stated that he is disappointed and has mixed emotions about this. It is in tough times that the community has these events such as Andover Township Day to provide an event for those who don't get a chance to get away at little or no cost to them.

**COMMITTEE REPORTS (CONTINUED)**

**MS. PHOEBUS.** The Committee agreed to do the campout night and concentrate on the 150 anniversary in 2014.

**MR. SMITH.** He reported on the recent Senior Citizens' meeting where the Sheriff's Department came with their K Nine Unit. They were honored with the presence of Sheriff Strada and Undersheriff Armstrong. Patrolman McMorell bought his dog Atlas and he lives with the Patrolman and his wife. He is trained to identify and locate lost people, people who have broken the law, and he is trained to sniff out and identify bombs and drugs. Prior to the dog entering the room, the officer planted drugs in the meeting room and he came in and went to the location, sat and pointed. He explained that there were about 75 different events in the last year in which the dog was used to assist in apprehending criminals. It's an active unit and not all counties have one. He said all the seniors enjoyed the demonstration. Mayor Lensak was also there to partake in the event. Following the demonstration the seniors celebrated Valentine's Day with pizza and cupcakes.

The next event is scheduled for March 5<sup>th</sup> where the County Director of Senior Services will address the needs assessment of seniors. The next official meeting is February 20<sup>th</sup> in Andover Borough. He reminded everyone that they are always looking for new members, 55 years and older qualify.

Regarding SWAC there is a effort going on regarding recycling. He said the Green Team has lended their support. He said he can't emphasize enough the importance of recycling and how it reduces the burden on the landfill. He announced a meeting on Wednesday with the Green Team at 4PM which is also open to the public. He said we have very little solid waste because everything is recyclable. The next SWAC meeting is tomorrow night at the County Building at 7:30. Blue Diamond performance is being tracked and we are now in the second year of doing this. We had a good month for January 2012 and in January 2011 there were 25 and this year, four. Sometimes it is a misunderstanding of the schedule and sometimes it's Blue Diamond. If anyone has an issue they are to contact Robyn Hattersley.

Reporting on the Board of Health, their next meeting is on Wednesday at 7:30. Dog licensing is now completed and if you have failed to do so by January 31<sup>st</sup>, there is a \$5 late fee each month the license is delinquent. Last year we had 1135 dogs licensed and of those 942 renewed. If you no longer have your pet they should let Robyn Hattersley know and the dog will be removed from the system.

**MR. WALSH.** Reporting on the DPW, he said he received a call from the Township Engineer and the Goodale Road project is ready to go. A tree service came in to clear an area so we can begin. The contractor is eager to begin once the weather cooperates.

Mr. Walsh said he will be meeting with the auditor tomorrow and they will work on the 2012 budget and in two weeks we should have concrete numbers and we will be able to see where we stand.

**MAYOR LENSAK.** The Green Team is meeting on Thursday night at 7:00 at the Hillside House. Mayor Lensak stated that the Team may discuss combing this meeting with the Environmental Commission meetings because they are very similar. The Recreation meeting is tomorrow night and as he previously mentioned. He will meet with them and report back.

He did attend the last Seniors' meeting and witnessed the K Nine Unit in action.

**REPORT FROM THE CLERK/ADMINISTRATOR** She reported that she and Ms. Hattersley were working with the webmaster on the new site. We went live on Friday night. The site looks good and little by little the information is being transferred from the old site to the new one. The updates to the site are being done almost immediately which is far better than before. The site is very user friendly and the information is easy to locate. If anyone has any ideas how to improve this site to please let the Clerk's Office know. We are open to suggestions and anything that will make searching for information easier.

**REPORT FROM THE MUNICIPAL ATTORNEY** Attorney Augello reported for Attorney Semrau in which he wanted the Committee to know regarding the Newton-Sparta Road grant funding, he wants to know if there is anything further we need him to do on this matter. The Committee all agreed that they haven't heard anything more on the subject.

Mayor Lensak once again thanked Lance Corporal Cassidy for his service to the Country. He said it is an honor to have him here this evening.

**NEXT SCHEDULED MEETINGS:** Regular Meeting February 27, 2012  
Regular Meeting March 12, 2012

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

**ADJOURNMENT** No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 8:29 P.M., seconded by Ms. Phoebus and carried unanimously.

Respectfully submitted,

  
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Michael Lensak, Mayor

  
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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 13th day of February 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. ***DPW, Dispatchers & FOP Lodge #177 Union Contracts Status Report***
- 2. ***St. Paul's Abbey Due Diligence***

**Attorney-Client Privilege:**

- 1. ***Tax Revaluation***
- 2. ***Leenstra Potential Litigation***
- 3. ***Rolling Hills Condominiums***
- 4. ***Discussion Regarding SCMUA & Recycling Regulations***

**Potential Litigation:**

**Pending Litigation:**

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

- (x) a. (8) Personnel matters.
  - 1. ***Position of Zoning Officer***
  - 2. ***Possible Staff Reductions***
- ( ) 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: FEBRUARY 13, 2012

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Moved: Phoebus                      Seconded: Smith  
Voted Aye: Phoebus, Smith, Walsh, Lensak (Boyce arrived at 6:45)  
Voted Nay: None  
Abstained: None  
Resolution adopted. FEBRUARY 13, 2012

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