

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

MARCH 26, 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: Mayor Lensak asked that the Executive Session be amended to include Under Attorney-Client Privilege: Life Care Mews. On a motion by Mr. Walsh, seconded by Mr. Boyce, the resolution to go into executive session to discuss

Personnel Matters:

1. ***Position of Zoning Officer***
2. ***Gail Lincoln, Tax Clerk***
3. ***Personnel Officer***
4. ***E. Diklich, Police Officer***
5. ***J. Casella, Police Dispatcher***

Contract Negotiations:

1. ***St. Paul's Abbey Due Diligence***
2. ***Police Dispatcher's & DPW & FOP Lodge #177 Union Contracts Status Reports***

Attorney-Client Privilege:

1. ***Tax Revaluation – Tax Map Revisions Proposal Review***
2. ***Land Use Board Professional Services Contractors***
3. ***Possible Land Acquisition***
4. ***Life Care Mews***

Potential Litigation:

Pending Litigation:

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

The Committee went into executive session at 6:37 P.M. Mr. Walsh moved to adjourn executive session at 7:47 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 requested that Resolution #R2012-51 for further discussion. Mr. Walsh 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:**

#R2012-46 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO HATCH, MOTT, MACDONALD FOR CERTAIN ENGINEERING SERVICES

#R2012-47 2012 TEMPORARY BUDGET

#R2012-48 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT PHILIP COLEMAN TO THE POSITION OF CODE ENFORCEMENT/ZONING OFFICER EFFECTIVE IMMEDIATELY

#R2012-49 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING THE APPOINTMENT OF THE MUNICIPAL COURT PROSECUTOR TO AUTHORIZE THE USE OF A QUALIFIED CONFLICT PROSECUTOR WHEN NEEDED

#R2012-50 2011 BUDGET APPROPRIATIONS TRANSFER

***APPROVAL OF MINUTES:**

FEBRUARY 13, 2012 REGULAR MEETING
FEBRUARY 13, 2012 EXECUTIVE SESSION

(See Inserts Attached to These Minutes)

RESOLUTIONS:

#R2012-51 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO CALL FOR THE RESTORATION OF ENERGY TAXES TO MUNICIPALITIES

Mayor Lensak briefly discussed the impact of this tax not being returned to municipalities. This was guaranteed in 1997 not to be taken away from municipalities and the Supreme Court overruled and Governor Corzine signed Robin Hood Principle and \$32 million was being deferred from municipalities. Mr. Walsh moved to adopt this resolution, seconded by Mr. Smith and carried unanimously.
(See Insert Attached to These Minutes)

REGULAR MEETING**APPROVAL OF MINUTES:****FEBRUARY 27, 2012 REGULAR MEETING****FEBRUARY 27, 2012 EXECUTIVE SESSION**

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

Mr. Boyce – yes

Ms. Phoebus – yes

Mr. Smith – abstain

Mr. Walsh – yes

Mayor Lensak – yes

REGULAR AGENDA

PUBLIC PORTION Jim Woodstrom of Limecrest Road stated he has some input in saving money. He said at the last meeting the Committee discussed eliminating \$4500 from the Recreation Committee. He said he believes that was done but the township has a Recreation Director/Secretary that receives \$17,508 a year. He asked why we are paying someone for this position. He then said that same person is also a health officer which we don't need. He stressed the Committee check with Sussex County Health Department. He said all that is needed is a liaison. They prepare all the reports and there is no need for meetings. That position is another \$10,300 a year. That total is \$27,818 this one person receives for those two jobs on top of other positions as deputy clerk. He said he finds these positions totally unnecessary and he has brought this matter up in the past.

He then spoke about medical benefits provided to three committee members which he said total \$50,441.04. He said Mr. Boyce is at \$18,219.80, Mr. Lensak at \$11,517.24 and Mr. Walsh is at \$20,706 plus his pension. He asked Mr. Boyce if he is covered under his employer and he responded he is not at this time. When he is he will make that decision in the future. Mr. Woodstrom said that the Governor grandfathered those committee members receiving benefits to continue to do so, but he eliminated this benefit to any elected official with less than 35 hours.

Mr. Woodstrom said that according to the Star Ledger the State is subcontracting all mowing of their mediums, along fences and fields. He suggested that we look at local contractors for this same service. Mr. Walsh stated we are looking into this matter already. He also mentioned contracting snow removal in which Mr. Walsh stated they are also looking into that. Mr. Woodstrom then suggested selling the sweeper and contracting out that service.

Rick Melfi of Park View Road said he read in the paper about the funding to municipalities on road improvements and Andover Township and Byram received monies for improvements to Roseville Road. Mr. Walsh stated Byram suggested we apply for Roseville Road. There is no official notification except for the newspaper article yesterday. Ms. Phoebus added that the railroad has started to lay tracks for the line. She said the State though they cut back on these grants, and Andover and Byram both received funding for this road, that is an indication that the tracks are coming.

David Kolstad of Cherokee Road stated at the last meeting there was discussion regarding a zero tax increase. He stated as probably the lowest paid person in the room, he said that a zero increase in taxes is probably not in the best interest of our community. He said when you cut services, cut income and keep squeezing the town to the most minimal point it can be, ultimately you get to a critical mass of which you can never recover. He said it is very important when weighing the pros and cons in a tight budget to think of the future of Andover Township. He urged the Committee to keep fighting to grow the community because it is the most important thing we have. The vision of the future to create a town center as other things is very important adding that education is an important factor in the taxes and we should pay more towards it.

PUBLIC PORTION (CONTINUED) Tony Krucinski was present as a representative to save the Homestead. He said information was sent from Stillwater to Andover and asked the Committee to consider a resolution for a referendum to place this decision on the voters of Sussex. Mr. Walsh indicated that this discussion will be held under New Business later this evening.

Janis McGovern of Lawrence Road asked about the energy tax and asked why the former Governor signed that bill and also asked while we are working to put this tax in place for the municipalities, are we working with other towns and counties towards this goal. Mayor Lensak stated that this resolution has been circulating throughout the State in support of this change. He said the taxes are still being paid but the State stopped sending those taxes to the municipalities. He mentioned the website in which you put in the town and it shows the amount of the shortfall.

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

ORDINANCES: PUBLIC HEARING

NO. 2012-03 TO AUTHORIZE THE PURCHASE OF SOFTWARE FOR THE FINANCE DEPARTMENT FROM MUNICIPAL SOFTWARE, INC.

“AN ORDINANCE TO PURCHASE SOFTWARE FOR THE FINANCE DEPARTMENT FROM MUNICIPAL SOFTWARE, INC. FOR THE TOWNSHIP OF ANDOVER AND TO PROVIDE FOR THE FUNDING THEREOF”

Mayor Lensak opened the public hearing on this Ordinance. Dan Freed of Lawrence Road asked if we've had this company before or is this new. Administrator Thompson explained that Municipal Software was our internet support company for finance, tax and dog licensing programs as well as server and emails support for many years until eight years ago. The finance and tax programs were replaced by Edmunds and there was another internet technology company appointed in their place. Over the past several years we have found many discrepancies in the finance programs and with the shared services with our CFO, who uses Municipal Software in Lafayette, we found that their program is much user friendly, more accurate and less expensive to operate. They are working on a new tax program that will be available at the end of this year and that is when we will switch in the tax officer. She also explained that they provide all services under one company which streamlines services and keeps costs down. She added that we should have never switched companies in the first place.

Seeing no other hands, Mayor Lensak closed the public hearing.

Mr. Smith stated that the changeover we are making is to a far superior product. The package we currently have is extremely weak in its reporting phase as you know a system is only as good as what it can be reported from. It is weak, difficult and cumbersome and he believes it is a far better system to go to. He especially likes that it will support our whole network and infrastructure.

An ordinance of which the foregoing is the title was introduced and passed on first reading at the regular meeting of the Andover Township Committee on March 13, 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 | |

NEW BUSINESS**NOTICE OF INTENT TO RENEW AN AERONAUTICAL FACILITY LICENSE
FOR AEROFLEX-ANDOVER AIRPORT FOR THE PERIOD MAY 1, 2012
THROUGH APRIL 30, 2013**

Ms. Thompson explained that every year the State Department of Transportation renews the aeronautical facility license for the Aeroflex Airport but before doing so it asked the governing body for their comments and/or concerns as to whether or not they support this renewal. She said the last complaints came over 10 years ago. Following a short discussion it was decided that since there have been no reports of complaints regarding this airport they decided not to object to the renewal.

**CONSIDERATION OF RESOLUTION IN SUPPORT OF REFERENDUM REGARDING
SALE OF THE SUSSEX COUNTY HOMESTEAD NURSING HOME**

Ms. Thompson stated that the municipalities within the County are circulating a form of resolution in support of bringing the sale of the Homestead decision to the voters in the form of a referendum in the General Election. Information was provided to the governing body at the last meeting for their review and consideration of this resolution this evening. There was mention of the scheduled public hearings regarding this sale scheduled for on April 16th at the Frankford Municipal Building at 5PM and another one on Freeholders' Meeting Room on May 23rd. Mr. Walsh stated he is in favor of the referendum process and Mr. Smith also commented he is in favor of the referendum, adding that whenever it is something this serious, the public should speak. Mr. Boyce and Mayor Lensak also agreed.

Mayor Lensak read the resolution in full. Mr. Smith commented that the resolution calls for a non-binding referendum and asked if that could be removed. Mr. Walsh asked if it could be changed to binding referendum. Mr. Smith said if we don't have the authority to do so, perhaps we shouldn't change it. Attorney Semrau stated that we could certainly put that language in the resolution, requesting binding. The change was made.

RESOLUTION**#R2012-52 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX
AND STATE OF NEW JERSEY SUPPORTING A REFERENDUM FOR THE
SALE OF THE HOMESTEAD NURSING HOME**

Mr. Walsh moved to adopt the foregoing resolution as amended, seconded by Mr. Smith and carried unanimously.
(See Insert Attached to These Minutes)

OLD BUSINESS**DISCUSSION REGARDING THE PROPOSED 2012 MUNICIPAL BUDGET**

Mr. Walsh informed the Committee where we are currently in the budgeting process. He said the increase at this time in point is three cents, under two percent. The increase is due to the fact that the revenues have decreased from last year, not stayed even. The decrease is \$73,500. At one point we were at 3.5 and we cut another \$26,000. At this time we are at a \$75 increase per average assessed value at \$247,000, which the assessed value has also decreased. To reach zero increase in the budget, he had first stated we need to lay off two employees, we now need to layoff five, maybe six. For every \$60,000 saved, we will save \$25 in taxes on an average assessed home.

Mr. Boyce said that Ogdensburg was able to do a zero budget as read in today's newspaper, the first time they've been able to do that in five years. He also saw that Byram is increasing 3.1%. An exact percentage cannot be given until the auditor provides the rest of the figures, but it is under the two percent Cap.

OLD BUSINESS (CONTINUED)**DISCUSSION REGARDING THE PROPOSED 2012 MUNICIPAL BUDGET**

Mayor Lensak reminded everyone that the school is conducting their budget meeting this evening at the Long Pond School at this time and he encouraged anyone to go to that meeting.

Mr. Smith argued that taxes are killing the town and he mentioned those who are selling their homes and moving out, one of the reasons is taxes. He asked people to speak to the realtors who say we cannot attract people to buy in Andover Township because of the high taxes. He said there are those who say it is bad to lower services but people don't come to this town and ask about the services, they ask about the taxes. That affects real estate value. He said he believes we should maintain and look for a zero increase. Mayor Lensak asked how he proposes to keep a flat budget. Mr. Smith said he has made recommendations before and we can go back and review them. Mayor Lensak stated he respectfully disagrees.

He mentioned a conversation he had with a Andover Borough resident who would pay an additional tax of \$1500 for additional services in the Township. He had told him that living in the Borough he is paying \$5000 on his house in taxes. He said the same house in Andover Township would cost him \$6500 to \$7000, he is a family man with children. Mayor Lensak said he told him that the fact we have a police department is worth every penny of that. He added that the fact we have a highly trained fire department is worth every penny of the increase. He also said that we have a full time staff at the municipal building is also worth the additional tax to him. He also mentioned the garbage service. Mayor Lensak said that if we can find ways with the DPW to make cuts, he agrees that we have to begin looking outside the box.

Ms. Phoebus spoke about the garbage contract and she said if we think we can continue to keep this contract outside the Cap, we are making a big mistake. She said it was mentioned this week that the County is now \$25 million short in closing the landfill. She said they will inevitably raise the tipping fees and as they increase we will be paying more and more. She said has to provide her own contract for garbage and recycling because she needs dumpster service, which she was notified of a \$1000 fee for the next year. She said to continue to keep this service, that will continue to grow will mean we will have to give up something else. She mentioned various options of collecting our own recycling and have the DPW take the load to the dump. Ms. Phoebus stated there are six municipalities in Sussex County that provide trash service inside the Cap and one outside the Cap, which is Sparta. The rest do not provide this service.

Mr. Smith disagreed with removing the garbage service because to him it is the same as raising taxes and we are putting the responsibility on the individual residents. A resident would have to pay more individually than the municipal rate. Mr. Boyce stated that he feels like he's been through this before. Several years ago he said Mr. Smith sat here and said he would never vote for a tax increase. He shared in that thought calling it a noble gesture. He then said what he hasn't heard is a way to get there. Mr. Boyce mentioned various options that had been discussed in the past but we never did. He said that most of this budget is people and there is only one way to achieve a flat budget and that it to let people go. He reiterated that we have been doing what we can go back several years to eliminate and consolidate positions wherever we can. He added that the true heroes are those here that continue to do the work of the other eight who are no longer here. He asked if we are willing to sacrifice five or six jobs for \$75 more. He said he doesn't want to spend \$75 more in taxes but he also doesn't want to let these people go to get there.

Mr. Boyce stated to Mr. Smith that we can't have a flat budget without letting go of personnel and in order to do that we have to Rice them to discuss this option and give them notice of a possible cut. Mr. Smith stated his point was to determine what amount we're looking at before we Rice people and upset them. Mr. Boyce added that if we were going to let people go we should have done it in January and being halfway through the year and now we are going to have to let double the number of people go. Mr. Smith said we were talking about sacrifices, he asked Mr. Boyce to give up his benefits.

Mr. Walsh said in listening to everyone, he did quick math stating Mr. Woodstrom had some good suggestions earlier and we have been looking at those points made. Mr. Walsh referenced remarks from Mr. Kolstad stating a zero can be attained but sometimes it is not responsible, which is directly from our auditor.

OLD BUSINESS (CONTINUED)**DISCUSSION REGARDING THE PROPOSED 2012 MUNICIPAL BUDGET**

He also stated that he was shooting for 1.5 cents and mentioning his own personal economic struggles. He said this 3 cents irks him because he thought he was going to be better than this. He said there is a lot of truth to what everybody here says. He added that we should be notifying employees for this budget last September because we don't know our exact figures until two weeks ago that we lost revenue. By Ricing people now to get to zero we would have to lay off a police officer, a dispatcher and four DPW workers. How do we do that without some type of plan, which we should have in place all year not just during budget time.

Ms. Phoebus stated if we lay off two of these employees, shifts have to be covered and in exchange, overtime increases creating a vicious cycle. She mentioned the garbage contract again stating there has to be other ways for us to deal with this contract. Mr. Walsh said he agrees with Mr. Smith and Mr. Lensak that if we do so it is a tax increase but he does worry about those who can't find an alternative plan if we remove garbage. He added that looking at that contract will not help us with this budget. We need answers to this budget now. Ms. Phoebus mentioned other towns that have the garbage done in-house. She also agreed that we need to look at next year's budget while we do this year's.

Mayor Lensak said when he first joined the Committee he was given a comparison package on contracting garbage and recycling services versus doing it in house. He mentioned the pros and cons and at that point in time he was told it was looked out in all directions and it is not something to consider. On the other hand, if we cut the garbage out of this budget and the average household cost for this service is \$300, the cost of contracting this service for the general public will be a greater cost than what was saved. The contract does have businesses included for service, but only two cans for curbside and most businesses require dumpster service which is not covered.

Mayor Lensak also spoke about recycling and encouraging more people to do so which yields additional tonnage for a greater grant fund return. If we can do that and get the businesses to get their garbage collected we can improve services and our recycling rate.

Attorney Semrau asked with respect to the surplus is there any discretion with the CFO or the Auditor about using some of those funds. Mr. Walsh said he could take to the Auditor but he hates to continue to go to the well. Mayor Lensak stated that we have done so for the past several years and the Auditor was saying that we can't be doing that. Attorney Semrau stated after checking with the auditor, if we are bringing it down and we are planning for it and staying within the budget, there have been some municipalities that start with \$800,000 ending the year at \$30,000 and they have it in their budget that it was going to stay at \$800,000. But if we have shown a pattern that we have stayed within the confines, and bring this down from \$1,125,000 to \$1,000,000 and hold to that, perhaps that is still a significant amount of funds in the surplus.

Mr. Smith stated he would certainly rather do that than jeopardize any employee. Mr. Walsh said he wants to make sure we don't put the town in jeopardy. Mayor Lensak spoke about the possibility of a 1 cent increase. Mr. Walsh said he will speak to the auditor tomorrow.

COMMITTEE REPORTS

MR. WALSH. Mr. Walsh reported that today a huge tree fell and crushed two metal picnic tables. DPW Supervisor Dickinson had asked Mr. Walsh for years to cut all those big trees down. He said they are gorgeous trees and provide a great deal of shade for that area. He said this is the second time this has happened, and he is very concerned about public safety. He asked the Committee if we can ask Attorney Semrau to have the safety officer visit the site and give us some direction on this matter. DPW Supervisor Dickinson has been saying this has become a dangerous situation because of all the storms. Attorney Semrau said he will ask the JIF to do this immediately. The area has been closed. Their recommendation is to take all the trees down and replace it with a pavilion for shade.

COMMITTEE REPORTS (CONTINUED)

MR. SMITH. Reporting on the seniors, the County came in to do a needs assessment with the seniors to find out what's lacking and what's needed. They looked at rental and food costs, shelter and home care. On March 19th they celebrated St. Patrick's Day at Sheridan's and this coming meeting on April 2nd and the Sheriff's Office is coming to issue information on creating senior IDs.

Reporting on the Blue Diamond complaint log we had seven complaints this month and last month there were four. Last February there were 20. Every call and complaint is logged in and followed up by Ms. Hattersley.

Mr. Smith then referenced a meeting he attended earlier this evening, on that was discussed at the last meeting with regard to the concept of moving the municipal facilities to Hillside Park and freeing up this building for lease or sale. He found it a very productive meeting where we tried to identify key issues and any show stoppers that might be involved. Every subcommittee member has their assignments to investigate. The next meeting will be at 6PM on April 9th.

MR. BOYCE. He reported on the Andover Regional Board of Education stating that tonight is their public hearing on their budget. He reminded everyone that the school district moved their election from April to November and there is now no opportunity for public vote to approve their budget. They are managing to stay under the 2% CAP. Mayor Lensak remarked that their increase has been equated to about a 5.4 cent increase for every \$100,000 assessed value. Mr. Walsh commented based on information provided to the Committee from the School Board, the school's population has decreased from 647 in 2010 to 605 in 2012.

MS. PHOEBUS. She reported on the Fire Department's Venison Dinner which was once again excellent and sold out. She then spoke about the power lines that run along Dorset Farms and cross the back of her property. The workers happened to drop one of these new lines and took out all her paddocks. They will repair and replace what was damaged. In speaking with them they said that these wires carry a much higher amount of voltage going through to the Limecrest Quarry for the new pumps and to service the new permit they are applying for. She said she believes that she and Attorney Semrau should meet again over this dewatering permit because they want to increase the gallonage to double from 8 million. She feels this is something that is very important to Andover Township and we should take a good look.

Reporting on Open Space at their last meeting they appointed Mike Morel as the new Chair. There was discussion regarding the pending project with the Lake Iliff access and the trails.

She then reported on affordable housing stating there is a meeting next week with RPM to continue to discuss the proposed project at St. Paul's Abbey. Ms. Phoebus stated that COAH is back into play now that the Supreme Court did not agree with Governor Christie's decision to dissolve. She also stated that Andover Township never met their Rounds 1 and 2 and with the Abbey project we will satisfy those two rounds and possibility the beginning of Round 3.

Ms. Phoebus then asked the Committee to consider introducing an Ordinance regarding new hires to the Township and their length of service must have their 20 or 25 years before retiring with health benefits. Mr. Walsh asked if current employees would be grandfathered. Ms. Phoebus stated that was the intent. Mr. Walsh agreed that we need to start looking toward the future, leaving the next group in better shape. Attorney Semrau will draft an Ordinance for this purpose.

MAYOR LENSAK. He reported on his invitation to attend the Eagle Scout Court of Honors for Troop 81. Dennis Rupp was honored and he was grateful for the invitation because he knows him personally; he is a neighbor.

He then reported on the FOP St. Patrick's Day Dinner at the fire house which was very good as was the Venison Dinner. He thanked Rick Melfi for volunteering his services for these events and all the time he gives to the Town.

COMMITTEE REPORTS (CONTINUED)

MAYOR LENSAK. He said he had the honor of riding on a fire truck during the parade. He stated that he also participated in the Meals on Wheels program last Tuesday. He said this program has been in existence for 40 years and it was started in 1972 under President Nixon. He said there are 1.7 million volunteers for the nutrition program across the Country and they provide these meals seven days a week, 365 a year. He said he met some of those involved in the program and he assisted in delivering some of the meals to their clients. He said it was great to see firsthand what volunteerism does for this town, State and Country. It was mentioned that the meals are prepared at the Homestead.

Mayor Walsh stated he attended the Emergency Squad meeting and reporting on the Recreation Commission meeting they are discussing the possibility of a sleep out family movie night. There is a 25 foot screen that will be rented. Other towns have done this and it has been well received.

Reporting on the Green Team, Newton Hospital on May 5th will be participating in the Sussex County Family Festival concentrating on family nutrition. He asked if the town could post on the message board notification regarding Earth Hour 2012 that was started in Australia. This Saturday from 8:30 to 9:30 every will turn off all nonessential lights in honor of this event.

Mayor Lensak stated he had asked verification from Tax Assessor Marchione as to exactly how does our tax rate work on commercial properties. He read that there are three approaches to value which are market, cost and income approach. Depending on the type of property, one or more approaches to value may be used. An appraiser or assessor would have to determine which approach is best. He writes, in general, residential properties are valued on market with comparable sales. Commercial properties are more complicated but typically are valued using the income approach if the property is rented. If this approach is not ideal for the particular property, the cost or market approach may be used instead or to compliment the income approach. Mayor Lensak stressed that when we talk about vacant buildings and getting them occupied it does increase your taxes. It is important to work with the Economic Development Committee to get these properties up and running at 100% capacities.

REPORT FROM THE CLERK/ADMINISTRATOR She stated we received a letter from the New Jersey Department of Health and Senior Services, Office of Tobacco Control. They want to work with Andover and other municipalities who haven't already done so in making our public parks and recreation areas tobacco free. There is a meeting scheduled for April 5th to discuss this further. The Coalition is currently working with Sparta at this time. Ms. Thompson stated she feels we should join in this endeavor. A sample ordinance is available for our use. Copies will be made available to the Committee for their review and comments.

She then reported that she spoke with Special Engineer Stoner regarding the NJDOT grant award to both Byram and Andover Township for Roseville Road. He is the Township Engineer for Byram and they spoke about joining forces in consolidating the bid process and perhaps stretch our grant dollars by bidding these two projects as one. Byram, since this is their third phase on Roseville will be happy to be the lead agency in this process. Engineer Stoner and Engineer Golden will meet to discuss the planning stages to make certain all aspects of both municipalities are addressed.

Sergeant Murrell, CFO Magura and she have been working on the DOT Sage Grant for the Click It or Ticket Application. There is no word at this regarding award of the grant. Once we are notified, the Committee needs to address a Resolution in support to accompany this award.

She then reported that the Pre-Construction meeting for the Goodale Road Project was held March 13th and they met the contractors and all documents are in place ready to begin.

REPORT FROM THE MUNICIPAL ATTORNEY He reported that there was a case filed against the Township entitled McCullough vs. Andover Township which involved an allegation by an individual that they were mistreated by the Township Police Department. This matter was handled by the Morris JIF and he stated he received word that after discovery and depositions and exchange of documents and information, that the Court has dismissed the case without any damages awarded to the Plaintiff. He said he will provide more information when he has it.

Reporting on the matter of the Life Care Mews site, that when they abandoned that site in 2006 due to the rising water table, the developer left the site which was supposed to be a senior housing project. There were not extensive bonds that remain for the restoration of that project and after numerous attempts to ask the developer to restore the property to the condition that would preclude runoff and items of that nature, the Committee had authorized him to institute litigation. That was done and the developer came to the table and with the assistance of Engineer Golden who put together a plan of remediation for the site. It may not be a complete wish list but it is one which the Township would have that site put back to a position of being restored without impacting other properties. The developer has now agreed to restore the property and there is a settlement agreement he reviewed with the Committee in Executive Session. At the next meeting he will ask for authorization to go ahead to resolution. He estimated that the Town has spent about \$1500 to litigate this matter because it triggered the ultimate resolution. The work that will be done will cost around \$17,000 to \$18,000 that will be paid by the developer as well as the inspection of the Township Engineer. Once completed to the satisfaction of the Engineer the case will be dismissed.

Attorney Semrau then referenced two matters of legislation regarding the Open Public Records Act and the Open Public Meetings Act. He spoke briefly about some of the changes proposed of the meetings act, that even subcommittee meetings of less than a quorum of a board or commission, the meeting must be advertised and minutes must be taken. He then spoke about changes to an agenda whereby you would need 2/3rds vote of the governing body to discuss any changes and any action to be taken on an item added would have to wait until the next meeting unless it's an absolute emergency. He then spoke about emails from any member of the governing body to the administrator. The administrator would not be permitted to answer that email, but an answer would be part of the record during that meeting.

The act provides that if you challenge violations of the Open Public Meetings Act, attorneys' fees will be awarded if you're successful. Over the years you hear about challenges regarding OPRA but not as often with OPMA. If something were to be approved during a meeting that was not part of the initial agenda, if the new law passes, and an attorney is successful, fees are awarded and not by municipal rates but those rates of about \$300 per hour. A resolution will be available for the next agenda. Some changes are good but some go a bit too far. He added that the NJ legislature is exempt from this proposed law.

Mayor Lensak added that the police department received two grants; one \$500 for a bike safety program and the other for a sports safety program for \$1000. Mr. Walsh said due to the weather DPW Supervisor Dickinson opened the fields earlier this year. The Goodale field is destroyed and FEMA is giving us nothing. All soccer is being played at the Bodhi. Mayor Lensak thanked Mr. Walsh for his countless hours working on this budget. We are all working for a better Andover Township.

NEXT SCHEDULED MEETINGS: Regular Meeting April 09, 2012
 Regular Meeting April 23, 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. Smith moved the meeting be adjourned at 9:22 P.M., seconded by Mr. Walsh and carried unanimously.



Michael Lensak, Mayor

Respectfully submitted,



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 26TH day of **MARCH 2012**, that:

1. Before 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. 10:4-26, 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. Police Dispatcher's & DPW & FOP Lodge #177 Union Contracts Status Reports**

Attorney-Client Privilege:

- 1. Tax Revaluation**
- 2. Land Use Board Professional Services Contractors**
- 3. Possible Land Acquisition**
- 4. Life Care Mews**

Pending Litigation:

- (x) a. (8) Personnel matters.
 - 1. Gail Lincoln, Tax Clerk**
 - 2. Position of Zoning Officer**
 - 3. Personnel Officer**
 - 4. J. Casella, Police Dispatcher**
 - 5. E. Diklich, Police Officer**
- () b. (9) Deliberations after a public hearing that may result in penalties.
 - 1. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: March 26, 2012

Moved: Walsh Seconded: Boyce
Voted Aye: Boyce, Phoebus, Smith, Walsh, Lensak
Voted Nay: None
Abstained: None
Resolution adopted. MARCH 26, 2012
