

**TOWNSHIP OF ANDOVER  
ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES**

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

**APRIL 09, 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 6:37 P.M. by Mayor Lensak, followed by a salute to the flag.

**ROLL CALL:** Present: Mr. Boyce, Mr. Smith  
Mr. Walsh, Mayor Lensak  
Also present: Attorney Semrau  
Excused: Ms. Phoebus (arrived at 8:37)

**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. ***Position of Zoning Officer***

**Contract Negotiations:**

1. ***St. Paul's Abbey Due Diligence***
2. ***Police Dispatcher's & DPW & FOP Lodge #177 Union Contracts Status Reports***
3. ***Extreme Energy Solutions***
4. ***AT&T Lease Renewal Amendment***
5. ***Various Shared Services Opportunities***

**Attorney-Client Privilege:**

1. ***Possible Property Acquisition***

**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. Boyce moved to adjourn executive session at 7:31 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 #R2012-59 be added to the Consent Agenda as listed below. Mr. Christdlous asked about the revisions to the OPMA and OPRA which was explained by Attorney Semrau. Ms. Gillespie asked if Resolution #R2012-57 be removed for further discussion. Fire Chief Steinwand asked that Resolution #R2012-58 be removed for further discussion.

Mr. Walsh moved the following consent items be approved, as amended, seconded by Mr. Smith and carried unanimously.

**\*CONSENT AGENDA:**

**\*OTHER BUSINESS:**

**APPROVAL OF VOUCHERS FOR PAYMENT**

*(See Insert Attached to These Minutes)*

**ACCEPTANCE OF TAX COLLECTOR'S REPORT - \$113,530.80**

**\*RESOLUTIONS:**

**#R2012-53 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY OPPOSING THE PROPOSED LEGISLATION KNOWN AS THE NEW JERSEY PUBLIC WATER SUPPLY FLUORIDATION ACT (A1811/8959)**

**#R2012-54 OPPOSING SENATE BILLS 1451 AND 1452 TO REFORM BOTH THE OPEN PUBLIC MEETINGS ACT (S1451 AND THE OPEN PUBLIC RECORDS ACT (S1452)**

**#R2012-55 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ACCEPT THE LETTER OF RESIGNATION FROM PHILIP COLEMAN, ZONING OFFICER EFFECTIVE IMMEDIATELY**

**#R2012-56 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO RENEW THE CONTRACT TO PROVIDE ELEVATOR MAINTENANCE AND REPAIR SERVICES AT THE MUNICIPAL BUILDING TO MORRIS COUNTY ELEVATOR, INC. FOR THE TERM APRIL 01, 2012 THROUGH MARCH 31, 2013**

**#R2012-59 RESOLUTION TO AUTHORIZE THE SETTLEMENT OF THE LITIGATION KNOWN AS THE TOWNSHIP OF ANDOVER VS. SUSSEX AND HOLDING CORP. & LIFE CARE MEWS, ETAL. SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, SUSSEX COUNTY BEARING DOCKET NO. SSX-L-511-11**

*(See Inserts Attached to These Minutes)*

## REGULAR AGENDA

RESOLUTIONS

**#R2012-57 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE EXECUTION OF AN INTERLOCAL SHARED SERVICES AGREEMENT WITH THE TOWN OF NEWTON FOR THE SALE AND SHARING OF SPECIALIZED VEHICULAR EQUIPMENT**

Mr. Walsh asked Ms. Gillespie about her concerns regarding this purchase. She said she understands the sharing but she doesn't understand the sale. Mr. Walsh explained that Newton purchased a new piece of equipment and we have the opportunity to purchase their old one through a shared service for \$10,000. A rebuilt flusher is about \$85,000. If the old one breaks down, Andover has the opportunity to use their new one. He explained that Andover has about 300 basins in town that need cleaning and we have been using this equipment through a share with them and it works great. We have been using it for a month straight cleaning pipes and drains that haven't been touched in years. Mr. Walsh said that the mechanic has given the vehicle the once over and the book value has been verified.

Mr. Smith asked how often we perform this function. DPW Supervisor Dickinson was present and he said the drains are all clean annually and we had very poor equipment to do that work in the past. Using this equipment does a better job in less time. There were some that have never been cleaned and they are being taken care of immediately.

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

**#R2012-58 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ADOPT THE SUSSEX COUNTY, NEW JERSEY ALL HAZARDS PRE DISASTER MITIGATION PLAN**

Ms. Thompson explained that the Township along with the County's Office of Emergency Management, canvassed the municipality about two years ago identifying areas of possible natural disaster hazards. DPW Supervisor Dickinson and EMC Danielson conducted this review and submitted their findings to the County. Sussex County then adopted the New Jersey Pre-Disaster Hazard Mitigation Plan dated March 14, 2011 and through adoption of this resolution, Andover Township will accept that plan as this jurisdiction's official Pre-Hazard Mitigation Plan. Ms. Thompson added that she spoke with EMC Danielson and he supports this plan and recommends the adoption of this resolution. DPW Supervisor Dickinson was present and he provided a brief overview of the canvass.

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

**REPORT FROM THE FIRE CHIEF** Chief Steinwand reported for the month of March there were two activated fire alarms, one brush fire, one carbon monoxide alarm, one electrical fire; two fast team responses, three fund raising drills, one monthly drill, one mutual aid, one motor vehicle, one dumpster fire for a total of 18 reported calls. There are 94 calls for the year for a total man hours for the year 1,268.

**REPORT FROM THE RESCUE SQUAD CHIEF** She reported 69 calls for the month of March, 29 in Andover Township, two in Andover Borough and 31 in Byram with seven were mutual aid. They used ALS 38 times and there were no AEDs, no fly outs, and four to the nursing home. They traveled 1445 miles during the month and 265 hours of man time were used.

**REPORT FROM THE CHIEF OF POLICE** He reported calls for service through the Andover Township dispatch were for Andover Police 654, Andover Township Fire Department had 14 calls, and Lakeland Rescue had 31 calls. The Andover Borough Fire Department had two, Hamburg Police had 391 calls, their fire had 13, and their rescue 33. The Green Township Fire Department had 14 calls and the Allamuchy-Green had 13 calls for a total of 1,165 calls for the month of March. There are 3,226 calls year to date.

Chief Tagliatela advised the Committee of an incident that occurred at the Condominiums. He praised three police officers for their actions during this incident. They were confronted with a man with a loaded rifle and this could have evolved into something where the use of deadly force would have been justified. He said due to their training and good judgment that was averted. This is an initial notification to the governing body that they did an outstanding job. He stated he will write Letters of Commendation and it could perhaps be read at the next meeting. Due to active investigation he can say much more at this time. Mr. Boyce asked if the names of the officers could be known. Chief Tagliatela said they are Officer Indano, Officer Laoudis and Sergeant Danielson. He reviewed the tapes and spoke to the officers and they did an outstanding job.

Mr. Smith asked about the Spillman system stating he was looking for dispatch information and can't seem to locate it. Chief Tagliatela said the entire system went down today for us and other dispatch centers in the County. He said that is becoming an issue which will be investigated. Mr. Smith said there seems to be a number of issues. He said you can't get a total of incidences from law enforcement on it without going into each category and keep your own spreadsheet to do it. Chief Tagliatela said because it is a new system there are some glitches and these issues are being reviewed and addressed. Mr. Smith asked if the reporting ability is also being reviewed and he was told absolutely. He added that a subcommittee of representatives from each PSAP is meeting to address these issues and more and he hopes to have answers in the near future.

**PUBLIC PORTION** Stan Christdous of Wisteria Road stated he attended the budget meeting weeks ago and during that discussion it left a possibility of a zero municipal tax. He said because of that meeting he is surprised to see an Ordinance tonight regarding the CAP increase. Mr. Walsh explained that this is a bank and what we don't use under that CAP, we can bank that amount for future years and exceed the CAP. Mr. Walsh also spoke about the decrease in the average assessed value in homes due to tax appeals. Mr. Walsh said the budget we are looking at tonight is roughly around 1.5 cents which equates to \$36 increase for the average home. Mr. Walsh said the budget was up to 3 cents but we were definitely under the 2% CAP.

John Carafello asked what will the 2% CAP if we add to it, what disciplines will there be, his concern being with future Committees. Mr. Smith agreed with Mr. Carafello saying it allows go ahead and exceed that even above what the State will allow you in the future.

Diane Gillespie of Andover-Mohawk Road asked for a better explanation of this Ordinance. Mr. Walsh said that during the budget Worksession, we were at about 2 cents which is roughly \$75 per average assessment home which is \$247,000. Once more information was made available from the auditor and the figures were more accurate, the increase went up over 3 cents. We then had to make more cuts from the budget to get back to the 2.1 cents and with further discussions they tried to find other areas to cut. Attorney Semrau had come up with the idea of using some of the surplus, cutting some Capital and some monies from an old Ordinance dedicating for COAH will be moved to Capital. Another \$90,000 was cut from that budget. He said if we introduce tonight the average homeowner increase would be \$35.97.

She then asked about the CAP Bank Ordinance. Mr. Smith said that if we are 2% and we want to go to 3.5%, we won't spend that but it gives us 1.5% to parlay into next year so we can increase the CAP even higher then. It was explained that we have adopted this Ordinance every year for the past ten years except for one year. Mr. Walsh suggested that when we go to adopt this ordinance, the Auditor will be here to discuss this better.

**PUBLIC PORTION (CONTINUED)** Attorney Semrau suggested introducing this tonight and ask the Auditor and if he says this is really going affect my opinion as to your budget and the annual report and gives you a concrete reason why we need it. The public hearing on this Ordinance could be held before the Budget hearing. We can consider it at that time. Attorney Semrau added that what he has come to understand about this CAP Bank, it's to preclude the necessity of saying "use it or lose it". If you are coming in a 1% budget and you know that there could be a problem, you've banked this money as opposed to getting in the mindset that if we don't go to 2% now, next year if we need 3% we can't get it.

Following further discussion, it was decided to consider this Ordinance later this evening and if introduced, the public hearing will be held the same evening of the budget public hearing as explained by the Township Auditor.

James Woodstrom of Limecrest Road questioned the status of the Interchanger devices on the vehicles. Mayor Lensak stated that matter will be discussed under Old Business later this evening. He then asked about the status of the solar project. Mayor Lensak stated that the panels are working and we are saving on electricity and in the process of getting the Srecs. He then asked if there are any figures as to what has been saved. Mayor Lensak stated if you look at the computer panel which indicates our savings. The Srecs certification is being obtained.

Richard Hammler of Lake Lenape he stated he recognized the fact that the establishment of the budget and balancing thereof is a very difficult task. He said he recognizes that since he was an administrator in his earlier life. He said he also realizes that it is impossible to please all the people. Mr. Hammler stated he read the newspapers about how some of the Committee members are considering increasing the taxes and even one penny is too much. He added this is not the time to raise taxes for any reason on anybody. He strongly urged the Committee to examine every line item in every department's budget to cut wherever possible, including personal benefits packages.

Stan Christdous suggested for future meetings to open for discussion any Ordinance on the agenda for Introduction. He said he understand the law requires to do that for second reading but not introduction. He also stated that if a citizen brings up a point on the night of approval that the Committee wants to incorporate, there needs to be an amended and reintroduce, wasting time and funds. Mayor Lensak and Mr. Walsh both agreed this is a good practice.

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

Mr. Boyce, in response to Mr. Hammler's comments stated that he knows everyone on the Committee takes their responsibility seriously and they do everything humanly possible to come in with a flat budget every year. He then provided a synopsis of the Worksession meeting held earlier this year and the steps that were taken following that meeting as a result of the proposals and suggestions mentioned that evening.

### **ORDINANCES: INTRODUCTION**

#### **NO. 2012-04 TO ESTABLISH A CAP BANK FOR 2012**

***"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR THE CALENDAR YEAR 2012 PURSUANT TO N.J.S.A. 40A:4-45.14"***

Following discussion earlier this evening regarding this Ordinance, it was determined that the Committee would consider this Ordinance for Introduction and prior to the public hearing we will hear from our Auditor. Following his explanation on May 14<sup>th</sup>, if the Committee finds that adopting this Ordinance is not in the best interest of the Township, we will take action not to adopt the Ordinance.

**ORDINANCES: INTRODUCTION (CONTINUED)****NO. 2012-04 TO ESTABLISH A CAP BANK FOR 2012**

***"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR THE CALENDAR YEAR 2012 PURSUANT TO N.J.S.A. 40A:4-45.14"***

**BE IT RESOLVED** by the Mayor and Committee of the Township of Andover, that Ordinance #2012-04, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on May 14, 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 – absent

Mr. Smith – no

Mr. Walsh – yes

Mayor Lensak – yes

**OLD BUSINESS****EXTREME ENERGY SOLUTIONS**

Mayor Lensak suggested that Attorney Semrau send a letter notifying them of the Township's intent to cancel the trial program. He added there is no money due and no penalty for this action. Mr. Walsh moved to approve this action, seconded by Mr. Smith and carried unanimously.

**NEW BUSINESS****DISCUSSION REGARDING THE AMENDMENT OF THE SITE PLAN ORDINANCE & TO ADDRESS MINOR SITE PLAN ISSUES**

Deputy Mayor Phoebus requested this matter be placed on the agenda for discussion this evening. She is expected later this evening so this matter is tabled for later on the agenda.

**RESOLUTIONS****#R2012-59 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO INTRODUCE THE 2012 MUNICIPAL BUDGET AS PRESENTED**

Mr. Smith asked that we accept Mr. Christdous's suggestion and open this matter for discussion before the public hearing on May 14, 2012. The Committee decided to table this discussion until Ms. Phoebus arrives.

**COMMITTEE REPORTS**

**MR. BOYCE.** He reported that two weeks ago during our meeting the Board of Education was having their budget hearing and they approved their budget. The School Budget taxes are 82.8% of the total bill. Since 2004-2005 enrollment has decreased and the State has again decreased State Aid and they will continue to reduce aid due to the declining enrollment. Mr. Boyce described the three bundles, one eliminating courtesy bussing and teacher reduction. He stated bundle B is what was passed, eliminating one teacher position, two para professional positions, reducing the curriculum budget, reducing one bus route, and they reduced one retirement breakage which will occur on July 1.

**COMMITTEE REPORTS (CONTINUED)**

**MR. BOYCE.** Mr. Smith stated by using simple math and take their budget and divide it by their enrollment, it comes to about \$23,200 per student. If you take the municipal budget and divide it by the number of total residents we spend about \$1000 per person. Mr. Boyce added that they are allowed to increase their spending by 2% and they came through with an increase of 1.99%. There was discussion regarding the declining enrollment. There were no cuts in the administration.

Ms. Phoebus arrived at 8:37 PM.

**MR. WALSH.** He reported on comments made earlier this evening, stating that the DPW Supervisor is researching possible contracts, one in particular for street sweeping. He said we have 44 miles of roads and sweeping needs to be done three times, totaling 150 miles. He said every time there is a storm, the State mandates through stormwater management we must street sweep after each. He also said we are doing the same research with plowing contractors and lawn maintenance. Some contractors have replied they aren't interested in bidding on the projects because they could have it one year and lose it the following. Mr. Walsh then said they have been discussing the creation of a parks department where in the summer they bring in some part time temporary assistance to handle the ball fields. He also mentioned that Ms. Thompson is working on shared services possibilities in our departments.

He said we are looking at everything in order to reduce the 2013 budget as best we can.

**MR. SMITH.** He reported on the seniors' last meeting where the County nurse attended and did a presentation on the interaction of common prescriptions and regular food. He was amazed as to the number of reactions and he found the presentation quite useful. At the next meeting, the Sherriff is attending and he will distribute application forms for the Senior Citizen ID Card and subsequently they will take pictures for these IDs. He extended the invitation to all seniors even if they are not a member of the club.

He then reported on a long time member and former President, Russ English who has been very ill. He was hit by a car. Mr. Smith read a card from Mr. English, remarking on the great friendship he has through this club while he recuperates in rehabilitation.

He then announced he was elected Senior of the Year by the club. There was a round of applause. He then said, speaking of important seniors, not the oldest senior, sitting to his right, he wished Tom Walsh a Happy Birthday. There was a round of applause.

Reporting on SWAC, the tonnage report is being prepared by the Recycling Coordinator, Robyn Hattersley is doing at this time. It is a huge, time consuming project in which gives us our funding from the State. He reminded everyone to please recycle. This year NJ is celebrating the 25<sup>th</sup> year of mandatory recycling. It is the law to recycle. The SWAC meeting is tomorrow night.

**MS. PHOEBUS.** She reported on the Land Use Board, adding Attorney Semrau and Attorney Brigliadoro regarding amendments to the minor site plan application process. The Land Use Board believes strongly that this process needs to be streamlined.

She said she took a ride to Stanhope to check on the railroad and they are laying tracks using concrete ties. They hope to have a ribbon cutting at the platform in Andover in 2014. Huge progress is being made. She reported there is an Open Space meeting tomorrow night at 7PM before the Recreation Committee meeting,

**MAYOR LENSAK.** He waived his report in the interest of time.

**NEW BUSINESS****DISCUSSION REGARDING THE AMENDMENT OF THE SITE PLAN ORDINANCE & TO ADDRESS MINOR SITE PLAN ISSUES**

Ms. Phoebus reported that through some research done by Land Use Board Administrator Wilhelm there seems to be a conflict with another ordinance. Attorney Semrau stated what the Land Use Board is looking for is an amendment to the Site Plan Ordinance to address some minor site plan issues. He will bring back a summary for the next meeting.

**RESOLUTIONS****#R2012-59 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO INTRODUCE THE 2012 MUNICIPAL BUDGET AS PRESENTED**

Mr. Walsh explained that the amount to be raised by taxation is \$5,302,535.88. That is an increase of \$90,000 from last year. Our total increase in spending is \$16,000. The average assessed value is down about \$106,000 on each home, which brings an average increase of \$35.95 per average household which is \$247,000. Mr. Smith says he sees a shortfall \$90,000 of what we are proposing here and zero. He said he also proposes we get to zero. He then referenced sheet 30, Reserve for Uncollected Taxes. That number last year \$973,000 and it is being increase this year \$1,000,000. That says that more and more people are not able to pay their current taxes. That means 13% of our current taxpayers are not able to pay their taxes now. He still stands by a zero budget. He also wished to clear the record from what was said at the last meeting. He said he has never been a proponent of layoffs. He was one of the people who did not want to see people Riced. He said he is still not in favor of layoffs but there are other ways to reach a zero.

Mr. Smith read off his list of ways to reduce the tax. He spoke about the Open Space Tax and suggested that if we didn't collect it this year that would be 2/3rds of the \$90,000 deficit. He mentioned the DPW vacuum which was voted on earlier so that is off the list. Police overtime budget at \$50,000 could be reduced by \$10,000. The health benefits and Committee stipends could also be eliminated. Mr. Walsh said the Open Space Tax is used to offset the payroll to maintain the fields. We have been using that for the past several years. He said the cost of the vacuum can be paid for through Capital with funds set aside. Mr. Smith spoke about the dropping real estate values because of the high taxes.

Mr. Boyce said the problem we are facing every town is facing. He said Byram approved a tax increase higher than ours. Some towns have been able to get to a flat and looking at Vernon they took their sewerage maintenance contract and brought that in house to save money. Mr. Boyce agreed with Mr. Smith that he doesn't want to lay anybody off. Revenue has not turned around and property values are declining. He spoke about his own experiences with unemployment and having a hard time paying their bills.

Ms. Phoebus said we have to make some very hard decisions this small increase is a big increase when you add the school and county taxes. She recommended looking at services we should consider cutting. She mentioned the trash and recycling contracts. She said it is unknown what the tipping fees will increase to. She said the municipal building has very few people working in here and those who are here and doubling up, doing more. She also said we need to look at these contracts, adding any new hires should have to have 25 years of service with Andover before receiving retirement health benefits. She then spoke about the two school buildings that could be under one roof. With declining population, that makes no sense. If you have property owners coming in with tax appeals any refunds are not taken from the school's portion. She mentioned everything this township committee has done to control and reduce spending.

Mayor Lensak stated that Mr. Walsh has worked very hard on this budget. He said again we are just a small portion of the tax bill and to see no public outcry to what goes on at that school. He urged everyone to begin attending these school board meetings. He said for them not to cut administration is appalling.

RESOLUTIONS:: (CONTINUED)#R2012-59 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO  
INTRODUCE THE 2012 MUNICIPAL BUDGET AS PRESENTED

Mayor Lensak said someone came to him and he told him that he would pay \$1500 more to live in Andover Township and have police service than for the same house in Andover Borough. The wait in the Borough is 45 minutes for State Police. They also pay for their own trash collection. He said we have great services and great people in this town. He said he is appalled at what the School Board has done.

At this time Mayor Lensak opened this discussion to the public. Mr. Hammler said he appreciates the services in the township and no one is saying you are not doing a good job. The point is that 13% of the people can't pay the taxes now so even \$35 more is too much. The issue of the health benefits came up again. Mr. Walsh argued that the hours that are taken away from his business for this township he is paid \$10 - \$12 an hour including his stipend and benefits. He said he is doing a \$7.5 million budget.

Mr. Boyce added that the Committee needs to look at everything and every one of us ran for office and we can be opposed by other people who feel that we shouldn't take benefits. He said that Mr. Walsh has to the detriment of his own business spends a great deal of time on municipal business and sacrifices for the people of this town. He then spoke about the emergency response time of our public safety personnel. Mr. Walsh referenced a comment made at the last meeting about a pension he is entitled to. He said when he is eligible for these funds he informed everyone that money will be donated back to the town. He does not believe he should be eligible for this pension.

Mr. Woodstrom said at the last meeting he mentioned we have a Recreation Director/Secretary at about \$17,800 a year and \$10,000 a year. Ms. Thompson stated she spoke to Herb Yardley about the Board of Health and in our form of government the Township Committee may serve as that Board. The day to day paper work still needs to be maintained and he told Ms. Thompson that we will always need a clerk in that office to handle Rabies Clinics and other septic and well finance issues. He said those records are kept on the County level. Ms. Thompson stated she processes the fees and provides monthly reports which are audited annually. Ms. Thompson informed Mr. Woodstrom of the various duties as Recreation Director even though there is no summer recreation program scheduled for this year.

Deb Danielson said sitting here and listening to this, she said if this enthusiasm that is being attacked at the Township Committee was directed at the School Board we may not have such a top heavy administration. She said it is unfair that the Committee is being attacked this evening. Everyone is entitled to their opinion but she is so mad listening to this because they don't go to the meetings. They only come to complain and if this enthusiasm is directed to the School Board we would not have this increase. She said she will pay the \$35 but what is happening to the schools is only getting worse. Something needs to be done. She finished by saying with regard to health benefits she said she feels the Committee is entitled to them.

Ms. Phoebus provided the history behind the two schools in this township. She said this is ridiculous and not cost effective. Mr. Bensley stated that his experience at a school board meeting is not a good one. Mayor Lensak said he was threatened after the meeting. He was told he wasn't wanted there and you guys are causing trouble. The School Board doesn't open to the public until about 10:00PM. He added that this Committee works with the people and we listen. Mr. Walsh said that the school election is more important because their budget is \$15 million versus ours at \$7.5 million. Mr. Bensley spoke about how the school board and how they vote at their meetings and given pressure from the public you may see a change in their voting.

Rick Melfi spoke about the non-binding referendum for the schools to reduce to one. He asked if it could be a binding referendum. Attorney Semrau said you could entertain a non-binding. Attorney Semrau said he would have to check and there are regulations on school owned property that may prohibit such a binding referendum.

**RESOLUTIONS: (CONTINUED)****#R2012-59 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO INTRODUCE THE 2012 MUNICIPAL BUDGET AS PRESENTED**

There was then discussion regarding the referendum process. Mr. Melfi stated the Committee discussed this at the last meeting about posing this question on the ballot. He then asked about the review of the use of surplus. The auditor recommended we not touch it at all and we came to a middle ground of using \$60,000. He then asked if we could take more. Mr. Smith stated that would be the discretion of the Committee. Mr. Melfi stated he understands that surplus is for a rainy day but it is raining. Mr. Walsh stressed that we need to be careful. Mr. Melfi said when there are people who can't pay taxes we need to do something. Mr. Walsh said being that the budget is tight; we have spent less money each year for three years. Revenues continue to decrease. Insurance and Pension payments continue to rise. He said that this year we have an increase in spending of \$16,000 overall. The budget is still tight and if an emergency came up we have to put that appropriation on the budget for the next year. We don't want to hurt the town for the future either. Mr. Smith said though the auditor may disagree, it is the discretion of the Committee what they do and he agrees with Mr. Melfi. Before we cut services and lose employees, we should take a look at that again.

Ms. Phoebus stated we should begin to work on the 2013 budget immediately. Mr. Walsh remarked that in the budget it is very clear and reads that the continued use of surplus is contingent upon regeneration of the amount anticipated and improvement of the economy. Mayor Lensak asked if everyone agrees that we will take the amount needed out of surplus for a zero increase in the taxes. Mr. Boyce said he wants to think about it. Mr. Boyce wants to hear it from the auditor what will happen if we do this. Mr. Smith said he will say don't do it. He would like to hear his reasons. Following a short discussion on the matter, it was decided to introduce this budget at zero.

Ms. Gillespie stated she has a problem with the township using all the Open Space monies to maintain the fields. She said when she voted on this and served on the committee, she always thought that every year a percentage would go to real open, another percentage towards passive recreation and other toward maintenance. She said that it seems 100% goes towards maintenance. Mr. Walsh said we are trying to weane off of it but when you are cutting the budget we need to use the funds to keep the taxes down. Ms. Gillespie said we have to realize that the entire town voted for that tax to benefit everyone in town and not just one segment. Those monies are needed for other agencies to match available grants. Mr. Walsh said he agrees with her but he doesn't know where to find another \$60,000.

She added that every office in this town has sacrificed to keep the budget bare bones and she appreciates that. She said that people wouldn't feel as bad if each one of the committee took their benefits as individuals and not family plans. She said doing something little like that there would be better morale for the workers and the residents may feel even better.

Ms. Phoebus spoke about the Open Space and she said we are working on the walking trail. She said if you read the new strategic growth plan the State has a problem with open space and they don't want to put funding into the open space. They rather build larger farmland preservation. She said they found with open space these areas are not maintained. We can buy all the open space we want but if we can't afford to maintain what we have there is no sense in obtaining it. Mr. Walsh said the DPW mows 23 acres sometimes two to three times a week. Ms. Gillespie said there are two big pieces of property near her that will be available for preservation.

Mr. Smith moved to adopt this Resolution introducing the 2012 Municipal Budget with a zero and the difference coming from surplus. The motion was seconded by Mayor Lensak. Roll call vote:

Mr. Boyce— yes

Ms. Phoebus – yes

Mr. Smith – yes

Mr. Walsh – no

Mayor Lensak – yes

(See Insert Attached to These Minutes)

**REPORT FROM THE CLERK/ADMINISTRATOR** She received information regarding the concept of Tobacco Free Parks and there was a meeting scheduled but was postponed and no new date has been set. She said she will be attending the 208 Water Quality meeting this Thursday, missing the last one due to vacation. Ms. Phoebus said the County is hosting their last hearing on the sale of the Homestead Nursing Home in Frankford.

**REPORT FROM THE MUNICIPAL ATTORNEY** He commented that with respect to the schools we should asked the fire official what the capacity of the schools is versus the number of students in each. The superintendent's contract, someone mentioned that it was approved for five years. He said that by law this process must be advertised before there is action and the contract must be approved by the County Superintendent. He said someone should get a copy for review. It was said that this matter was never placed on any agenda for discussion. Attorney Semrau he will look at the issue of the non-binding referendum issues surrounding the school matters.

He then said when he looks at the tax rate of municipalities in Sussex County; you take the ratio times the tax rate, which is the effective tax rate. The town that is low is Andover Borough and they have 650 residents in one square mile. In his experiences, a lot of the benefit received by Andover Borough is by way of Andover Township. There is discussion in Trenton and where the money is is about consolidation. He said the State is providing funding for annexation or consolidation. He said we could take a preliminary look at the options available. Attorney Semrau was authorized to take a look at this.

He then commented on the issue of the health benefits for new hires. He then spoke about the issue of the dewatering permit and he said his office made an official OPRA request to the DEP regarding this matter. He said he is preparing a letter to Senator Oroho for the Committee's review based on the Abbey site for the possible COAH funding directed to this project. With respect to the tax appeals, not knowing the entire exposure, he said Tax Assessor Marchione had advised the appeal season is over and the numbers were not as significant as other municipalities. He is preparing the resolution for the mapping for the revaluation process.

**NEXT SCHEDULED MEETINGS:** Regular Meeting April 23, 2012  
Regular Meeting May 14, 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 9:50 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 09<sup>th</sup> day of April 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*
3. *Extreme Energy Solutions*
4. *AT&T Lease Renewal Amendment*
5. *Various Shared Services Opportunities*

**Attorney-Client Privilege:**

1. *Possible Property Acquisition*

**Pending Litigation:**

- (x) a. (8) Personnel matters.

1. *Position of 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: April 09, 2012

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Moved: Smith      Seconded: Walsh  
Voted Aye: Boyce, Smith, Walsh, Lensak  
Voted Nay: None  
Abstained: None  
Absent: Phoebus (excused)  
Resolution adopted. APRIL 09, 2012

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