

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

APRIL 23, 2012

EXECUTIVE SESSION - 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 6:30 P.M. by Mayor Lensak, followed by a salute to the flag.

ROLL CALL:

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

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

EXECUTIVE SESSION: Mr. Smith asked to add to the Executive Session discussing regarding the research on the possible relocation of the municipal facilities to the Barn. This will be placed under Contract Negotiations. 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***

Contract Negotiations:

1. ***St. Paul's Abbey Due Diligence***
2. ***Police Dispatcher's & DPW & FOP Lodge #177
Union Contracts Status Reports***
3. ***Discussion Regarding Possible Recycling Options***
4. ***Various Shared Services Opportunities***
5. ***Research Regarding Possible Relocation of Municipal Complex***

Attorney-Client Privilege:

1. ***Property Located at Block 60/Lot 5 – Limecrest Road***
2. ***Rolling Hills Condominiums Agreement***

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 7:18 P.M., seconded by Mr. Smith and carried unanimously.

RECESS WAS CALLED UNTIL THE START OF THE REGULAR MEETING

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 the following resolutions be added to the agenda: #R2012-66, 67 and 68. Ms. Thompson explained that Resolution #R2012-68 shall be subject to attorney review of the requirement of workers' compensation coverage.

Ms. Gillespie asked under Resolution #R2012-62, what the definition of "in-rem" meant. Ms. Thompson explained these are real properties, land only, in which owners have defaulted in paying their taxes for a period of time. This resolution begins the process of foreclosures on these parcels of land. These lawsuits are brought against the property of debtors in order to collect what is owed. Mr. Walsh moved the following consent items be approved, seconded by Ms. Phoebus and carried unanimously.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Insert Attached to These Minutes)

ACCEPTANCE OF THE CHIEF FINANCIAL OFFICER'S MARCH 2012 REPORT

***RESOLUTIONS:**

#R2012-61 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AWARDING PROFESSIONAL SERVICES CONTRACT TO JOSEPH GOLDEN, PE, PP, CME OF GOLDEN & MORAN ENGINEERING TO UPDATE THE TOWNSHIP'S CURRENT TAX MAPS IN ACCORDANCE WITH THE PROVISIONS OF THE DIVISION OF TAXATION OF THE NEW JERSEY DEPARTMENT OF THE TREASURY

#R2012-62 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE INSTITUTION OF IN-REM TAX FORECLOSURES ON CERTAIN PROPERTIES WITHIN THE TOWNSHIP

#R2012-63 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AWARDING THE CONTRACT FOR THE 2012 TURF CARE PROGRAM FOR MUNICIPAL PROPERTIES AND BALL FIELDS TO FARMSIDE LANDSCAPE & DESIGN

*CONSENT AGENDA: (CONTINUED)

*RESOLUTIONS: (CONTINUED)

#R2012-64 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A CASH BOND IN THE AMOUNT OF \$15,000 SUBMITTED BY BRIDGEWAY REHABILITATION SERVICES, INC., BLOCK 128/LOT 4.02 TO PROVIDE A RESTORATION BOND/GUARANTY AS A CONDITION REQUIREMENT BY THE ANDOVER TOWNSHIP LAND USE BOARD RESOLUTION ADOPTED JANUARY 3, 2012 AND MEMORIALIZED FEBRUARY 7, 2012 FOR PRELIMINARY AND FINAL SITE PLAN APPROVAL AND USE VARIANCE RELIEF

#R2012-65 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO CANCEL CAPITAL APPROPRIATION BALANCES

#R2012-66 RESOLUTION TO AFFIRM THE TOWNSHIP OF ANDOVER'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH THE TOWNSHIP EMPLOYEES, OFFICIALS AND VOLUNTEERS

#R2012-67 RESOLUTION ADOPTING PERSONNEL POLICIES AND PROCEDURES

#R2012-68 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT FRED F. SULJIC TO THE POSITION OF CODE ENFORCEMENT/ZONING OFFICER EFFECTIVE MAY 7, 2012 AS A PROFESSIONAL SERVICES CONTRACTOR

(See Inserts Attached to These Minutes)

*APPROVAL OF MINUTES:

**MARCH 12, 2012 REGULAR MEETING
MARCH 12, 2012 EXECUTIVE SESSION**

PRESENTATION BY POLICE CHIEF TAGLIALATELA - LETTER OF COMMENDATION

At this time Mayor Lensak invited Police Chief Tagliatela to come before the audience for the next presentation. Chief Tagliatela stated he appreciates the opportunity from the Township Committee to publically read the Letter of Commendation for the following employees.

SERGEANT ERIC DANIELSON

POLICE OFFICER JOSEPH INDANO

POLICE OFFICER GEORGE LAUDIS

POLICE DISPATCHER JANET RAGSDALE

PRESENTATION BY POLICE CHIEF TAGLIALATELA - LETTER OF COMMENDATION

They joined Chief Tagliatela in front of dais. He read the letter into the record which a copy of this letter is on file in the Clerk's Office and in the Personnel File for each of these employees. This letter was written in response to the actions of these employees of an incident that occurred on April 6, 2012 at 5:25PM.

PROCLAMATION – AMERICAN CANCER SOCIETY RELAY FOR LIFE

Mayor Lensak read the Proclamation into the record. He then signed the document which will be sent to the American Cancer Society.

REGULAR AGENDA

PUBLIC PORTION Mayor Lensak opened the public portion of the meeting and seeing no hands, he closed the public portion.

ORDINANCES: INTRODUCTION

NO. 2012-05 ORDINANCE TO PURCHASE 1992 PEABODY SEWER FLUSHER

“AN ORDINANCE TO PURCHASE 1992 PEABODY MYERS SEWER FLUSHER FOR THE TOWNSHIP OF ANDOVER AND TO PROVIDE FOR THE FUNDING THEREOF”

Mr. Walsh explained that this Ordinance will allow for the purchase of this vehicle which was discussed at the last meeting. We will enter into a shared services agreement with the Town of Newton for the use of this equipment. We can purchase this vehicle for \$10,000 and rebuilds such as this usually run about \$85,000.

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2012-05, 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 – absent

Ms. Phoebus – yes

Mr. Smith – yes

Mr. Walsh – yes

Mayor Lensak – yes

ORDINANCES: INTRODUCTION (CONTINUED)

**NO. 2012-06 ORDINANCE TO AMEND SECTION 115-5(C)
RETIREE HEALTH BENEFITS**

“AN ORDINANCE AMENDING SECTION 115-5(C) OF THE CODE OF THE TOWNSHIP OF ANDOVER REQUIRING A MINIMUM OF TWENTY-FIVE (25) YEARS OF SERVICE IN THE TOWNSHIP AS A PREREQUISITE TO RECEIVING RETIREE HEALTH BENEFITS FOR EMPLOYEES WHO COMMENCE EMPLOYMENT AFTER JANUARY 1, 2012”

Dan Freed asked what the requirement for current employees is. Mr. Walsh explained that any time earned in another municipality can be carried forward to Andover Township and be used toward their retirement benefits for a total of 25 years.

ORDINANCES: INTRODUCTION (CONTINUED)**NO. 2012-06 ORDINANCE TO AMEND SECTION 115-5(C)
RETIREE HEALTH BENEFITS**

Diane Gillespie asked if someone had 10 years in another municipality and then worked for another 15 years, they could not retire with full benefits with this ordinance in place. The Committee replied yes. She then asked about the Committee. They don't receive lifetime benefits.

David Kolstad asked who picks up the tab for their benefits if the Township doesn't provide them upon retirement. They go on Medicare. Ms. Phoebus stated that the issue of lifetime health benefits and pensions is crippling the State and this is the beginning of change for all new hires.

Chief Tagliatela asked if this will affect the contract units. Attorney Augello stated that the bargaining agreements will control for any members of those units. This ordinance is for all non-contractual employees.

Ellsworth Bensley, Jr. asked if all employees will pay their percentages with this Ordinance. Ms. Thompson stated that law went into effect in May 2010.

Mr. Smith commented that this has a very minor effect because it only effects the non-contractual and with only five full time employees in town hall, they are the ones that will be affected by this Ordinance. He said it doesn't appear that there will be a great deal of future hiring either. Mayor Lensak stated that this is being put in place in order for future generations of the governing body has something to work with.

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2012-06, 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 – absent	Ms. Phoebus – yes
Mr. Smith – yes	Mr. Walsh – yes
Mayor Lensak – yes	

OTHER BUSINESS None

OLD BUSINESS None

NEW BUSINESS None

COMMITTEE REPORTS

MR. SMITH Reporting on the Seniors, he stated applications for Senior IDs were passed out at the last meeting and collected at their next meeting on May 7th. Sherriff Strada will attend on May 24th to take the photos and finalize the process for these identification cards. Mr. Smith this is a very nice thing that the Sherriff's Office is doing for the Seniors. He added that the seniors received a very generous donation from Stan and Irene Christdlous in the amount of \$300. Mr. Smith stated he explained to the Christdlous's what they do with the money and how important it is. He said many of us are very fortunate but there are some with very little social outlet other than this meeting twice a month. Mr. Smith also mentioned that they are always looking for membership 55 and over.

On May 7th they will celebrate their Senior of the Year with a special luncheon. Mr. Smith then acknowledged a resident present this evening who is not a member of the club but is celebrating a birthday today. He wished Diane Gillespie a very happy birthday.

COMMITTEE REPORTS (CONTINUED)

MR. SMITH He then reported on the SWAC meeting and there was an Earth Day celebration at the landfill. He attended the function which was geared towards children but a very interesting event. There were eight different stations from solar/wind power, gas and electricity, non-gasoline vehicles, mosquito control and blue jean recycling. They cut the recycled jeans into patches and sew them into quilts which are then sent to our service people overseas. He said he spoke to Recycling Coordinator Robyn Hattersley and they will try to promote that recycling. Their next meeting will be May 8th.

MR. WALSH. He reported on the Goodale Road project which should be ready for the paving phase on May 1st. The drainage is in and they are waiting for some better weather. They will pave from the ball fields to Lake Liff Road. This will be done with Discretionary Aid from the State.

Reporting on the DPW, they are doing brush pickup and chipping throughout the town, much of it still from the October storm. He said about two years ago the Township received a \$40,000 grant for a walking trail and much of it went to engineering and permit fees.

About a month ago there was a meeting to push this project along. He said that contingent on good weather, in a few days we will be halfway complete with the trail. This has been done a bit at a time, chipping away at it. At this point in time we are at the viaduct. He said it needs some grading and the final surface needs to be placed. This trail will connect Lake Liff to Newton-Sparta Road. He said the best part of this is that because it is being done by the DPW as in-kind service compensated through the grant. Because of the good winter there is unused overtime funding and the funds from that could be used to compensate the Open Space budget and the grant funds will be used to pay the DPW for the trail work. He added that if all goes as planned we could have the trail to Mulford Road open by Memorial Day.

Reporting on the budget he received a letter from a taxpayer asking that the Committee not consider using the reserves to keep the taxes down. He will report further on that matter during the public hearing on the budget.

At this time, Mr. Walsh left his seat and presented a tray of cookies, a balloon and Birthday wishes to the Senior of all Citizens, Mr. Smith. There was laughter and a round of applause. Mr. Smith joked with Mr. Walsh earlier in the evening saying he got a cake for his birthday, what did he do for his.

MS. PHOEBUS. There was an Open Space meeting scheduled but they didn't have a quorum for an official meeting. She reported that the Fire Department held a Venison Dinner for the Allamuchy Gun Club. The food was delicious as always.

She then reported on the affordable housing project at the Abbey. She said it is moving along very well following a positive meeting with RPM. There was discussion regarding the waste water treatment plant and following this discussion, it appears costs have been reduced from \$5 million to \$3 million. She said that Attorney Semrau will be writing a letter with the information gathered from RPM and Pellow Engineering to be submitted to Senator Oroho so he can present it to the DCA to see if funding can be obtained from the State's Housing Trust Fund. They are looking for places to spend this money and this is one project that in some opinions, would qualify for this funding. RPM is very excited about this prospect and would like to see this project through to completion. The bulk of the units will house Seniors and it will be a beautiful project when completed.

She then reported on the recent League of Municipalities meeting that was held at the Sussex County Jail that included a tour of the facility. She said it was very eye opening experience and quite depressing. Mayor Lensak also attended. She said it is sad to see the amount of people in that facility and where their lives have taken them. She and Mayor Lensak reported that the facility was built to house 88 prisoners and the current number is at 180. There are three to a cell. They said the food was excellent.

COMMITTEE REPORTS (CONTINUED)

MS. PHOEBUS She then spoke about a meeting she, Mayor Lensak and Ms. Thompson attended with Assembly members Littell-McHose, Chiusano and Senator Oroho. They gave an update on issues going on in Trenton. One of the problems that we are having with our taxes is our school systems' funding has been cut in Sussex County. Andover Regional was one cut \$250,000 due to population decrease. Mr. Walsh said he believes the figures in 2001 there were 732 students and 2011 there were 646, down about 100. Since that time, we had two additions to both schools and there are about 11 more teachers. Ms. Phoebus said the shocking thing is that even with the reduced student population but the non-certified staff increased by 24%. She added that the kindergarten class is quite small so she doesn't believe the trend will reverse soon. Mr. Smith said that the projection is even lower, down to 540 in two years. Ms. Phoebus also added that there is a trend now that families are moving back to the city.

MAYOR LENSAK. He reported on the Cleaner/Greener Andover Day this past Saturday and the weather was great for the event. There was tire and electronic recycling available as well. There were two shifts because of the huge amount that attended. After that event, Mayor Lensak stated that he and Mr. Walsh attended the Little League Opening Ceremony. There were about 100 kids present. He commended the Lackawanna Little League for a job well done.

He added that tomorrow he will be attending the Mayors' Conference in Atlantic City. He then remarked on the police department's heroism recognized earlier this evening, adding that this is a reflection on the Police Chief as well. He added that this is one of the reasons that make this municipality a great place. We have a great department. He then read a letter from a gentleman thanking the police department for their quick actions when he was hit last year by a passing vehicle while he was cycling. This gentleman called the police with a plate number and description of the vehicle by witness. Officer Then responded and less than 24 hours later, Officer Then called him to say he located the driver.

REPORT FROM THE CLERK/ADMINISTRATOR She reported that this Thursday she will have a phone conference with the Byram Manager to discuss the details of the shared service of the bidding process for Roseville Road. She then reported on a meeting with the Action Alliance stating that the lead agency will now be the Town of Newton. It has been Andover Borough for many years but because Newton has the full time finance department, they graciously agreed to take the lead on this Committee.

REPORT FROM THE MUNICIPAL ATTORNEY There was no report at this time.

NEXT SCHEDULED MEETINGS: Regular Meeting May 14, 2012
Regular Meeting June 11, 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 8:15 P.M., seconded by Mr. Smith 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 23rd 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.

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. *Discussion Regarding Possible Recycling Options*
4. *Various Shared Services Opportunities*
5. *Research Regarding Possible Relocation of Municipal Complex*

Attorney-Client Privilege:

1. *Property Located at Block 60/Lot 5 – Limecrest Road*
2. *Rolling Hills Condominiums Agreement*

Pending Litigation:

Potential 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 23, 2012

Moved: Walsh Seconded: Phoebus
Voted Aye: Phoebus, Smith, Walsh, Lensak
Voted Nay: None
Abstained: None
Absent: (Excused) Boyce
Resolution adopted. APRIL 23, 2012
