

**ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES**

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

**MAY 14, 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 6:32 P.M. by Mayor Lensak, followed by a salute to the flag.

**ROLL CALL:** Present: Mr. Boyce, Ms. Phoebus, Mr. Smith  
Mayor Lensak  
Also present: Attorney Semrau  
Excused: Mr. Walsh (arrived at 7:45PM)

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

**EXECUTIVE SESSION:** Mayor Lensak asked that under Contract Negotiations "Prescription Contract" be added to the Executive Session. On a motion by Ms. Phoebus, seconded by Mr. Smith, the resolution to go into executive session to discuss

**Personnel Matters:**

**Contract Negotiations:**

1. ***St. Paul's Abbey Due Diligence***
2. ***Police Dispatcher's & DPW & FOP Lodge #177  
Union Contracts Status Reports***
3. ***Discussion of Shared Services Proposal***
4. ***Tax Revaluation – Tax Map Maintenance Project  
Contract with Joseph Golden***
5. ***Roseville Road Reconstruction Project –  
Shared Services Agreement with Byram Township***
6. ***AT&T Lease Renewal Amendment Update***

**Attorney-Client Privilege:**

1. ***Rolling Hills Condominiums Municipal Services Agreement***

**Potential Litigation:**

**Pending Litigation:**

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

The Committee went into executive session at 6:32 P.M. Mr. Smith moved to adjourn executive session at 7:26 P.M., seconded by Mr. Boyce and carried unanimously.

RECESS WAS CALLED UNTIL THE START OF THE REGULAR MEETING

**REGULAR MEETING**

**APPROVAL OF AGENDA** Mr. Boyce moved to approve the agenda as amended, seconded by Ms. Phoebus and carried unanimously.

**APPROVAL OF CONSENT AGENDA ITEMS** Ms. Thompson asked that Resolution #R2012-73 be amended to include amendments to the contract be made following discussions with Attorney Semrau. Mr. Smith moved to approve the Consent Agenda items with the noted exceptions, 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 TAX COLLECTOR'S MONTHLY REPORT  
APRIL 2012 - \$1,020,514.49**

**ACCEPTANCE OF THE CHIEF FINANCIAL OFFICER'S MONTHLY  
REPORT APRIL 2012**

**\*RESOLUTIONS:**

**#R2012-69 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY SUPPORTING THE  
EMPLOYMENT INITIATIVE PROGRAM OF THE NEW JERSEY  
EMPLOYER SUPPORT GUARD AND RESERVES**

**#R2012-70 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY SUPPORTING THE CLICK IT  
OR TICKET MOBILIZATION OF MAY 21 – JUNE 03, 2012**

**#R2012-71 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY APPROVING OF LAKELAND  
EMERGENCY SQUAD TO RECEIVE FINANCIAL ASSISTANCE FROM  
THE COUNTY OF SUSSEX AS PER THE CERTIFICATION FOR  
RESCUE SQUAD CONTRIBUTION ATTACHED HERETO**

**#R2012-73 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY IN SUPPORT OF PHASED-IN  
FUNDING RESTORATION**

**#R2012-74 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 MARY SMITH, AGENT FOR WEICHERT  
REALTORS FOR REAL ESTATE SERVICES ASSOCIATED WITH THE  
LEASE OF THE LOWER LEVEL OF THE HILLSIDE PARK BARN**

**\*CONSENT AGENDA: (CONTINUED)****\*RESOLUTIONS: (CONTINUED)****#R2012-75 RESOLUTION OF THE TOWNSHIP OF ANDOVER COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF BYRAM FOR THE CONSOLIDATION OF THE BIDDING PROCESS FOR THE ROSEVILLE ROAD IMPROVEMENTS PROJECT**

(See Inserts Attached to These Minutes)

**\*APPROVAL OF MINUTES:**

**MARCH 26, 2012 REGULAR MEETING  
MARCH 26, 2012 EXECUTIVE SESSION**

**REGULAR AGENDA****AWARD OF CERTIFICATES OF PARTICIPATION AND APPRECIATION FOR 2012 CLEANER/GREENER ANDOVER DAY**

Mayor Lensak called for Boy Scout Troop[ #85 to accept their certificate of participation along with the check for \$300. No one was present to accept this on their behalf. He then announced the Long Pond School Earth Club. He said they did Forest Lakes Drive from Route 206. He presented the certificate along with the check to a representative from the organization. A student member arrived a few minutes late and with that Mayor Lensak took the time to recognize her for her efforts on the roadway cleanup. There was a round of applause.

**REPORT FROM THE FIRE CHIEF** Chief Steinwand reported three activated fire alarms, four brush/forest fires, two carbon monoxide alarms, 10 motor vehicle accidents, one garbage/dumpster fire, one power line down, three firematic drills, 30 reported calls for the month, and 124 for the year.

**REPORT FROM THE RESCUE SQUAD CHIEF** No one was present at this time.

**REPORT FROM THE CHIEF OF POLICE** Chief Tagliatela reported calls for the month of April beginning with Andover Township Police Department with 641, Andover Township Fire Department 26, Lakeland Squad in Andover had 39, in Andover Borough Fire Department Fire Department 4, Lakeland Squad for Andover Borough 5, Hamburg Borough Police had 359, Hamburg Fire had 23, Hamburg Emergency had 36, Green Township Fire had 31, Allamuchy-Green Squad reported 21 for a total of 1175 calls for the month and 4401 year to date.

Mr. Smith asked the Chief if there is any progress on the Spillman system. Chief Tagliatela simply replied no. He said that the system is not perfect although it can be tweaked. The positive thing is that it is a brand new system, purchased under a grant which will save the municipalities money for the next few years. He added that with time and effort, these issues will be worked out. Mr. Smith said he hoped to see more progress at this point.

**PUBLIC PORTION** Janis McGovern of Lawrence Road thanked the police department for placing a digital sign on Lawrence Road, saying slow down-save lives. She said there are always a great deal of speeders through that stretch of road. She mentioned a delivery last week and one person never slowed down as he was crossing the road on a fork lift. She said she had to directed traffic for him. She said with that sign being posted it has helped.

Stan Christdlous of Wisteria Road commented that after attending a Board of Education meeting last week he complimented the Township Committee on their conducting of township meetings and also such a stark contrast to their lack of concern for budgets, he commented on the Committee's decision at the last budget meeting to hold to a zero increase this year. He said he truly appreciates it. He added that most of you were at that meeting and know what a difference on how they conduct their meetings. Mayor Lensak added there is another meeting of the School Board tomorrow night at 7:30 at Long Pond School. Mr. Christdlous said when the School Board left the meeting room during the public meeting in which Ms. Phoebus and Mr. Smith recalled them referring to it as "the emotional recovery period". Mr. Christdlous said there was no discussion of changing the budget which means they violated the Open Public Meetings Act because they obviously discussed it during their "rest period". He said he has a major issue as to how they run their meetings and he suggested contacting the State Attorney General. Mayor Lensak agreed with him 100% and the more he thought about that meeting with many citizens present, we had good vocal people offering suggestions to defer the \$6,600, there was no discussion amongst the board to even consider any of these comments.

Ms. Phoebus thanked everyone who was there that night. She said the one thing that bothered her the most was the disrespect that the board gave to the residents and she said she has never spoke before any board where she had a board member roll his eyes at her. She added that this Board has a tremendous desire not to communicate with the different departments of the Township and communicate with their residents. They appear to have a very short sidedness and extremely impolite to the public present at their meetings.

She added that she spoke to a former teacher when there was only one building at the time and there was a total of 800 students in that school. Today we have two buildings with a total of 600.

Mr. Walsh arrived at 7:45PM.

### **ORDINANCES: INTRODUCTION**

#### **NO. 2012-07 ROSEVILLE ROAD RECONSTRUCTION PROJECT PRELIMINARY ENGINEERING COSTS**

***"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY  
OF SUSSEX, STATE OF NEW JERSEY, PROVIDING FOR PRELIMINARY  
ENGINEERING COSTS FOR THE RECONSTRUCTION OF ROSEVILLE  
ROAD AND APPROPRIATING \$25,000 FROM THE CAPITAL  
IMPROVEMENT FUND"***

***BE IT RESOLVED*** by the Mayor and Committee of the Township of Andover, that Ordinance #2012-07, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on June 11, 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  
Mr. Smith — yes  
Mayor Lensak — yes

Ms. Phoebus — yes  
Mr. Walsh — yes

**ORDINANCES: PUBLIC HEARING****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 APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK FOR THE CALENDAR YEAR 2012 PURSUANT TO N.J.S.A. 40A:4-45.14”***

Mayor Lensak opened the public hearing.

John Carafello of Eileen's Way stated he is against banking any Cap whatsoever. He added that it defeats all disciplines that we are trying to instill on the municipality and school board. He said he thinks it undermines the idea of the 2% Cap. He added that we have done a good job and we will continue to do a good job but if we don't know who represents the township in the future, they may not have the same intentions as the current governing body with the same disciplines.

James Woodstrom stated he could not agree more with Mr. Carafello. He said that several towns in NJ have done that and Governor Christie said the budget will not go beyond 2%.

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

Mr. Walsh asked Auditor Sarinelli how many years has then ordinance been approved by the Township. He replied around its inception, 10 years. He added that the Township is losing Cap Bank and you have from prior years, \$470,000 that you will lose from two years ago. He explained there are two different banks, one being the 2% levy Cap and the 2 ½ - 3 1/2% Appropriations Cap. This ordinance is not related to the levy Cap but the Appropriations Cap. The 2 1/2% has not been an issue as we have been under the Appropriations Cap year after year. The only thing he cautioned the Committee that is unique about this year than other years is that we are under the Appropriations Cap by \$150,000. This year the operating expenses are at \$40,000 and the allowable percentage at 3 ½% is \$204,000 and even at 2 ½% it would probably be about \$150,000 so if the Cap Bank is not adopted you don't bank anything.

Mayor Lensak asked what is the down side to not adopting this ordinance and potential harm. Auditor Sarinelli stated that future Committees would be restricted on the operating expenses limited to 2 ½% and because you would only go up ½% this year because of significant cuts but the impact would be pension expenses and garbage expenses. If garbage expenses go up more than 2% a decision would have to be made as to whether or not to continue that service. By having a Cap Bank you might be able to include that service, giving you more options in the future. The Committee also has a responsibility to the residents to provide a service.

Mr. Smith commented on the banking of money, stating you are really not doing that but that is the impression it gives. He said you are banking to ability to spend more money next year and he said that is what he opposes. Auditor Sarinelli stated about 99% of the municipalities pass this ordinance and a few don't. For Andover Township it has not been an issue. It gives the township the ability to plan and manage the services that you want to provide. It's possible you can get into a position where the township was years ago that due to public outcry the township had to go to referendum so certain positions wouldn't be lost. He reiterated that it is only a planning tool. Mr. Boyce asked if the township doesn't intend to exceed the Cap in the future, what the point of adopting this ordinance is. He replied it is only a planning tool for possible expenses that are not expected.

Ms. Phoebus stated we could be looking at increases in the garbage in the near future. Mr. Sarinelli said and if that happens, you may have to decide what position is cut to continue this service without the Cap Bank in place.

**ORDINANCES: PUBLIC HEARING (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 APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK FOR THE CALENDAR YEAR 2012 PURSUANT TO N.J.S.A. 40A:4-45.14”***

Mr. Smith stated that the purpose of the Cap is to force municipalities to manage responsibility and for us to pass an ordinance to allow us to raise that limit to do more he believes is wrong. CFO Magura remarked that this is the Appropriations Cap not the levy cap and one of the reasons you put this in place is if next year our costs increase but we get a new revenue, we still wouldn't be able to increase our Appropriations more than the Cap allows us even though we may have more revenue to offset it. She added that we are not talking about the tax levy but the Appropriations. Mr. Smith added that would be a good thing because our Reserves would increase as well. CFO Magura agreed but added there may be costs that we may have to pay for that are increasing and if we get a revenue that would offset that, we still wouldn't be able to do does things.

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 April 09, 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. Boyce. Roll call vote:

Mr. Boyce – yes	Ms. Phoebus – yes
Mr. Smith – no	Mr. Walsh – yes
Mayor Lensak – yes	

**NO. 2012-05 TO PURCHASE SEWER FLUSHER**

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

Mayor Lensak opened the public hearing. Seeing no hands he closed the public hearing.

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 April 23, 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. Boyce. Roll call vote:

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

**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”***

**ORDINANCES: PUBLIC HEARING (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”***

Mayor Lensak opened the public hearing. Seeing no hands he closed the public hearing.

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 April 23, 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	

***PUBLIC HEARING FOR THE ADOPTION OF THE 2012 MUNICIPAL BUDGET***

Mayor Lensak opened the public hearing on the 2012 Municipal Budget.

Mr. Christdlous stated though the ordinance was adopted earlier, he had a question regarding that matter. He asked if we did not increase the Cap and some financial catastrophe occurred, how difficult is it to get an emergency appropriation. CFO Magura said that would take care of the immediate funding of the situation but then the Committee would have to raise that money in full in the next year's budget, inside the Cap. Mr. Christdlous then stated his only comment on the budget is what he stated earlier that he complimented the board at the budget introduction to decide to hold the budget at a zero increase.

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

Mr. Sarinelli informed the Committee and those present where we are in the budget process. The budget was introduced last month and the Division of Local Government Services reviewed this budget as they do every three years. It was approved for adoption. Continuation of the process is either to adopt as introduced or amend the budget. He said he received some information and he was requested to prepare additional documentation for tonight's meeting, relative for potential amendment.

He distributed documentation regarding the various options of the introduced budget with certain amendments. He summarized what he thought are the most important points. He highlighted the largest items in the budget and looking at what's been done Planning Board OE was increased \$38,000, Insurance is \$55,000, which the majority is health insurance, Police Salary & Wages is up \$98,000. The Capital Improvement Fund has been increased \$50,000 with the understanding there may be a request for such action. There was a net increase in debt service by \$35,000. Just those items increase the budget by \$276,000. He said the Committee has discretion with the Capital Improvement Fund but with the others he we don't have any. Mr. Sarinelli said it isn't as though the Township has these big increases and they are being passed along, but by the Committee going through all the other line items, they were able to come up with \$169,000 in other cuts. The biggest piece of all the cuts was the approximately \$83,000 in which we eliminated the construction code department.

***PUBLIC HEARING FOR THE ADOPTION OF THE 2012 MUNICIPAL BUDGET (CONTINUED)***

Mr. Sarinelli compared the 2011 budget to the 2012 and the total increase in expenses is \$107,000. The revenue items showed a loss, primarily from the sale of assets. The total loss in revenue was about \$43,000 which left the total requirement in the amount of \$150,000. He also provided a 10 year history of the fund balance, taking everyone back to 2007 at the height of the last economy boom. The fund balance then was at \$2,380,000. We moved between \$1,200,000 and \$1,125,000 each year to fund the succeeding year. By the end of 2011 the fund balance was down about \$480,000 and projecting forward using \$1,275,000, which would have been the highest amount used in a long time, less the projection of regeneration of \$1,305,000, would leave next year's fund balance at \$1,00,662. This is a little more than a \$700,000 reduction over the last five years.

Mr. Sarinelli continued to explain that the rule of thumb based on the guidance received from the rating agencies is to have somewhere in the range of five to ten percent. Mayor Lensak asked if this move would affect our bond rating. Mr. Sarinelli said that if you look at next year the projection is to be at \$1,000,662 and if we use \$1,275,000, we would be at \$400,000. He added that once the appetite for surplus increases, the only way to reverse it is to make significant cuts. We can either cut the budget or increase taxes.

There was then discussion regarding how to fund the \$150,000. The options are to take it all out of surplus and reduce it to \$150,000 or take none of it out of surplus and leave it \$1,125,000. He stated last year's tax rate was .846 cents which had the average taxpayer paying \$2,091 for the municipal share of the tax. He said even at an equal levy, the average homeowner will see a \$15 increase because of the reduced assessed values which are down \$3.5 million. The pursuit of new ratables was also discussed. Mr. Walsh stated after his discussion with Mr. Sarinelli, the Finance Committee had asked him to bring an amendment to the introduced budget. He said it was recommended to take \$60,000 out of surplus and add \$50,000 into Capital Improvements. Mr. Sarinelli said he was asked for his best advice. He said he prepared three scenarios, adding he does not think we can continue to escalate the rate that the fund balance is declining. He said he isn't totally comfortable with the \$75,000 but decided to present all three.

Mr. Smith said he thought the Open Space Tax and the COAH Fund was to help supplement the difference. It was explained that the COAH Fund was put aside for Capital, taking \$25,000 for Preliminary Costs on Roseville Road. Mr. Boyce added that in the six weeks since the budget introduction we learned that we had to come up with funding for Roseville Road project. If we don't match those funds, we lose that project. The State may never approve another grant for Andover Township again. There was a short discussion regarding the new train station.

Mr. Sarinelli stated the Committee needs to decide whether they would like to adopt the budget as presented. He prepared a sample amendment resolution and he can insert what is chosen.

The options available is one to remain flat, which would increase taxes \$15 for average homeowner, the second option gives the Township another \$50,000 to work with increases the average homeowner taxes by \$35 or the third which gives the Township another \$75,000 to use increases the average taxes by \$44 and the last option gives us \$100,000 increases taxes by \$54. Mr. Walsh added that this Committee sat here and tried to increase revenues by attempting to bring a ratable into this town and was met with opposition in the public stating they rather have a small tax increase than have that business in my backyard. He said a small tax increase cannot lay at the feet of this Committee.

He said they tried everything they could to bring a ratable here and people tried everything they could to keep that ratable out including people from Sparta. Mr. Walsh added that he has to do what is right for the future of this town not what is right for him. For him, he cant afford increased taxes but he cant vote for what is right for him. He has to vote what is right for everyone in town. He said you have all these employees and residents present tonight because they know that if we take \$150,000 out of the surplus half of these people will not be here next year. He said where do we go next year for that \$150,000. Mr. Walsh said we have been responsible and we should continue to do so.

**PUBLIC HEARING FOR THE ADOPTION OF THE 2012 MUNICIPAL BUDGET (CONTINUED)**

Mr. Smith said he would like to point out that 16% of our taxpayers are defaulting on their taxes because they can't afford them. He then commented on the monthly collection report which he said we are down almost \$1 million this year from this time last year. He said we cannot keep raising taxes. There are people out there that can't pay today's taxes without an increase. These people can't afford to eat and they are losing their homes. Mr. Smith said it is a desperate situation. Mr. Walsh said that situation does not lie at the feet of this Committee because we tried to bring a ratable into this town. Ms. Phoebus said she believes that ratable may still be coming.

The Township Auditor stated there are two things to decide; one to include an appropriations of \$50,000 or not in an amendment and the easiest way is to conduct a straw poll. Secondly, to move forward on the tax side of the budget to come to an agreement what level of surplus you want to use, if any.

Mayor Lensak asked for a roll for a straw poll on the use of \$50,000 for Capital.

Mr. Boyce – yes                      Ms. Phoebus – no  
 Mr. Smith – no                      Mr. Walsh – yes  
 Mayor Lensak – yes

Mayor Lensak explained following his vote he is here for the future, wanting to raise his daughter in this town. He said he wants her to live here and grow up having a good solid community as we have now. We have a great police force and DPW. We have great dispatchers and municipal building staff. He said as a businessman, prices go up and he agrees with Mr. Walsh when he said we tried everything to bring in ratables. He said he doesn't want to see any of our great services suffer.

Mr. Sarinelli stated in order to move forward we would need to increase the tax levy by \$50,000 just to stay with the \$15 increase. He then asked if the Committee wants to save or keep the fund balance more than that. He said right now we are using \$150,000 and with the last straw poll we would add \$50,000 to the appropriations side. This action would bring the increase from \$15 to \$35. He said a decision needs to be made as it relates to the tax levy.

Mayor Lensak asked for a roll for a straw poll on the use of \$100,000 from the surplus.

Mr. Boyce – yes                      Ms. Phoebus – no  
 Mr. Smith – no                      Mr. Walsh – pass  
 Mayor Lensak – yes                      Mr. Walsh - yes

**RESOLUTIONS**

**#R2012-72    RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE  
 TO AMEND THE INTRODUCED 2012 MUNICIPAL BUDGET**

Mr. Sarinelli read the following resolution into the record.

Whereas, the local municipal budget for the year 2012 was approved on the 9th day of April 2012, and  
 Whereas, the public hearing on said budget has been held as advertised, and  
 Whereas, it is desired to amend said approved budget.

Now, Therefore, Be it Resolved by the Governing Body of the Township of Andover, County of Sussex that the following amendments to the approved budget of 2012 be made:

Recorded Vote (insert last names)

AYES	NAYS	ABSTAINED	ABSENT
BOYCE	PHOEBUS	NONE	NONE
WALSH	SMITH		
LENSAK			

**RESOLUTIONS****#R2012-72 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE  
TO AMEND THE INTRODUCED 2012 MUNICIPAL BUDGET**

	<u>FROM</u>	<u>TO</u>
General Revenues		
1. Surplus Anticipated	1,275,392.00	1,225,392.00
Total Surplus Anticipated	<u>1,275,392.00</u>	<u>1,225,392.00</u>
1. Surplus Anticipated (Sheet 4, #1)	1,275,392.00	1,225,392.00
5. Subtotal General Revenues (Items 1,2,3 and 4)	<u>2,274,970.58</u>	<u>2,224,970.58</u>
6. Amount to be Raised by Taxes for Support of Municipal Budget:		
a) Local Tax for Municipal Purposed Including Reserve for Uncollected Taxes	5,212,143.88	5,312,143.88
Total Amount of be Raised by Taxes for Support of Municipal Budget	<u>5,212,143.88</u>	<u>5,312,143.88</u>
7. Total General Revenues	<u>7,487,114.46</u>	<u>7,537,114.46</u>
8. General Appropriations		
(C) Capital Improvements – Excluded from “CAPS”		
Capital Improvement Fund	-0-	50,000.00
Total Capital Improvement Excluded from “CAPS”	<u>-0-</u>	<u>50,000.00</u>
H-2 Total General Appropriations for Municipal Purposes Excluded from CAPS	616,321.58	666,321.58
O Total General Appropriations – Excluded from CAPS	616,321.58	666,321.58
L Subtotal General Appropriations (Items (H-I) and (O))	<u>6,487,114.46</u>	<u>6,537,114.46</u>
9. Total General Appropriations	<u>7,487,114.46</u>	<u>7,537,114.46</u>

Be it Further Resolved, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the local municipal budget so amended.

Be It further Resolved, that this complete amendment, in accordance with the provisions of N.J.S.A. 40A:4-9, be published in the New Jersey Herald in the issue of May 17, 2012, and that said publication contain notice of public hearing on said amendment to be held at The Municipal Building on June 11, 2012 at 7:30 (o'clock) pm.

Mr. Walsh moved to approve the foregoing resolution, seconded by Mr. Boyce. Roll call vote.

Mr. Boyce – yes	Ms. Phoebus – no
Mr. Smith – no	Mr. Walsh – pass
Mayor Lensak – yes	Mr. Walsh - yes

(See Insert Attached to These Minutes)

Mr. Sarinelli stated this amendment will be advertised in the newspaper and the public hearing will be held on the amendment only on June 11<sup>th</sup> and then the Committee will choice to adopt as is or further amend it. Mr. Sarinelli said this is solely the Committee's decision to make. He said he can give advice on what he has seen. What history has shown him and where he might be this action he believes puts the township in better position than using \$150,000 from the surplus.

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

Ms. Thompson stated this matter was carried from the last agenda explaining that the Land Use Board had asked Engineer Golden to provide proposals for certain tasks, one of them being drafting an ordinance to address minor site plan issues in order to streamline the process. Attorney Semrau stated he spoke with Land Use Board Attorney Briigliodoro about this matter and he was informed that he didn't think it was necessary to make any amendments at this time. He added that he is aware of the costs and the need doesn't seem immediate and would be of assistance to any applicant to make such changes.

**OLD BUSINESS (CONTINUED)****DISCUSSION REGARDING THE AMENDMENT OF THE SITE PLAN ORDINANCE & TO ADDRESS MINOR SITE PLAN ISSUES**

Mr. Smith asked if this was a matter brought before the Land Use Board or simply his opinion. Attorney Semrau stated this discussion came about due to a question raised by a potential applicant regarding costs. Mr. Smith stated that we claim to be business friendly and a move to soften those restrictions would certainly be a business friendly move. Mr. Walsh suggested having Attorney Brigliadoro come before the Committee to discuss how the Township can be more business friendly. The Committee agreed.

Ms. Phoebus said though that is a good idea Land Use Board Administrator Wilhelm is very educated in the ordinances. She added that this request had come about because we have given some site plan waivers only to find out there have been some conflicts. Attorney Semrau said he isn't comfortable to speak for Attorney Brigliadoro regarding his reasons for his opinion at this time. He also agreed having Attorney Brigliadoro here would be a good idea. Mr. Smith agreed saying that the Committee has no authority or say over what happens at the Land Use Board but I think we have a right to know and understand their thinking.

**COMMITTEE REPORTS:**

**MR. BOYCE.** He reported on Superintendent Baggs' retirement stating there was a meeting last week and another tomorrow night at Long Pond School. He urged everyone to contact their school members to combine the superintendent position with the principal position. He said they need to hear from the public and by doing that there will be a savings of over \$100,000 a year. This week, one week after announcement of his retirement, Mr. Boyce stated he received another email from Dr. Baggs announcing that the Andover Regional School Family Community Stakeholders' Committee is sponsoring a hobby fair on Wednesday May 30<sup>th</sup> from 7:00PM to 8:30PM. All are invited to attend.

He then reported he received a memo that our employees have donated \$155 to David Nicholas Foundation. It is an organization that has an annual bike run called "David's Day" held in his memory. The money helps raise support for pediatric cancer patients and their families. Our employees at the municipal building donate money so they can participate in casual Friday and he said he is very proud of them in doing that. Ms. Thompson added that CFO Gail Magura is David's aunt.

Mr. Boyce reported on the Municipal Court stating that the annual audit was conducted by the State. He gave a brief history on the municipal court and the condition it was in before Court Administrator Francisco was appointed here. He said she has done the work of two employees and has done an exemplary job. He quoted the report written to Judge Devine from the AOC stating "the Violations Bureau Office is well maintained, cases are managed and disposed of in an effective manner. She is balancing two sets of bail and general accounts. The accounts are reconciled, deposits are made within 48 hours, and restitution is dispersed and payments are made to various agencies by the 15<sup>th</sup> of the month. Ms. Francisco's financial and management skills are an asset to the Court." He congratulated everyone here working on that project.

**MS. PHOEBUS.** She spoke about the Abbey project asking the Attorney to compose a letter to Senator Oroho regarding the Housing Trust Fund and the State is sitting on \$20 million that they don't know how to use it. At the end of July all municipalities will have to take their Trust Fund, a use it or lose it to the State's Housing Trust fund. At that time it can go as high as \$100 million. The letter was sent outlining the project and introducing the interested contractor. The issue of the wastewater treatment plant that was approved is delayed due to the cost of construction. The contractor needs some type of contribution to complete this improvement. Senator Oroho received the letter and he is willing to meet in Trenton to see if they will send Andover Township a minimum of \$3 million. They are fond of this project because it is 100% affordable. She then attended the Freeholders meeting and she asked them to consider writing a letter to the DEP to request a waiver of fees for this wastewater treatment plant. They agreed to do that and Administrator Eskilson was directed to work with Ms. Thompson on this project.

**COMMITTEE REPORTS: (CONTINUED)**

**MS. PHOEBUS.** She said she, Freeholders Vohden and Zelman attended a meeting because the County is receiving a large grant called Street Smarts. The Abbey qualifies for the project to continue the sidewalk from the Newton Town line to the Abbey. They would also install street lights along that route. With the release of the State's Trust funds this project could come to fruition.

Ms. Phoebus reported that Ms. Thompson and she participated in the Newton Town Clean Up as members of the Newton Rotary. She said she had no idea she was going to lay mulch with a wheel barrow. She recommended that our DPW talk to Ms. Danielson about using Clean Communities monies to purchase such equipment.

She said the Open Space Committee did not meet this past month.

**MR. SMITH.** He reported on the Senior Citizens' meeting which was the senior of the Year Luncheon because as he says they ran out of names. The luncheon was celebrated on Monday May 7<sup>th</sup> at the Andover Senior Center and was catered by Bella Italia. Mr. Smith was honored as the recipient and has been nominated for Senior of the Year for the county.

On June 4th the sheriff's office will be at the senior center to take photos for the Senior Citizen ID program. He invited all seniors, not needing to be a member of the club, though he encouraged new membership beginning at age 55. Last Friday he attended Senior Day at Selective Insurance. The day was filled with exhibits, entertaining and informative speakers and lunch.

On October 17th the Newton club is sponsoring an all day trip to West Point with buffet lunch for \$82.50 per person. To sign up or for more details call town hall. The next meeting is on Monday May 21<sup>st</sup> at 1 PM in the Senior Center on Route 517.

With regards to SWAC last Friday Mr. Smith stated he attended the special electronic waste disposal day at the landfill. It was well attended and organized and was a nice service to the community. The next special event to mark on the calendar is June 2, 2012 for the Household Hazardous Waste Disposal program.

He then reported that at the last SWAC regular meeting a report was issued showing Andover Township with a 16% decline in Solid Waste for the 1<sup>st</sup> quarter of 2012. He met with John Hatzelis to verify the number and analyze the reason. Initial analysis gave no concrete answer, so until proven differently he says it is due to our excellent recycling program and the efforts of Robyn Hattersley.

He reminded everyone about the importance of recycling by citizens and businesses of Andover Township. Andover Township currently has the 6<sup>th</sup> best record for recycling in the county, but we are hopeful to improve that even more. Recycling not only protects the environment but it helps keep costs down by reducing the amount of solid waste disposal in the landfill and increases revenue for the landfill to help support their operations and hold down tipping fees. The next meeting of SWAC will be on Tuesday June 12<sup>th</sup> at 7:30 PM in the County Building in Newton.

Reporting on the Blue Diamond Complaint Log, the numbers have been declining. We received only eight in March compared to last March when we received 24. During April last year there were 13 complaints and this month only seven. He explained that some complaints are due to a simple misunderstanding, putting things out at the wrong time or the wrong commodity. There was one complaint that the resident slept in too late and requested that we come back and Blue Diamond did. He also stressed people attend the Board of Education meeting regarding the appointment of the new superintendent.

**COMMITTEE REPORTS: (CONTINUED)**

**MR. WALSH.** He reported on the Environmental Commission stating the bat house project spearheaded by Eagle Scout Marshall Chudley is progressing. The DPW is helping him hanging the houses which some will be located along the trail. Some will be in Hillside Park. DPW Supervisor Dickinson informed him there are 10 extra houses if anyone is interested in hanging one in their yard.

He then reported on the Goodale Road project stating that the project is complete with the basins in. The striping needs to be done. The Goodale soccer and softball fields are coming around hoping that the front end soccer field it might be ready for the fall. He stated that DPW Supervisor Dickinson, EMC Danielson and Ms. Thompson have been talking to FEMA and monies will soon be available to cover our losses at the parks.

With regard to the Lake Iliff Trail the original plan was from Lake Iliff to FMB School and while pushing along with the DPW we became a bit zealous and went a mile too far into private property. He called Attorney Semrau who did a great job and we got it approved and now the trail runs from Lake Iliff Road to Mulford and a cutoff to FMB School. There will be another Eagle Scout project to provide fencing for the nearby neighbors. He said we also need a surface for bicycle riders and then we can officially open the trail by Memorial Day. He said anyone can walk it at this time. He said the DPW did a wonderful job and the funding by the grant took care of the cost.

Mr. Walsh said earlier he read a Letter to the Editor in the Herald by Steve Lonaghan. He said what the State wants to start funding foreclosures and turn these homes into low income housing but what it really is hard to house people. This can be people released from prison who have no place to go and they can go anywhere a foreclosure opportunity is available. The article states they are looking at Sussex County more than any other county. Ms. Phoebus stated he is going to have a meeting on this topic at the Lafayette House in the near future. The State will act as landlords and the money will come from State taxes to support this. He encouraged everyone to read this article.

Mr. Smith commented on Goodale Road and if anyone hasn't seen they should take a look because they did a beautiful job. This project was done by a grant as well.

**MAYOR LENSAK.** He commented on the trail stating he met Mr. Walsh on Saturday and walked it with him. He said it is a phenomenal walking trail. He also reiterated encouraging attendance at the school board meeting.

Mayor Lensak thanked Mr. Walsh for his hard work on the municipal budget. He said the Committee puts a great deal of pressure on him every year but he agrees that we must start this process earlier next year.

He then said he was at Lowe's last weekend taking pies in the face in support of the Veterans and Fire Departments.

**REPORT FROM THE CLERK/ADMINISTRATOR** She reported as of May 1<sup>st</sup> Navitend is no longer our network provider. We went live with Municipal Software and the Finance Department is converting their files from Edmunds to theirs. We are no on the new server. We had an old server as the main one and an older one as the backup, a disaster waiting to happen. She added that the Web based email system is not yet operating so those accessing municipal emails from home may be able to access by the end of the week. Mr. Smith said he checked his today and it was available this afternoon. She said everything else has been covered in other reports.

Mayor Lensak added that a note of thanks was received from the Homestead Committee thanking the Committee for passing the resolution for a referendum. He also mentioned that this Saturday, May 19<sup>th</sup> at the Barn is the Little Miss/Mr. and Miss Andover Township contests. At 5:30 there will be a presentation by Rizzo Reptiles followed by Family Movie Night with free popcorn for all.

**REPORT FROM THE MUNICIPAL ATTORNEY** He said that his office is getting ready to defend tax appeals beginning tomorrow with those that could not be resolved. He stated he will continue to work on getting the money from the State on the Abbey. The State has been getting a great deal of criticism having this kind of money around and this would be a great poster child for Andover Township to be the recipient of this type of funding.

**NEXT SCHEDULED MEETINGS:** Regular Meeting June 11, 2012  
Regular Meeting June 25, 2012

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

**ADJOURNMENT** No further business appearing before the Committee at this time, Ms. Phoebus moved the meeting be adjourned at 9:28 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 14<sup>th</sup> day of May 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. Discussion of Shared Services Proposal**
- 4. Tax Revaluation – Tax Map Maintenance Project  
Contract with Joseph Golden**
- 5. Roseville Road Reconstruction Project –  
Shared Services Agreement with Byram Township**
- 6. AT&T Lease Renewal Amendment Update**

**Attorney-Client Privilege:**

- 1. Rolling Hills Condominiums Municipal Services Agreement**

**Potential Litigation:**

**Pending Litigation:**

- (x) a. (8) Personnel matters.
- ( ) 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: May 14, 2012

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Moved: Phoebus      Seconded: Smith  
Voted Aye: Boyce, Phoebus, Smith, Lensak  
Voted Nay: None  
Absent: Walsh (arrived at 7:45)  
Resolution adopted. MAY 14, 2012

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