

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

JUNE 11, 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 6:30 P.M. by Deputy Mayor Phoebus, followed by a salute to the flag.

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

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

EXECUTIVE SESSION: On a motion by Mr. Smith, seconded by Mr. Walsh, 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. ***AT&T Lease Renewal Amendment Update***

Attorney-Client Privilege:

1. ***Rolling Hills Condominiums Municipal Services Agreement***
2. ***Police Department Issues – Traffic Safety***

Potential Litigation:

Pending Litigation:

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

The Committee went into executive session at 6:35 P.M. Mr. Walsh moved to adjourn executive session at 7:25 P.M., seconded by Mr. Smith and carried unanimously.

The Committee recessed until 7:30 PM.

REGULAR MEETING

APPROVAL OF CONSENT AGENDA ITEMS Mr. Walsh moved the following consent items be approved, seconded by Mr. Smith. At this time Mr. Walsh commented that the township committee members need to be diligent in review of the bills list when Lenape Water Company appears on the vouchers for payment to make sure that the township's expenses have been covered for work done by our DPW on roads after work has taken place on water lines.

APPROVAL OF AGENDA Deputy Mayor Phoebus asked that #R2012-79 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO ADOPT THE AMENDED 2012 BUDGET be moved to this part of the meeting since we have our auditor, Mr. Sarinelli and our CFO, Gail Magura here for questions re the budget. Mr. Walsh moved to approve the Agenda as amended, seconded by Mr. Smith and carried unanimously.

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

1. **#R2012-79 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO ADOPT THE AMENDED 2012 MUNICIPAL BUDGET**

Deputy Mayor Phoebus reminded everyone that this public portion was just for discussions re the 2012 amended municipal budget resolution. Diane Gillespie of Andover-Mohawk Rd. spoke regarding a few items she read about from the March minutes of a meeting she was not able to attend. She voiced questions re whether the Township Committee had made progress for planning for emergency contingency funds for budgets in case of unforeseen emergencies in the future. She also had questions regarding the decrease in property values and wanted to know why the proposed budget went from flat to increased, Ray Sarinelli, Township Auditor, explained that there are always funds left in reserve for emergencies. We have \$677,000.00 in reserve right now. It is true that the township budget uses money held in this reserve surplus to help fund the budget but then in the following year you must regenerate what you took from the surplus. The township would have to pass emergency appropriation resolution to move the money to be used from the surplus reserve for emergencies.

Mr. Boyce asked to have it clarified that at this time we have \$677,000.00 in the surplus and Ray Sarinelli confirmed that. Mr. Boyce asked if that amount has been going down each year and Mr. Sarinelli stated that it has been fairly steady. Mr. Sarinelli also stated that for the past 5 years in order to keep the tax rate flat funds have been taken from the reserve to augment the budget. It is not a good plan to keep using the reserve to prevent tax increases but with caps and increases in insurance costs, etc. it has been necessary.

At this time Mr. Smith offered his opinion that if we ever suffered a huge emergency like an earthquake or other monumental disaster whatever we have in reserve would not cover what we would realistically need. We would have to look to county, state and federal help. In closing Mr. Walsh offered that at this very time the committee is working on ways to bring spending under better control so that the amount taken from this reserve will be less, not more each year. Some of these plans for putting the township in a very positive position can take 10 to 15 years to develop. Shared services are always being looking into. At this time Attorney Semrau interjected that it would be appropriate to share with the public that we are considering expanding the AT&T lease on our tower on Goodale Road and that will bring money into the township. The Committee is always looking to get the township into the best financial standing as possible.

Why property values are decreasing is based on several reasons and was explained by Mr. Sarinelli. The average assessed value of homes in Andover Township has gone down from last year at \$249,000 to this year at \$247,000. If homes are in foreclosure or sold for lower prices than they are valued at that will also cause a decline in values. There have also been many successful tax appeals.

The Township Committee became informed of some unexpected expenses that had to be covered which made the proposed budget to go from flat to an increase. The Roseville Rd. project work which was tied into matching funds grant required the budget to be increased so that we would meet the state matching funds grants for road improvements for now and the future.

Seeing no other hands, Deputy Mayor Phoebus asked for a motion to close to the public. Mr. Walsh made the motion and it was seconded by Mr. Boyce, all in favor. Discussion followed as to how to handle tabling the vote to approve #R2012-79 TO ADOPT THE AMENDED 2012 MUNICIPAL BUDGET until the entire committee is present. Mr. Semrau advised the committee that the motion to table the vote needs to give a specific date of a meeting for the vote. Mr. Walsh made a motion to table the vote on the budget to the next meeting on June 25th. Mr. Boyce seconded the motion. Roll call vote:

Mr. Boyce – yes
Mr. Smith – no

Ms. Phoebus – yes
Mr. Walsh - yes

Mr. Lensak - absent

***CONSENT AGENDA:**

***OTHER BUSINESS:**

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

***RESOLUTIONS:**

1. **#R2012-76 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY SUPPORTING FULL REINSTATEMENT AND PERMANENT OPEN SPACE PILOT FUNDING**
2. **#R2012-77 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND TO CORELOGIC, A TAX SERVICER, IN THE AMOUNT OF \$1,457.19 FOR OVERPAYMENTS IN THE SECOND QUARTER 2012 TAXES FOR BLOCK 105.04, LOT 1**
3. **#R2012-78 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87 ROSEVILLE ROAD**

***APPROVAL OF MINUTES:**

1. **APRIL 09, 2012 REGULAR MEETING**
2. **APRIL 09, 2012 EXECUTIVE SESSION**

APPROVAL OF MINUTES:

- 1. APRIL 23, 2012 REGULAR MEETING**
- 2. APRIL 23, 2012 EXECUTIVE SESSION**

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

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

REPORT FROM THE FIRE CHIEF Chief Steinwand reported for the month of May there were ten activated fire alarms, one forest fire, two wilderness and woodland rescues, one fund raising drill, six motor vehicle accidents, one motor vehicle accident with traffic, one appliance fire, one traffic detail, one smoke condition, one power line down for a total of 30 reported calls for 289 man hours. Year to date 154 calls for total man hours of 1,101.

REPORT FROM THE RESCUE SQUAD CHIEF Chief Allenspach reported 90 calls for the month of May, 43 in Andover Township, 4 mutual aid. They traveled 3,000 miles during the month and 411 hours of man time were compiled. Year to date – 428 calls, 180 in Andover Township totaling 10,000 miles.

REPORT FROM THE CHIEF OF POLICE Chief Tagliatela reported calls for service through the Andover Township dispatch were for Andover Police 868, Andover Township Fire Department had 32 calls, and Lakeland Rescue had 43 calls for the township and four for the borough. The Andover Borough Fire Department had one, Hamburg Police had 1,522 calls, their fire had 14, and their rescue 35. The Green Township Fire Department had 12 calls and the Allamuchy-Green had 18 calls for a total of 2,559 calls for the month of May. There are 6,960 calls year to date. The Chief advised the Committee that there has been a substantial increase in calls to dispatch this year.

REPORT FROM THE GREEN TEAM David Kolstad reported that he was representing Sustainable Andover/Green Team with approximately 30 members working very hard who have dedicated themselves to the ideals of sustainability for Andover Township and the community at large including recycling, local food and other endeavors. The farmers market earlier this year was a huge success and they will be following that up in August. They have just completed plantings at the Sunset View Farm community garden and that food will be donated to the local food bank at the Bodhi Monastery. They are making huge progress with regards to points for the Sustainable New Jersey certification.

PUBLIC PORTION Mr. Walsh made a motion to open to the public, seconded by Mr. Smith, all in favor. No one came forward to be heard. Mr. Walsh made a motion to close to the public, seconded by Mr. Boyce, all in favor.

ORDINANCES: INTRODUCTION

NO. 2012-08 TO CREATE CHAPTER 62
“HUMAN-POWERED LOCOMOTION DEVICES”

“AN ORDINANCE TO CREATE CHAPTER 62 OF THE ANDOVER TOWNSHIP CODE TO BE KNOWN AS “HUMAN-POWERED LOCOMOTION DEVICES” FOR THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ANDOVER”

Mr. Smith stated he would like to make a motion to table this ordinance introduction since the members have just received this ordinance tonight and have not had sufficient time to review it. Mr. Boyce interjected that since it was an introduction the hearing won't be until the next meeting so it could be discussed now. Deputy Mayor Phoebus stated that Mr. Smith made a motion to table the introduction to the next meeting so that everyone could have a chance to read it. Mr. Boyce seconded the motion to table the introduction and then continued to ask questions about the proposed ordinance. Deputy Mayor Phoebus stated that since the motion and second was made to table the introduction it was not proper to continue the discussion. At this time Mr. Boyce withdrew his second on the motion and then asked his questions re the proposed ordinance. He asked Chief Tagliatalata to clarify that this ordinance did not refer to bicycles. Chief confirmed that. Mr. Boyce wanted to know what the catalyst to forming this ordinance was and Chief Tagliatalata gave a brief overview of the reasoning behind the ordinance.

At this time Attorney Semrau offered his comments on this ordinance by saying that he did receive it for review this past week and his ideas are that you need to be specific on actual streets that these devices will be prohibited from use. By making the entire township prohibited would be too severe. Mr. Boyce asked if it would be possible for the Chief to consider adding Pinkneyville Road and Victoria Pines Lane to the listing of streets included in this ordinance. At this time Mr. Boyce added his second to the motion to table introduction of this ordinance until the June 25, 2012 meeting. All in favor.

ORDINANCES: PUBLIC HEARING

1. 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”

Mr. Walsh made a motion to open to the public for discussion. Mr. Boyce seconded it, all in favor. Ms. Gillespie asked what this project entails. Mr. Walsh replied that the road project includes reclaiming of the road and then repave and put in proper drainage all for the proposed railroad station that will be established there. Both Andover Township and Byram Township are sharing this work. Deputy Mayor Phoebus stated that a ribbon cutting for the new station is planned for 2014. Rick Melfi asked if the township had any plans or drawings available for the station that the public could review. Deputy Mayor Phoebus said she will contact the County to see if they have any and get a set here at town hall. The understanding is that the station will be a smaller scale of the one in Mt. Olive with 50 parking spaces, down from 125 spaces with a kiosk on the platform for tickets.

At this time since no one else had comments, Mr. Walsh moved to close to the public, seconded by Mr. Boyce, all in favor.

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 May 14, 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 – absent	

#R2012-88 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF LIQUOR LICENSE #1902-31-013-001 CLUB LICENSE FOR LT. CHAS A. MEYER POST 86 AMERICAN LEGION T/A AMERICAN LEGION POST 86 FOR THE TERM JULY 1, 2012 THROUGH JUNE 30, 2013

Mr. Walsh moved to adopt the foregoing resolution as presented, seconded by Mr. Boyce. Roll call vote:

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

#R2012-89 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-010-003 FOR DINA'S LLC FOR THE TERM JULY 01, 2012 THROUGH JUNE 30, 2013

Mr. Walsh moved to adopt the foregoing resolution as presented, seconded by Mr. Boyce. Roll call vote:

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

#R2012-90 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE (WITH BROAD PACKAGE PRIVILEGE) #1902-32-011-002 FOR THE CORNER RESTAURANT, INC. T/A THE CORNER RESTAURANT FOR THE TERM JULY 1, 2012 THROUGH JUNE 30, 2013

Mr. Walsh moved to adopt the foregoing resolution as presented, seconded by Mr. Boyce. Roll call vote:

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

OLD BUSINESS

1. DISCUSSION REGARDING THE AMENDMENT OF THE SITE PLAN ORDINANCE & TO ADDRESS MINOR SITE PLAN ISSUES

Deputy Mayor Phoebus asked Attorney Semrau if he could give some information on this subject. Attorney Semrau stated that it is his recollection that there was a discussion that at perhaps a future meeting members from the LUB would come to a Township Committee meeting to discuss and come to an agreement regarding these issues. Question arose as to which members or representatives from the LUB would be appropriate to ask to be included. Attorney Semrau was of the opinion that the Board Chair, Board Secretary, Board Attorney. At this point Mr. Smith asked that the subject that needs to be addressed is the 3 proposals that have been offered and who should pay. After some further discussion, it was determined that the LUB should decide who they would want to represent them at this meeting. The meeting that the Township Committee is aiming for would be the June 25th meeting which should work since there is a LUB meeting before that meeting date. The Deputy Clerk will contact Anne-Marie Wilhelm to ask her to add this to their next meeting agenda.

NEW BUSINESS**1. DISCUSSION REGARDING THE TOWNSHIP COMMITTEE SUMMER SCHEDULE**

Discussion took place regarding whether the first or second meeting of the month for July and August should be eliminated. It was decided that the first meeting would be eliminated. Mr. Boyce made a motion that the Township Committee meetings for July and August will be July 23rd and August 27th. Mr. Smith seconded the motion, all in favor. We will make sure this information is put on the township's website.

COMMITTEE REPORTS:

MR. BOYCE. Discussion took place regarding the Sewer Service Area and mapping that will be submitted by the county this summer. Deputy Mayor Phoebus explained how important it is that the area that will be included in the sewer service area in Andover Township is vital to the future development of the township. If we ever want future ratable of any size we need to be approved for inclusion in this sewer service area. Next Mr. Boyce informed the committee that the 8th grade graduation will be taking place this Thursday at the Long Pond School. He also mentioned that there are 4 candidates who have filed for the November School Board Election. There are 3, 3 year terms up for grabs. Mr. Boyce suggested that this is a very important election and since we can no longer vote on school budgets since they moved the election to November, this is the area where we can have some say or input.

He next stated that the school board is in the process of replacing Superintendent Baggs. Mr. Boyce then reported on a recent report in the NJHerald regarding testing scores for children in the Andover Regional School District which showed that the children in the middle school are testing proficient or advanced proficient exceeding the state average. The local school board hired Ms. Kirschner from the New Jersey School Board Association to help them in their search for a new superintendent. The fee for her assistance is \$6,500.00. She explained in this article that it is usually the other way around, in that the students in the lower grades usually test higher and as the students advance in grades the test results are lower. Mr. Boyce ended by saying that the township has taken the lead in making cuts in personnel, combining positions, using shared services, etc. during this rough economic times and it seems that this would be the perfect opportunity for the Andover Regional School Board to follow suit by combining the position of Principle/Superintendent by having the Principle at Long Pond who has overseen this wonderful testing results of the middle school students assume this dual role to the relief of the tax payer.

MR. SMITH Mr. Smith reported that the Andover Seniors had the Sheriff's Department come to their June 4th meeting to have photo's taken for identification. They were very efficient with having the photos ready by that afternoon. This fulfilled a need for the seniors since many have given up their driving privileges and no longer possesses a driver's license for ID. He attended the SC Senior Citizen meeting and learned of many programs that he had not been aware of prior to this meeting which he will share with the Andover Seniors at their next meeting. He then also reported that if you are a veteran who has a county veteran ID will be admitted to the fair free at all times. He also reported that there will be a SWAC meeting tomorrow evening and a public hearing on the expansion of a recycling center for vegetative material in Wantage. Mr. Smith stated that he is of the opinion that this would be a very good thing.

MR. WALSH Mr. Walsh mentioned that the OEM, Eric Danielson and township employees have guaranteed us some money out of the storms from last year and we thank them. The work on Goodale Road is complete and the work on Roseville Road is getting under progress with Byram and on target. Mr. Walsh thanked Debbie Danielson, representing LLL for all the work done and the cooperation and communication between the LLL and the township in getting the concession stand done at the park. The trail is just about complete from Lake Iliff to Mulford Road and is still a little rough until they get the new surface material spread. The Road Department personnel are handling the labor and it is really turning out beautifully.

MS. PHOEBUS Ms. Phoebus gave an update on St. Paul's Abbey/Affordable Housing. There was a recent phone conference meeting re this including our Township Attorney, Mr. Semrau, Township Engineer, Corey Stoner, Mr. Bob Morgenstern, Attorney for the Abbey, Deputy Mayor Phoebus and two gentlemen from RPM. We have officially asked Senator Oroho by letter from Attorney Semrau for a share totaling 5 million dollars from the NJ Housing Trust Fund because at the end of July there will be approximately 200 million going into that fund from all of the municipalities throughout NJ and these municipal funds will need to be emptied into the state fund. Since we are in a good position with our COAH certification, we stand a good chance on being deemed deserving of these funds which could be used for the relief we need for waste water treatment plant for our project.

Ms. Phoebus thanked the Police and Fire Departments for their assistance during a recent power outage at the Farmstead G & CC due to a blow up of a transformer on one of the fairways. There was a wedding and golf outing taking place so the help was very much appreciated.

REPORT FROM THE MUNICIPAL ATTORNEY Mr. Semrau wanted to add to the report on the Abbey. He stated that these funds that will become available are so important for us to go forward with the affordable housing project at the Abbey which is such a great location and would more than satisfy the township's obligation for years to come. Without these funds we won't be able to proceed. Hopefully we will benefit from this. Also he reported that the Life Care Mews litigation has been settled re the restoration of the site. There has been money set aside in escrow to cover the restoration and we want to make sure the work is complete before the money is paid.

NEXT SCHEDULED MEETINGS:

Regular Meeting June 25, 2012
Regular Meeting July 09, 2012 (cancelled)
Regular Meeting July 23, 2012
Regular Meeting August 13, 2012 (cancelled)
Regular Meeting August 27, 2012

Executive Session – 6:30 pm
Regular Meeting – 7:30 pm

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 8:35 P.M., seconded by Mr. Smith and carried unanimously.

Respectfully submitted,



Gail Phoebus, Deputy Mayor



Jackie Huelbig, Deputy Clerk

