

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

JUNE 25, 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 Mayor Lensak, followed by a salute to the flag.

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

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. Walsh, 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. ***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 6:36 P.M. Mr. Walsh moved to adjourn executive session at 7:23 P.M., seconded by Mr. Smith and carried unanimously.

The Committee recessed until 7:30 PM.

REGULAR MEETING

APPROVAL OF AGENDA Mr. Walsh asked that under Old Business to move Item #1, Site Plan Ordinance Discussion after the Hearing for the Municipal Budget. Mr. Smith moved to approve the Agenda as amended, seconded by Mr. Walsh and carried unanimously.

APPROVAL OF CONSENT AGENDA ITEMS Mr. Walsh asked that under *Old Business to add Items #4, #5 and #6 as follows: Local 81427 Memorandum of Agreement, Local 641 Memorandum of Agreement and FOP Lodge #177 Memorandum of Agreement for approval by motion. Mayor Lensak explained that these Memorandums will formally ratify all contracts with each union. Attorney Semrau further explained that this motion will be to approve the Memorandum of Understanding subject to final review by the Administrator to make certain they are in line with the contracts except for those changes outlined in the Memorandums. Attorney Semrau stated that the adoption of Resolution #R2012-92, Appointment of the Tax Assessor will provide rights of tenure status.

Mr. Boyce asked that Resolution #R2012-93 and #R2012-94 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 THE TAX COLLECTOR'S MAY 2012 REPORT
\$3,772,887.93 – YEAR TO DATE TOTAL \$9,330,376.14

ACCEPTANCE OF THE CHIEF FINANCIAL OFFICER'S REPORT
FOR THE MONTH ENDING MAY 31, 2012

***RESOLUTIONS:**

#R2012-91 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF LIQUOR LICENSE #1902-31-014-002 - CLUB LICENSE FOR THE NEWTON COUNTRY CLUB, INC. FOR THE TERM JULY 1, 2012 THROUGH JUNE 30, 2013

#R2012-92 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO REAPPOINT JACK MARCHIONE, CTA, TAX ASSESSOR

***APPROVAL OF MINUTES:**

MAY 14, 2012 REGULAR MEETING

RESOLUTIONS FROM THE CONSENT AGENDA

Mr. Boyce asked questions regarding the Corrective Action Plan outlining each one, requesting an explanation for each to make certain that steps are being taken to correct these issues. Mr. Boyce went through each item, reading off the analysis and the corrective action to be taken. In some instances, due to budgetary constraints, segregation of duties is not possible at this time but efforts to cross train each employee in the finance department have been made. There was also the issue of the Land Use Board and delay in depositing checks.

RESOLUTIONS FROM THE CONSENT AGENDA (CONTINUED)

Ms. Thompson explained that with a part time office, applications can be received on a Wednesday and the administrator is not expected in again until the following Monday. State statute reads that the 48 hour clock does not begin until such time the employee receives the check and hands the deposit over to the finance department. The update on the asset inventory list has begun and has been in process for several months.

Mr. Boyce stated that in reference to the 2011 Report of Audit he wants to make sure we are complying with the recommendation so there are no penalties on any public officer. Ms. Thompson assured the Committee there is full compliance with all recommendations each year.

#R2012-93 RESOLUTION FOR ACCEPTANCE OF 2011 REPORT OF AUDIT

#R2012-94 CORRECTIVE ACTION PLAN FOR THE 2011 AUDIT

Mr. Walsh moved to approve the foregoing Resolutions as presented, seconded by Mr. Boyce and carried unanimously.
(See Insert Attached to These Minutes)

APPROVAL OF MINUTES

MAY 14, 2012 EXECUTIVE SESSION

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

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

Mayor Lensak stated that Attorney Semrau informed him that we need a vote to approve the Consent Agenda as amended. Mr. Walsh moved to approve, seconded by Mr. Smith and carried unanimously.

OLD BUSINESS

FURTHER DISCUSSION REGARDING THE AMENDMENT OF THE SITE PLAN ORDINANCE & TO ADDRESS MINOR SITE PLAN ISSUES WITH LAND USE BOARD REPRESENTATIVE

Mayor Lensak invited Engineer Golden and Land Use Board member Rick Melfi to the table to discuss this matter. Engineer Golden stated a while back the Planning Board approved a policy which is consistent with 131-5 and what that section does is allows a waiver from the formal site plan from the Planning Board for certain conditions such as landscaping, drainage, parking and traffic. It is meant for an application where there are really no substantiate changes to the site. He said there was a process in place where the zoning officer would make that determination and the Board had a problem with that because the officer wasn't necessarily following consistency. The Planning Board discussed this and thought that the application would go before the Board's "designee" and at the time it was discussed they decided it would be the Board Engineer.

There was a preliminary ordinance prepared that never went passed the Planning Board perhaps due to budget concerns. No formal action was taken on this process by the Land Use Board. As the applications came in, the waiver process still continued with the zoning officer's approval. With that said, Engineer Golden stated he had to make a recommendation to the Land Use Board that they approve these waivers. It was brought to their attention that the mechanism for doing the site plan waivers including potential escrows and application fees was never put in place. The Board then spoke about formalizing the site plan waiver procedure via ordinance in one of two possibilities. The first one was to add a new section C or two, modifying item B of Exceptions. That would be the Reviewing Board may waive site plan approval as long as all requirements are met. The simple modification would make it the Reviewing Board Engineer or designee may waive.....

OLD BUSINESS (CONTINUED)**FURTHER DISCUSSION REGARDING THE AMENDMENT OF THE SITE PLAN ORDINANCE & TO ADDRESS MINOR SITE PLAN ISSUES WITH LAND USE BOARD REPRESENTATIVE**

Part of the problem is there was no escrow program in place so we made a recommendation assuming the Planning Board did not have to approve a resolution on site plan waivers. He said he would come to a meeting, present the application with a corresponding report and state what would be done and his report would say that he believes this application qualifies for site plan waiver and make that recommendation to the Land Use Board for a vote.

Engineer Golden further stated that the former Land Use Board Secretary picked an application and escrow fee and that was what they used. He said we need to formalize the fees and based on discussions with the Board, he would recommend a \$250 application fee to cover administrative costs with a \$500 escrow. If the waiver is denied, those fees would be applied to the formal site plan. Attorney Semrau asked if there is anything on the books that states those fees. Mr. Golden said no. Mr. Boyce asked what is being charged now. The application and escrow fee being charged in \$100 and \$500.

Attorney Semrau stated he understands that there is a suggestion from the Board to try to streamline things. In doing this, one of the concerns that might be raised while putting the ordinance together, we are now taking the waiver process decision away from the Land Use Board and resting it with the Engineer. Mr. Melfi said it will still come before the Land Use Board for a decision. Attorney Semrau confirmed that the Engineer would make the recommendation and ultimately there would be a resolution by the Board by wither follow the recommendation or not.

Engineer Golden stated that the way this process has always worked is there is no need for a resolution. The way is currently written, if these items are not addressed, the waiver can be granted. Attorney Semrau stated to him he feels it is best if ultimately there is an action to memorialize the action by resolution. He also stated he spoke with Attorney Briigliodoro and he has the same concerns. Mr. Boyce stated that this process would then add additional costs and another professional would get paid at the cost of the applicant. Mayor Lensak suggested that the resolution cap should be \$500. Mr. Boyce suggested that we keep doing what we have been doing.

Engineer Golden stated that the main item missing here is the application and escrow fee. The ordinance has been in place since 2003. Mr. Boyce stated he does not feel we should add another layer for a simple application. Mr. Melfi mentioned that there is unanimous support from the zoning board for this change. Mr. Walsh asked for Attorney Briigliodoro's comments on these amendments. Mr. Melfi stated he had no comment. Mayor Lensak stated that if the fee for a resolution is capped, that will control costs. Attorney Semrau stated that if we place the escrow at a certain amount, on a waiver it can be capped because there wouldn't be much involved as far as professional costs.

Attorney Semrau stated from a legal prospective seems like it would work except if it is someone with a difference of opinion, you are eliminating the checks and balances from the process and if it isn't always Mr. Golden making these recommendations, a resolution will show that the action by the Board in the minutes. Mr. Melfi stated that whether it is Mr. Golden or another engineer, it will be the same criteria. It doesn't change the process just adding more costs and complications.

Attorney Semrau said if there is a project that seems to get a lot of attention and people begin to ask questions as to how this applicant was able to do what they did, the answer will be that Mr. Golden gave them a waiver. Then they will question why he gave them a waiver and then they begin to look at the formal action and there isn't any. He said by adding this one extra step, it could eliminate further questions and concerns down the road. Mr. Melfi explained that Mr. Golden's reports are precise and detailed along with a recommendation for the Board to make their decision. Mr. Boyce stated he is all for simplification unless necessary to take further steps.

Mayor Lensak asked that doesn't this process protect the applicant as well. Mr. Golden stated part of this process is that no building permit will be issued unless there is no compilation of all items.

OLD BUSINESS (CONTINUED)**FURTHER DISCUSSION REGARDING THE AMENDMENT OF THE SITE PLAN ORDINANCE
& TO ADDRESS MINOR SITE PLAN ISSUES WITH LAND USE BOARD REPRESENTATIVE**

Mr. Golden stated that this process came to be because of a disagreement between the zoning officer and the Board and that is why it became the engineer.

Mr. Walsh asked to hear from the Land Use Board Attorney for his opinion on this process. Mr. Boyce said we have two proposals before us and he likes the simpler one. He suggested an ordinance based on these changes. Mr. Melfi asked that the Board speak to Attorney Briigliodoro before he makes his recommendation to Attorney Semrau. Mr. Melfi added that ultimately, the works for the Land Use Board and the Land Use Board needs to hear what the attorney has to say. There next meeting is July 17th, a week before the next Township Committee meeting. Mr. Boyce reminded everyone that this process was discussed at a Land Use Board meeting, all members agreed to the process and the attorney did not object at that meeting. Engineer Golden did add in all fairness the issue of a resolution was not discussed.

Engineer Golden mentioned all the site plan waivers that have been granted over the past two years since this policy has been put in effect. Mr. Boyce asked about Domino's and Mr. Golden stated that project was a controversial project. Mr. Boyce then mentioned that we haven't had any issues from those controversies. Mr. Golden stated Dominos was controversial and that is all he is going to say. Mr. Boyce said that someone told him it is the best looking Domino's in the State of NJ. Mr. Golden commented that the site plan waiver for Domino's was originally granted by Mr. Cutler. He made the original recommendation which created a complication.

The Committee in closing stated this matter will be discussed with Attorney Briigliodoro at their next Land Use Board meeting and his comments and recommendations regarding this matter then be brought before the Township Committee at their July 23rd meeting. Attorney Semrau stated he would make sense to him that the zoning officer wouldn't be the individual to make that determination.

There was then discussion regarding the lot line adjustment. Mr. Golden stated that it appears that the ordinance as written is not legal because a lot line adjustment is a minor subdivision and there is a need for Board approval. The way it is currently written, we cannot grant a lot line adjustment without a resolution by the Board. It now reads that the engineer can approve this adjustment under certain circumstances. His recommendation would be to add to this ordinance "the Land Use Board Engineer may recommend the Board approve the lot line adjustment subject to the following criteria." There would also be language added regarding the filing of the deed and then modify the application fee to \$250 and escrow fee to \$1000. Mr. Boyce asked how long this ordinance has been on the books. Mr. Walsh replied since 2009. He then asked who the attorney who wrote this ordinance was. Mr. Golden replied Tom Germinario. Mr. Golden said the key point here is that we change it so that it is a recommendation by Board Engineer and the Planning Board would have to vote on the application. There would be no completeness process. The responsibility of the Board Engineer is to ensure it meets the four criteria. This would require an amendment to the ordinance.

Attorney Semrau said there are two sections here that conflict, the minor subdivision and the lot line adjustment, Section 159 and 74. The Section that the engineer would like to continue with is 159. He said that based on what was just said, Section 74 should be repealed. Engineer Golden gave a brief history on the creation of this ordinance in order to streamline lot line adjustment in certain circumstances. Unfortunately, no application or escrow fee was applied to this section. The only difference is what was previously mentioned. There would be no multiple sets of plans, hearing process and completeness process which can take three meetings. Attorney Semrau stated that Section 159 says you can have a subcommittee that can approve a lot line adjustment and in one meeting have the approval. Attorney Semrau stated that Section 74 should be repealed because the lot line adjustment process is covered under Section 159. Engineer Golden stated repealing is an option. If the ordinance stays on the books it must be modified.

OLD BUSINESS (CONTINUED)**FURTHER DISCUSSION REGARDING THE AMENDMENT OF THE SITE PLAN ORDINANCE
& TO ADDRESS MINOR SITE PLAN ISSUES WITH LAND USE BOARD REPRESENTATIVE**

Attorney Semrau stated he feels that Section 74 be repealed and apply that section 159 if read as written and apply that section, you will achieve Engineer Golden is saying is the right way to approve these lot line adjustments. It would be going through a subcommittee and one meeting. He added he doesn't know why it was applied differently but he thinks that is the solution. Attorney Semrau stated he spoke to Attorney Brigliadoro who brought this conflict to his attention and he agrees with him. Attorney Semrau said that if everyone agrees it would be a repeal of Section 74. If you read that section, it may not have been applied in the past but it is the most consistent way to apply this. You may need a subcommittee to review and then go to one meeting. Following review of the ordinances discussed Mayor Lensak reiterated that the Land Use Board will discuss these issues at their next meeting and their decision will be brought back before the Township Committee for further discussion. Attorney Semrau added that if there is a consensus to go forward with the ordinance amendment he doesn't see any reason why the Land Use Board can't have their attorney draft what they are requesting for review by the Township Committee.

PUBLIC HEARING FOR THE ADOPTION OF THE AMENDED 2012 MUNICIPAL BUDGET**RESOLUTION****#R2012-95 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE
TO ADOPT THE AMENDED 2012 MUNICIPAL BUDGET**

Attorney Semrau stated for the record that Deputy Mayor Phoebus is not present this evening and at the last meeting everyone indicated that they would be here at this meeting. She is out of town and they spoke this morning. She asked to be part of the budget discussion. He said in his opinion that if someone on the Committee for an extreme situation such as the budget, wants to participate, as long as there is no objection from the Committee they may. The only requirement he read as that the person on the Committee should hear the entire discussion of that topic if they are going to cast a vote telephonically. Mr. Smith stated he has no objection and agrees this is the correct way to go. He did add that this practice can become very dangerous and there should be strict guidelines as to when this happens. Mayor Lensak also agreed. Attorney Semrau agreed saying in some situations people can take this as an advantage to be away anytime and call in. It can become very disruptive.

Gail Phoebus joined the meeting via telephone at 8:37PM.

At this time Mayor Lensak opened the public hearing. Diane Gillespie was happy to see that Ms. Phoebus is joining the discussion this evening to stay consistent with the comments made at the last meeting regarding total attendance. She added she hopes when they vote tonight on this budget and especially Mayor Lensak because in his campaign ad he mentioned keeping taxes down. She added that she asked many times about the issue of health benefits for the governing body and she said there should be a compromise but instead of family coverage, in lieu of the small compensation received, she believes that individual coverage should be considered. She said that in keeping with what all the employees have done in accepting lower pay increases in the past years and paying into their benefits, they should be an example.

John Carafello spoke about procedure asking that when the auditor is present during budget discussions, can the Committee open to the public after he speaks in order to ask him questions on his comments. Mr. Carafello commented on the municipal auditor suggesting the township request proposals seeking a replacement in this position. He then stated that the budget should be zero increase because things are terrible and getting worse. He mentioned the nursing home has 60 empty beds which is an appeal in the making which will make things even worse for the municipality. He talked about paving roads that at one time it was important but to do this now, we don't have the money. He asked the governing body to look at this budget very hard. He said he is more worried about deflation than inflation.

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

Richard Hammler reechoed his sentiments of last month when he objected to any tax increase. He also acknowledged the fact that what the Committee does is difficult and time consuming and the taxpayers do appreciate people like them because it is not easy to do what they do. He added that they are asking the taxpayers to sacrifice their money to which the Committee isn't willing to sacrifice what they have. Times are bad, gas prices are high, unemployment and foreclosures are also high. He mentioned 16% of the population is not paying their taxes.

Mayor Lensak stated he spoke with the CFO and the tax collection rate is 98% with 2% being late or delinquent. Mr. Smith referenced the tax collector's report for the month of April and in calculating that month, the collection rate appeared to be 16%. Following a short discussion it was decided to check for the accurate figures from the tax and finance offices. He stressed again this is not a good time to raise the taxes. He also added he realizes the Committee has no control over the school board and county taxes, but he said he intends to attend their meetings as well. He asked for a no vote on the budget increase.

Seeing no other hands at this time Mayor Lensak closed the public hearing.

**#R2012-95 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE
TO ADOPT THE AMENDED 2012 MUNICIPAL BUDGET**

Mr. Walsh moved to adopt the resolution as presented, seconded by Mr. Boyce. Mr. Smith began the Committee discussion stating everyone knows where he stands for no increases from day one. He reiterated about the amount of foreclosures, the unemployment rate and bankruptcies. He said we need to be aware of how serious things are out there and we can no longer spend money we don't have.

Mr. Walsh agreed with Mr. Smith and he said he can't afford a tax increase being in touch with what is going on because he has taken a beating in his own business because of the economy. He said if he could find more money he would but he cannot be responsible for putting this town in jeopardy going forward by taking more from the surplus. He would love to have a zero increase, working hard to find more revenues. He said next year will be even tougher. Fees will continue to increase while our revenues will either remain level or decrease. We won't have surplus to dip into every year. He doesn't want to keep taking until there is no surplus. This happened in Hopatcong to the point they had a huge spike in taxes which no one wants either. We worked very hard believing we have met half way at a \$54 increase for an average home. Mr. Walsh stated that the State of NJ is balancing their budget on the backs on everyone here by taking \$66 million of the credits due the municipalities. The cuts should be made in Trenton because we have done everything we can possibility do. We approved three contracts tonight and doesn't know another municipality where their employees would take zeros and less than 2% increases. He said he is very proud of all the employees for doing this. He knows we did the best that we can do.

Ms. Phoebus stated we are in a terrible economic downturn and we are all aware of that. We are operating on a 2% CAP. As far the municipal tax we are very bare bones. She said that Trenton is penalizing Sussex County schools especially Andover Regional which is in the top three because of mismanagement on the administration end. She said she finds it interesting that the Board of Education doesn't care about the taxpayers in Andover Township because they are searching for a new superintendent when the County Superintendent agrees with the fact that it should be a shared position with a school as small as this one. She said the school will continue to receive less from Trenton because they feel that Sussex County, especially three of them, don't handle their funding very well. That is where the bulk of the property taxes go to.

Mr. Boyce stated we all know the private sector is not doing fine as Mr. Carafello stated. It quite well. Mr. Boyce added that what was missed in a comment from President Obama last week is that State and municipal governments are not doing fine and they have to find a way to find them. It would be tax dollars that would be needed in order to help States and their municipalities.

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

He also said we have cut services here as well as any town that he knows. We are looking at shared services all the time, and over the past three years we have combined and eliminated nine positions saving us over \$500,000, starting with the clerk and administrator's positions. Some people said we were foolish but we saved \$80,000, we weren't foolish and made it work. He commended Mr. Walsh for coming up with this budget adding that everyone of them would like to come up with a budget that wouldn't raise taxes. Even the flat budget would have increased taxes a little bit. He said he hears people say don't raise taxes but he doesn't hear how that can be avoided. He said the Committee does sacrifice because they also pay these taxes.

Mr. Boyce spoke about the taxes on the average home would be \$54, 15 cents a day in order to not lay off personnel. There may be some changes coming over the next several months that may help but one thing to keep in mind we have to begin working on the 2013 budget now. Maybe jobs will have to be eliminated next year. Though there was criticism made this evening on the comments of the auditor, he did say it would be foolish for us to dip further into the surplus. If we take from it this year, we would have to do the same next year until nothing is left. If there is an emergency we need funding to fall back on. He spoke about the delicate balance of taking care of our fiscal responsibilities while also providing a level of service that we need in this town.

Ms. Phoebus added that by the end of 2012 there will be 9500 homes in foreclosure in Sussex County. She said though this increase is only \$54 on the average home, when you add the school's and county's increases, that is a huge increase, especially for the businesses and ratables. She then spoke about the Garbage and Recycling line item in which businesses do not receive this service. Mayor Lensak commented that if we cut that line item it is only a transfer of cost. We pay \$300 per house and if we lose that service every resident will pay more for the same service out of pocket. Mr. Boyce reminded Ms. Phoebus that we are in the idle of a five year contract and cannot renegotiate until the rates are increased by SCMUA. Mr. Smith agreed calling this action a shell game and fooling the taxpayers. She said that the township's tax base, the ratables and being hit hard.

Mr. Boyce said there were many people who implored us to hold taxes down were also very much opposed to a big ratable that we were to have come into town. We cannot block ratables and keep taxes level. He said if we stop supporting the services of our town what that would do to the value of our homes.

Mayor Lensak also spoke about the energy tax that about 20 years ago the tax that used to come back to the municipalities is now used to balance the State's budget. Andover Township was due \$350,000. He also warned about the practice of dipping into the reserves which one of the adverse affects is that it lowers our bond rating. Mayor Lensak he is committed to living in Andover Township for many years to come and he wants services, police and everything that makes a good municipality. If we start dipping into the reserves we need to begin cutting services.

**#R2012-95 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE
TO ADOPT THE AMENDED 2012 MUNICIPAL BUDGET**

Mayor Lensak asked for a Roll call on the motion to adopt the amended budget.

Mr. Boyce— yes

Ms. Phoebus – no

Mr. Smith – no

Mr. Walsh – yes

Mayor Lensak – yes

(See Insert Attached to These Minutes)

At this time Ms. Phoebus left the meeting – 9:08 PM.

REGULAR AGENDA

PUBLIC PORTION Ellsworth Bensley Jr. spoke about the garbage and recycling line item asking if this matter could be placed on the ballot as a referendum question to allow the residents to respond. Mayor Lensak ensured Mr. Bensley this isn't a matter for the ballot because the general consensus is that we have no intention of removing this service. Attorney Semrau added that it is a benefit that it is part of the municipal budget because there is a tax benefit, writing off 28%. Mr. Smith they listen to our complaints because we lobby for all residents through the town's contract. He said the Committee asked him to get in touch with Blue Diamond to see if there was any way to come up with a change in the contract without impacting services. They informed him they would get back to him this summer based on how they do with neighboring towns with new contracts. He said he reached out and they haven't written off any other options.

Mr. Boyce reminded everyone that in the last bid process we received over \$700,000 savings over the course of five year contract which is a great deal.

John Carafello said we have to start working on next year's budget and our biggest asset is the police department. He said a lot of towns take advantage of this department. They are answering calls in other municipalities at the cost of Andover Township residents. He questioned the liability when they answer calls in another town. He said because of this asset he said we should visit these towns and give them a proposal and if they want our services, they need to pay for it. Mr. Carafello said that as long as we keep serving them for free why they would pay for it. Mr. Walsh said that several years ago he had Attorney Semrau look into that and all we can charge is about \$7 an hour. Mr. Carafello then said then the Governor should get involved to change that. He said if we don't do something the next service the Committee will have to look at is the police.

Attorney Semrau said it is worth revisiting and if you don't like what the legislation says perhaps we can pass a resolution and send it to the legislation to review the current standards because of the impact of municipal resources. They all agreed.

Dan Crater was present and he said it has come to his attention that there has been discussion of shared services regarding police dispatching. He asked for further information on this matter. Mayor Lensak said at this time we are in the preliminary stages of discussion regarding the submission of an informal proposal. He said we are waiting for the formal proposal which will be discussed on July 23rd.

David Kolstad was present and thanked the Committee for making a tough decision on the budget. He spoke about the importance of having the proper funding in place to maintain the infrastructure in the municipality in order to keep the roads safe. The plowing and sanding to keep everyone safe is very important. He said he appreciates all efforts made to make Andover Township an attractive place to live. In closing he asked for a copy of the 2012 budget.

Rick Melfi as a follow up to Dan Crater's question regarding the dispatchers and the possibility of eliminating that service out of Andover Township, he said he understands there is a proposal on the table from another dispatch center. Mayor Lensak replied that they are looking at options. Mr. Melfi asked where that option is coming from. He replied a neighboring town. Attorney Semrau explained that until the proposal comes forward and then the Township Committee wants to discuss its interest in going forward, from a legal prospective we are very limited as to what the discussion can be so far. At the next meeting, the appropriate notices, if necessary would go to any employee who can be potentially impacted by the proposal. There would be discussion at that point and following discussion, there may or may not be an actual decision. At that meeting is where the Committee can entertain discussion. Mr. Melfi asked at the next meeting where there would be discussion, would action be taken at that meeting. Mayor Lensak replied no action would be taken at that point. There would be public input before any decision is made.

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

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"***

Mayor Lensak opened discussion of this ordinance to the public. Jack Burke of Andover Township stated that we all read about less government and less regulation and as a parent of three he understands the concerns of the police department to have such an ordinance. He said he feels that the onus is on the parents to make sure that their children are following the rules and regulations. The burden should not be placed on the police department. He also asked that if this is to be posted in only specific neighborhoods, signs would need to be posted. The cost of such an ordinance would be endless. He asked the governing body to table this matter indefinitely.

Janis McGovern asked the Committee to think this ordinance through before acting on it. She also stressed that more government equals more costs. She thinks questioned how many miles of roadway does this ordinance actually cover, including town and county roadways. Attorney Semrau explained that this was a request by the Chief of Police and we were requested to look at Newton's as an example. He said don't go there because there ban is on the entire town. He said he and the Administrator held a conference call with the Police Chief because of his concerns with the ordinance. The Chief gave us a list of roadways for the Committee to consider. She then said this is just adding another layer of bureaucracy.

Ed Jakowski of Andover Township with regard to this ordinance stated that if it does pass he is concerns about amendments to the current list. He stated his concerns regarding challenges down the road. He said he doesn't think that the town is going to hire a traffic safety engineer to review each and every road, showing the degree of danger on each. He added that if a road makes the list he wants to know how that would be justified. He said if this does get adopted there should be an amendment along the lines that additions to the list can only be made by the police department. To create a paper trail is important so that when roads are added there is true and accurate accounting as to why it was done. He then thanked everyone on the Committee for their hard work on behalf of the township in general and in particularly on the budget. He respects everyone's opinion on the issue. In today's political times it takes courage to do what you are doing.

Diana Boyce asked if there wasn't such an ordinance as this on the books would the township be liable for any injuries as a result because the police department concerns brought this to the Committee's attention. Attorney Semrau said fortunately there is always concern when talking about dangerous conditions but Title 59 that gives the governing body the latitude to make these tough decisions without having liability concerns. There is enough immunity in the law for a municipality to make this a policy type of decision.

Sgt. Murrell was present in Police Chief Tagliatela's absence to speak on behalf of the department. He stated that this ordinance came about as a result of great concern on ongoing multiple incidents of skateboarders almost being struck by vehicles. There have been injuries such as one young female on Skytop Road and he wouldn't be surprised if her scars aren't permanent from the amount of road rash. Officer Kithcart was driving up the road at the same time she wrecked and he almost ran her over. He said the department is always looking to make things safer and better in this community. This wouldn't be a total ban so those venture on the roadways where the activity is permitted. He said people are driving here from other towns to go down Skytop Road. State law says stay to the right and wears a helmet and they are actually disrespectful to the officers. They have issued warnings and he said if the ordinance doesn't pass, the department will begin writing summonses soon. He said he travels on Skytop Road quite a bit and he has never seen a parent with their children while they are riding. He mentioned Limecrest Road he has had multiple incidents with skateboarders.

ORDINANCES: INTRODUCTION (CONTINUED)

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"

Sgt. Murrell stated anyone over 17 doesn't have to wear helmets and part of the problem is some of these skateboarders are adults and they don't adhere to traffic laws. Some of them actually criss-cross in front of each other while going downhill. The Committee discussed this proposed ordinance concerning with making the decision of what is considered safe. Mayor Lensak stated by passing this ordinance we are actually saying those roadways not mentioned are considered safe and if something were to happen on a "safe" roadway, could cause further issues. He said he would rather see the police department enforce what is on the books as opposed to banning the activity. Sgt. Murrell stated that if the law says if we can under Title 39, the town can set certain roads and designate them for this purpose, and so if it is stated in the law, how can it set up the municipality for any type of litigation. Attorney Semrau said we can review some of the language and we have been in touch with the County, if we go forward this we will need their approval. From a legal prospective the ordinance is good but it is policy and the township may not want to get involved in this type of police.

Mayor Lensak suggested if the police department could monitor and begin writing the summonses, and if they don't see a reduction in the problem, perhaps we can revisit this ordinance. Sgt. Murrell said that they didn't want to solve this problem by fining individuals under Title 39. Mr. Walsh stated by doing this we will see an incline in Court time because they will be challenged.

Diana Boyce asked about a recreational facility to allow skateboarding. Attorney Semrau stated that the JIF is very specific with these recreational facilities and if we have this it has to be certified that it meets certain standards and supervised in specific ways.

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

Mr. Smith stated his concerns regarding overregulation and if we ban this activity we might as well continue to ban swimming because they might drown, and they shouldn't climb trees because they might fall and break a bone. Every time we post another restriction we lose another one of our liberties. He said he is in favor of less regulation if possible. These regulations cost money in police enforcement, judges, lawyers and litigation. Kids should be kids and we need to take responsibility for our own actions. If there are laws on the books, make sure they are followed.

Mr. Boyce said he is not in favor of introducing this ordinance. He said it feels it was wise to bring this before the Committee as an issue. He said the ordinance was one possible solution but there are other solutions such as better education. Mr. Boyce agreed with Mr. Smith regarding overregulation.

Mayor Lensak also agreed with the prior comments made by Mr. Smith and Mr. Boyce. He applauds the police department for their concern in this matter, but supports enforcing what are there and let us know how that is working. Mr. Walsh also agrees with the Title 39 enforcement. Sgt. Murrell stated that the warning time is now over.

Mr. Walsh moved to introduce the foregoing Ordinance as present, seconded by Mr. Boyce. Roll call vote:

Mr. Boyce— no

Ms. Phoebus – absent

Mr. Smith – no

Mr. Walsh – no

Mayor Lensak – no

The Ordinance did not pass for introduction.

OLD BUSINESS**DISCUSSION REGARDING POSSIBLE INTRODUCTION OF ORDINANCE TO DESIGNATE CURRENT DRIVE AS A ONE-WAY STREET**

Attorney Semrau stated he received a call from Police Chief Tagliatela asking that the Committee discuss this issue. He suggested waiting until such time the Police Chief is available and present to discuss this matter with the Committee. Attorney Semrau stated that Chief Tagliatela had discussed other options with residents of that section of the street such as abandonment.

Mr. Walsh moved to table this matter for the next meeting, seconded by Mr. Smith and carried unanimously.

COMMITTEE REPORTS:

MR. SMITH. He discussed the Senior Citizens stating that the Sheriff's office distributed the Senior ID Cards at the last meeting. The Sheriff's office conducted a tour of the County Jail for Senior Citizen Presidents. Also anyone holding a County Veteran's ID Card will be admitted FREE to the Sussex County Fair at any time and on any day. The County Senior of the Year will be announced on Senior Day at the New Jersey Fair on August 9th. Lowe's offers a 10% discount on all purchases every day of the week for Veterans. We are always looking for new members so if you are 55 years or older. Come and visit. The next meeting is on Monday July 2nd at 1 PM in the Senior Center on Route 517. The county nurse will be there to be blood pressure screenings.

Mr. Smith then reported on SWAC. There was a public hearing on an application to expand a Vegetative Processing Re-cycling Operation in Wantage. The application was unanimously approved by the board. He said that two meetings in a row they reported Andover Township as reducing the amount of solid waste put into SCMUA by 16%. He said it was presented in a negative way. Mr. Smith told them that Andover Township should be applauded for that saying that perhaps it is bad for SCMUA by it shows that Andover is increasing the recycling and reducing solid waste. They said there may be problems with the report he asked that they prove the inaccuracies. Until then he will continue to say we are improving recycling. The next regular meeting of SWAC will be July 10th at 7:30 in The Freeholder's meeting Room.

He then announced that the Board of Health will be on Summer Break until September

MR. WALSH. He reported that there is an EJIF Stormwater management inspection tomorrow. They will see how the stormwater comes off the DPW vehicles. He said though there are those that feel we don't need to maintain our roadways, there are those who do complain and we are working on some at this time.

The Environmental Commission is on summer recess and there is nothing to report at this time.

MR. BOYCE. He reported that the school district has opted to hire a part time superintendent, a retired individual who is available to work on a limited schedule to replace Superintendent Baggs who is retiring. This position pays \$519 per day, which is the exact salary Mr. Baggs would be paid if he stayed. He will be working two days per week in the summer and three days once school starts. The job announcement and description is posted on their website. The July 17th meeting was rescheduled for July 25th.

He said for the first time he received a complaint on a DCA inspector who was supposed to be at the site at 10AM and didn't arrive until 2:30. Mr. Walsh said in his experience with inspectors, no one gives a definite time, usually told 10:30 to 4:00. She said she will ask the inspectors on Wednesday what their practice is when scheduling inspections and contacting the applicants. Mayor Lensak stated when he was in construction they told him between Monday and Friday.

COMMITTEE REPORTS (CONTINUED)

MAYOR LENSAK. He reported that they are gearing up for the annual softball tournament. This year they are considering doing warm-up games. He also thanked the Green Team for giving their monthly reports. They are working on food pantry and they are doing a great job on their project.

Mr. Walsh wanted to add thanks to the Little League and Debbie Danielson on their snack facility. He said the project is complete and they are considering opening the facility for the softball tournament. Hopefully the proceeds from that day can go for something in the park. The All-Star game begins tomorrow night and the tournament will be July 5th and July 6th.

REPORT FROM THE CLERK/ADMINISTRATOR She had nothing to report at this meeting.

REPORT FROM THE MUNICIPAL ATTORNEY He reported that when he was in Court there was a case with a very large municipality and the case had to do with extensive legal fees and costs because they had not produced minutes of their meetings for a period of eight months. He said that Ms. Thompson and her staff continuously have the minutes including the Executive Session prepared and produced with the detail necessary. There were three attorneys and today one of the attorneys was telling him about the costs involved in that litigation. It is the costs you don't have to expend are easy to overlook.

With that in mind we really don't have any other litigation outside of some tax appeals against the Township. The Mews litigation was resolved without extensive costs. He said the soil is about to be delivered to the site and the restoration is about to begin. He said two to three years ago we had litigation against PSE&G regarding Stop the Lines. Certain promises were made for reimbursement and we are pursuing that at this point. The reimbursement will include costs to pursue this.

He then introduced a new attorney with his firm, Tracey Wang who has been with Dorsey and Semrau for a while now. She wanted to be here tonight to observe the meeting and hear about some of the issues in the township.

NEXT SCHEDULED MEETINGS: Regular Meeting July 09, 2012 (Canceled)
Regular Meeting July 23, 2012
Regular Meeting August 13, 2012 (Canceled)
Regular Meeting August 27, 2012

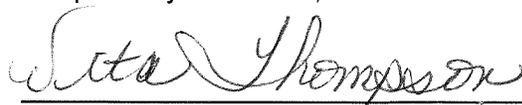
Executive Session - 6:30 p.m.
Regular Meeting - 7:30 p.m.

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 10:03 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 25th day of June 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.

- 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***

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: June 25, 2012

Moved: Walsh Seconded: Smith

Voted Aye: Boyce, Smith, Walsh, Lensak

Voted Nay: None

Absent: Phoebus

Resolution adopted. JUNE 25, 2012
