

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

JULY 23, 2012

6:00 P.M.

REGULAR MEETING BEGINS AT 7:30 P.M.

The regular meeting of the Andover Township Committee was called to order at 6:00 P.M. by Mayor Lensak, followed by a salute to the flag.

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

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. *Discussion of Shared Services Proposal*
3. *AT&T Lease Renewal Amendment Update*
4. *American Express Card Proposal*
5. *Sunnyvale Farms/Site Work Contribution*

Attorney-Client Privilege:

1. *Rolling Hills Condominiums Municipal Services Agreement*
2. *Traffic Safety Study Discussion/A Portion of Current Drive*

Potential Litigation:

1. *Tax Exempt Status*

Pending Litigation:

1. *Leenstra vs. Andover Township*

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:03 P.M. Mr. Walsh moved to adjourn executive session at 7:11 P.M., seconded by Mr. Smith and carried unanimously. Mr. Smith asked that the Committee amend the Executive Session to include under Potential Litigation: Tax Exempt Status. Mr. Walsh moved to amend the Executive Session, seconded by Mr. Smith and carried unanimously. Mr. Walsh moved to go back into Executive, at 7:11 PM, seconded by Mr. Smith and carried unanimously.

Mr. Walsh moved to adjourn executive session at 7:34 P.M., seconded by Mr. Smith and carried unanimously.

REGULAR MEETING

APPROVAL OF AGENDA Mr. Smith asked that the minutes be revised to read June 25, 2012. Mr. Walsh moved to approve the agenda as amended, seconded by Mr. Smith and carried unanimously.

APPROVAL OF CONSENT AGENDA ITEMS Mr. Walsh asked that the agenda be amended under Resolution #R2012-96 to change it from Perona Road to Goodale Road. Ms. Thompson added that Resolutions #R2012-99 and 100 be approved pending attorney review. Mr. Boyce asked that Resolution #R2012-97 be pulled for discussion. Mr. Walsh moved the following consent items be approved as amended, seconded by Ms. Phoebus and carried unanimously.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Inserts Attached to These Minutes)

**ACCEPTANCE OF THE TAX COLLECTOR'S JUNE 2012 REPORT
\$146,947.11 – YEAR TO DATE TOTAL \$9,477,323.25**

**ACCEPTANCE OF THE CHIEF FINANCIAL OFFICER'S REPORT FOR
MONTH ENDING JUNE 30, 2012**

***RESOLUTIONS:**

#R2012-96 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE CHANGE ORDER NO. 1 TO THE EXISTING CONTRACT FOR THE PERONA ROAD PHASE II PROJECT FOR AN INCREASE IN THE CONTRACT AMOUNT OF \$2,275.00 FOR ADDITIONAL PAVEMENT REPAIR & PREPARATION AREAS

#R2012-98 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE USE OF COOPERATIVES FOR THE ROSEVILLE ROAD RECONSTRUCTION PROJECT

#R2012-99 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AWARDED THE BID FOR THE ROSEVILLE ROAD RECONSTRUCTION PROJECT

#R2012-100 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AWARDED THE BID FOR THE ROSEVILLE ROAD RECLAMATION PROJECT

#R2012-101 2012 SALARY RESOLUTION

(See Inserts Attached to These Minutes)

RESOLUTION FROM THE CONSENT AGENDA**#R2012-97 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE SUBMISSION OF AN APPLICATION FOR THE ACTION ALLIANCE GRANT FOR CALENDAR YEAR 2013 IN THE AMOUNT OF \$18,772.00**

Mr. Boyce said this is the grant that Green, Andover and Newton are part of the Alliance for drug and alcohol education in the schools. He asked Ms. Thompson if this is a matching grant costing the Township anything. She replied that our in kind services match is the police department's DARE program lead by Detective Rod Mosner. What is cost to run the program is our contribution to the grant. She said we have never made any contribution to the grant other than the DARE program. We have been a part of the Alliance since its beginning without any cash funding,

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

APPROVAL OF MINUTES**JUNE 25, 2012 REGULAR MEETING
JUNE 25, 2012 EXECUTIVE SESSION**

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

Mr. Boyce – yes

Ms. Phoebus – abstain

Mr. Smith – yes

Mr. Walsh – yes

Mayor Lensak – yes

REPORT FROM THE FIRE CHIEF President Melfi was present and stated a report will be provided to Ms. Thompson directly. He reminded everyone of the annual chicken bbq this Saturday at the firehouse. Tickets are going fast and it always sells out.

REPORT FROM THE RESCUE SQUAD CHIEF Chief Allenspach reported the June statistics which were 39 calls for Andover Township, traveled over 2430 miles and over 323 hours.

REPORT FROM THE CHIEF OF POLICE Chief Tagliatela reported all calls through dispatch for all over contracting units. Monthly total is 1438 calls with year to date total of 72,088.

REPORT FROM THE GREEN TEAM David Kolstad reported since their last meeting of June 28th they made significant progress in gaining Natural Resource Inventory points. That will bring another 20 points towards certification.

He reported on their community garden and the food grown donated to the Bodhi Monastery for their food bank. There was a total of 16 pounds of produce delivered to them so far. He then spoke about the Team's Mission Statement. He said the goal is to create a sustainable community for everybody and they well participation. He spoke of the upcoming events such as the farmer's market tentatively scheduled for August 19th at FMB School.

Mr. Kolstad spoke of some information he received regarding an anti-Green Team campaign. He said that it concerns the Team that there may be people who are against what they do. He reiterated that it is important to them that they have the full support of the council and if there are any questions regarding their mission, those questions should be brought to them. Mr. Boyce asked about the community garden.

There next meeting is July 26th at 7:00 at the Hillside House.

PUBLIC PORTION Diane Gillespie asked David Kolstad if the Team is composting at the farm. He said he believes they are. She recommended that the Sunset Vista Farm contact local businesses and ask them what they do with all vegetable scraps and it can be used for composting.

Jim Woodstrom referenced recent articles in the newspapers this past week about private contractors collecting pensions and benefits through government employment. He asked if Andover had any professionals receiving these benefits. Mr. Walsh stated that we stopped that practice years ago prior to it becoming law by the Governor.

Betty Donnelly asked about the discussion of shared services. She said this is the second meeting she attended where all the dispatchers are present. He asked if this discussion has to do with their department. Mayor Lensak said we are in the process of analyzing the situation and we will probably have more information at the next meeting. She said has lived here for 40 years and she knows what it's like to not have a police department or dispatchers.

OLD BUSINESS

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

Chief Tagliatela asked if the Committee would table this discussion for the next meeting while he continues to investigate other possibilities.

COMMITTEE REPORTS:

MR. BOYCE. He provided an update on the school superintendent search and the deadline was today. There is an interim superintendent, Peter Merluzzi. He is receiving \$519 a day, working two to three days a week. This school session he will go to five days. They are hoping to fill the position by October 15th.

MS. PHOEBUS. Regarding affordable housing, Attorney Semrau sent a letter to State Senator Oroho to see if we could receive any of the housing trust fund monies. A response was received which did not satisfy what we were asking for. Senator Oroho would like to schedule a meeting with representatives from Andover Township and Trenton with the head of the DCA. They determine where the monies go. There is about \$150 million in that fund. She feels this meeting will assist in us receiving the \$5 million we are asking for to offset costs to the Abbey project.

She also mentioned the chicken bbq on Saturday.

MR. SMITH. Reporting of the Senior Citizens, they held their annual Ice Cream Social last Monday. On Thursday we will fold, stuff and mail tax bills. The County Senior of the Year will be announced on Senior Day at the New Jersey Fair on August 9th. Also anyone holding a County Veteran's ID card will be admitted to the Fair FREE. The next meeting is on Monday August 6th at 1 PM in the Senior Center on Route 517.

He reported on the Blue Diamond Complaint Log and for the month of June there were 13 complaints, three up from last month. One down from June last year. The trend is following pretty regularly. Of those 13, three or four were misunderstandings. He said that Blue Diamond does listen and try to figure out where there are problems and try to resolve them.

Mr. Smith stated last at the last meeting and in the press there was some confusion regarding a statement he made that the tax collection rate was 16% lower than 2011. That statement was made in March and made reference to the February Tax Collector's Report which showed; 2011 to be \$3,580,507.52 and 2012 to be \$3,037,431.00. That is a -\$543,076.52 or 15.2 %.

COMMITTEE REPORTS (CONTINUED)

MR. SMITH. He added that he has been tracking ever since and he reported the following results: March -3.1%; April -33.5%; May 24.1%; June 24.3%; Cumulative to date -1.4%. He said what it means to him is that the tax payers are simply paying later in the year than before, which still backs up my statement that the economy is weak.

Mr. Smith then remarked on a recent letter to the editor condemning Ms. Phoebus and the Township Committee regarding criticism of schools. He said he would like to say that he agrees on the statements she has always made regarding the schools and he supports Ms. Phoebus 100% in her position and comments and further commend her for her intestinal fortitude for taking what might be an unpopular but correct position.

He then reported on SWAC stating that this is an advisory Commission to the Freeholders. He said he believes the disposal of solid waste will be one of the biggest issues this county will face this decade. The Landfill in Lafayette known as SCUMA will be full and forced to close in 2018. SWAC believes that the best solution is to find a way to convert waste matter to energy. Mr. Smith commented that there are a number of companies who claim to be able to do this and have made presentations. Unfortunately, none of them have proven facilities in the United States, nor do any have DEP approval. With that in mind SWAC feels that these technologies will not be ready in time therefore recommended that a transfer station be built as an interim solution until the ultimate solution be found. He then stated without so much as a courtesy nod, the Freeholders have formed a committee to study the location of the transfer station without inviting a single member of SWAC. SWAC became aware of this committee through the newspapers. The next regular meeting of SWAC will be August 14th at 7:30 in The Freeholder's meeting Room.

Ms. Phoebus commented that she felt it inappropriate that no one asked the SWAC Commission or the Freeholder Liaison to SWAC. He said they were never told but had to read it in the newspapers. Mr. Walsh asked if a member of this subcommittee is someone who will no longer be a resident of NJ at the end of the year. Mr. Walsh stated he feels we need to send a resolution to the Freeholders questioning their move in the creation of this committee. Mayor Lensak agreed. Mr. Smith said he and the other members have put a great deal of work and time making recommendations to the Freeholders and not being included in the subcommittee. They then spoke about the lack of communication of information from the Freeholders to the municipalities. Ms. Phoebus also mentioned there is not one SWAC member on the subcommittee nor even considered. Mr. Smith added not even the liaison was considered.

RESOLUTION

**#R2012-102 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX
AND STATE OF NEW JERSEY TO URGE THE SUSSEX COUNTY
FREEHOLDER BOARD TO CONSIDER MODIFICATION TO THE NEWLY
FORMED SOLID WASTE TRANSFER STATION SUBCOMMITTEE**

Mr. Walsh moved to adopt the foregoing resolution as presented, seconded by Mr. Smith and carried unanimously.

(See Insert Attached to These Minutes)

MR. WALSH. He reported that Eagle Scout candidate Marshall Chudley is present to give an update on the bat houses. Mr. Chudley spoke about the houses explaining where they were hung, some along the new bike trail. He said that there is strong evidence that the houses are being used by the bats. Mayor Lensak said he has two houses in his front yard and there is evidence bats are occupying those houses as well. Mr. Smith said these houses blend into the landscape nicely.

COMMITTEE REPORTS (CONTINUED)

MR. WALSH. He then reported on the trail surface stating the DPW is putting down QP which will provide a better surface for bike riders and easier to walk on. That should be done by the end of the week. The costs for the DPW and the supplies will be covered by the grant. Mr. Walsh stated that the JIF presented the DPW with a \$250 check for safety equipment. They received this during a routine inspection in which they received 100% score on the safety incentive program. The bids are in for Roseville Road and tonight resolutions were adopted to begin work on the reclamation and reconstruction of this road. This is part of a DOT grant awarded to Andover and Byram in the amount of \$200,000. The road project will be coordinated with Byram so not to shut down the entire road during this project.

He said we are holding payment on the hydrant bills for Lake Lenape because they opened the road in a few sections without the proper permit. Because the DPW had to properly fix the roadways instead of Lake Lenape Water Company, these charges will be assessed to the water company.

He then spoke about the recent water main break and he asked the officials in Newton that when they order another collar to place on the shelf in the event of another break, to order an additional one for Andover to keep on our shelf. He said he called several times.

Mr. Walsh then spoke about some monies set aside for Pierce Road from years ago for traffic control. He asked if he could meet with Traffic Safety Officer Murrell and DPW Supervisor Dickinson to review that road and what changes we could make to improve the safety.

He then reminded everyone that several years ago Attorney Semrau came before the Committee with an idea to tax our hotels. He asked Ms. Thompson to research the fees collected from this Ordinance. He said since the, 2008, we collected \$71,775.00. He thanked Mr. Semrau for this revenue.

With regard to the Energy Tax Receipts, Mr. Walsh stated the State has balanced their budget with the municipalities' funding. Mr. Walsh stated the Township Committee urged our legislators to support the return of these funds to the municipalities. Ms. McHose supported it and Senator Oroho and Chiusano did not. Mayor Lensak and Mr. Walsh have a meeting scheduled with Mr. Oroho and Mr. Chiusano to discuss this matter. They said it wasn't in the budget to send these funds back to the municipalities. The Bill did pass but the Governor vetoed it. Mr. Walsh stated it is not theirs to take, it belongs to the municipalities. This year alone we would have collected \$350,000.

Mr. Walsh then distributed copies of contact information for the legislators and asked the audience to send letters, emails and phone calls to them urging them to do the right thing. He then spoke about how the Committee went after the school because of their high level of uncertified staff and because of that the State cut their funding by \$200,000. They could have said to the school, reduce your uncertified staff and we will return your funding. Mr. Walsh said instead, they punish the taxpayer. Mayor Lensak then provided a history and corresponding timeline of this energy tax relief act that was signed in 1997.

MAYOR LENSAK. He reported on the Economic Development Committee stating there haven't been any meetings, but a new business opened in town called Chuckle Time. It is a children's indoor playground located on Stickle Pond Road. A ribbon cutting is scheduled for the near future. He mentioned the Green Team meeting for this Thursday. He congratulated them for their contributions to the Bodhi Monastery food pantry.

He then announced Distinguished Service Awards to members of the police department. He reported an award to Robert Youngs from MADD for his work. Morris County Public Safety Training Academy presented a certificate of completion to Brian Kithcart. The Center for Prevention and Counseling presented an award to Richard Then regarding compliance check training. On a personal note, he thanked the police and rescue squad for an excellent job when responding to his home. He said they did a great job keeping him in good spirits. He then mentioned the Senior Olympics to be held in Woodbridge this year.

REPORT FROM THE CLERK/ADMINISTRATOR She stated she received the monthly report from Joe Inga, fire marshal. He performed 29 inspections and reinspections of life hazard uses. He performed 18 inspections and reinspections of the non-life hazard use businesses. He recorded a number of 133 businesses in the County's database.

She then reported on the zoning officer, Fred Suljic. Mr. Suljic is very diligent and consistent. He is scheduled to work six hours a week on Mondays. He stops by on Thursdays to check in to make sure everything is running okay. She stressed to him that we want the violations corrected; sometimes the residents aren't even aware there is a violation until it is brought to their attention. If the notices fall on deaf ears and nothing is done, then we need to act a bit stronger. So far, everyone has been cooperating with his requests.

She then reminded everyone of the country's desperate need for blood. The summer is always the worst time and supplies are extremely low. She asked those who can to please donate and Andover Township will be sponsoring another drive shortly. The last time we did a drive we collected 41 pints in five hours.

REPORT FROM THE MUNICIPAL ATTORNEY He said most of what he is working on are listed for Executive Session. Mayor Lensak had asked about the legalities of Facebook. Attorney Semrau stated he had indicated that although it's not a good mode of back and forth discussion, it is a mode of communication and with the proper constraints, the township can register and send out messages to those who have signed up.

Mayor Lensak said we have a great website but people have to go to it to get the information. With Facebook, the most recent information comes to them. Mr. Smith stated he is a big fan of technology but not a big fan of Facebook. He said that there is such a flood of information that is worse than all the junk mail we receive. He said his other concern that this requires resource because someone has to put this information out which is labor intensive. Mr. Smith stated that the goal is excellent but he is not exactly sure if Facebook is the answer. Mr. Boyce said we can control it by not "friending" everyone. He isn't worried as long as we don't friend anyone and someone can't post on our post. Those posts can be a real problem.

Hen then gave a status report on the annual softball tournament scheduled for September 8th.

NEXT SCHEDULED MEETINGS: **Regular Meeting August 13, 2012 (Canceled)**
 Regular Meeting August 27, 2012
 Regular Meeting September 10, 2012
 Regular Meeting September 24, 2012

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

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 8:38 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 "A"

BE IT RESOLVED by the Township Committee of the Township of Andover on the 23RD day of July 2012, that:

1. Before the commencement of this Regular Meeting, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-26, sub-section (s):

- (x) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
- () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
- () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
- (x) b. (4) A collective bargaining agreement including negotiations.
- (x) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- (x) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.

Personnel Matters:

Contract Negotiations:

- 1. St. Paul's Abbey Due Diligence**
- 2. Discussion of Shared Services Proposal**
- 3. AT&T Lease Renewal Amendment Update**
- 4. American Express Card Proposal**
- 5. Sunnyvale Farms/Site Work Contribution**

Attorney-Client Privilege:

- 1. Rolling Hills Condominiums Municipal Services Agreement**
- 2. Traffic Safety Study Discussion/A Portion of Current Drive**

Potential Litigation:

Pending Litigation:

- 1. Leenstra vs. Andover Township**

(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: July 23, 2012

Moved: Walsh Seconded: Smith
Voted Aye: Boyce, Phoebus, Smith, Walsh, Lensak
Voted Nay: None
Abstained: None
Resolution adopted. JUNE 25, 2012

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION "B"

BE IT RESOLVED by the Township Committee of the Township of Andover on the 23RD day of July 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) a. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () a. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () a. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - (x) a. (4) A collective bargaining agreement including negotiations.
 - (x) a. (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.
 - () a. (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) a. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.

Personnel Matters:

Contract Negotiations:

1. ***St. Paul's Abbey Due Diligence***
2. ***Discussion of Shared Services Proposal***
3. ***AT&T Lease Renewal Amendment Update***
4. ***American Express Card Proposal***
5. ***Sunnyvale Farms/Site Work Contribution***

Attorney-Client Privilege:

1. ***Rolling Hills Condominiums Municipal Services Agreement***
2. ***Traffic Safety Study Discussion/A Portion of Current Drive***

Potential Litigation:

1. ***Tax Exempt Status***

Pending Litigation:

1. ***Leenstra vs. Andover Township***

- (x) a. (8) Personnel matters.
- () b. (9) Deliberations after a public hearing that may result in penalties.
 2. 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: July 23, 2012

Moved: Walsh Seconded: Smith
Voted Aye: Boyce, Phoebus, Smith, Walsh, Lensak
Voted Nay: None
Abstained: None
Resolution adopted. JULY 23, 2012
