

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

AUGUST 27, 2012

EXECUTIVE SESSION – 6:30 P.M.

REGULAR MEETING – 7:30 P.M.

Mr. Smith moved to appoint Mr. Walsh to chair this evening's meeting, seconded by Mr. Boyce and carried unanimously.

The regular meeting of the Andover Township Committee was called to order at 6:30 P.M. by Mr. Walsh, followed by a salute to the flag.

ROLL CALL: Present: Mr. Boyce, Mr. Smith, Mr. Walsh
Excused: Ms. Phoebus, 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. Boyce, 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. ***Sunnyvale Farms/Site Work Contribution***

Attorney-Client Privilege:

1. ***Rolling Hills Condominiums Municipal Services Agreement***
2. ***Traffic Safety Study Discussion/Current Drive***
3. ***Old Creamery Property***
4. ***Tax Exempt Status***
5. ***New Bike/Walking Trail***

Potential Litigation:

1. ***Property Located at Block 120/Lot 8***

Pending Litigation:

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

The Committee went into executive session at 6:38 P.M. Mr. Smith moved to adjourn executive session at 7:40 P.M., seconded by Mr. Boyce and carried unanimously.

There was a Recess until the start of the Regular meeting at 7:43PM.

REGULAR MEETING

APPROVAL OF AGENDA Mr. Walsh asked that under New Business to add Discussion of the Andover Regional School District Board of Education letter and Driveway. Mr. Boyce moved to approve this amendment, seconded by Mr. Smith and carried unanimously.

Mr. Smith moved to approve the agenda as amended, seconded by Mr. Boyce and carried unanimously.

APPROVAL OF CONSENT AGENDA ITEMS Mr. Smith moved the following consent items be approved, seconded by Mr. Boyce and carried unanimously.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Insert Attached to These Minutes)

**ACCEPTANCE OF THE TAX COLLECTOR'S JULY 2012 REPORT
\$206,500.31 – YEAR TO DATE TOTAL \$9,683,823.56**

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

ACCEPTANCE OF THE POLICE CHIEF'S JULY 2012 REPORT

***RESOLUTIONS:**

#R2012-103 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ISSUE A TAX REFUND TO LIEN TIMES, LLC IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE # 11-00006 SOLD FOR DELINQUENT TAXES FOR BLOCK 111, LOT 18 IN THE AMOUNT OF \$29,025.30

#R2012-104 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE RELEASE OF CERTAIN EXECUTIVE SESSION MINUTES OF THE TOWNSHIP OF ANDOVER

#R2012-105 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO FORMALLY ACCEPT THE APPLICATION FOR RETIREMENT OF JAMES H. HAGGERTY, MECHANIC/PUBLIC WORKS REPAIRER EFFECTIVE JANUARY 31, 2013

#R2012-106 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO FORMALLY ACCEPT THE GOODALE ROAD RECONSTRUCTION IMPROVEMENTS – PHASE I PROJECT, AUTHORIZE FINAL PAYMENT IN THE AMOUNT OF \$7,213.59 TO DIRTWORX EXCAVATING LLC AND THE ACCEPTANCE OF THE TWO YEAR MAINTENANCE BOND NO. B 1105704 IN THE AMOUNT OF \$72,136

***CONSENT AGENDA: CONTINUED)**

***RESOLUTIONS: (CONTINUED)**

#R2012-107 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO CONSENT TO THE SUBMISSION OF THE TWA PERMIT APPLICATION TO BE FILED BY BRIDGEWAY REHABILITATION SERVICES, INC. FOR MODIFICATION TO THEIR EXISTING WASTEWATER TREATMENT FACILITY AND AUTHORIZATION FOR THE MAYOR TO EXECUTE THE STATEMENTS OF CONSENT RESOLUTION

#R2012-108 A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR DONATIONS – ACCEPTANCE OF BEQUESTS AND GIFTS FOR SUSTAINABLE ANDOVER GREEN TEAM REQUIRED BY N.J.S.A. 40A:5-29

(See Inserts Attached to These Minutes)

***APPROVAL OF MINUTES**

JULY 23, 2012 REGULAR MEETING
JULY 23, 2012 EXECUTIVE SESSIONS "A" & "B"

APPROVAL OF MINUTES

JUNE 11, 2012 REGULAR MEETING
JUNE 11, 2012 EXECUTIVE SESSION

Mr. Boyce moved to approve the foregoing minutes as presented, seconded by Mr. Smith and carried unanimously.

MAYORAL APPOINTMENT

**ENVIRONMENTAL COMMISSION
TO APPOINT RAYMOND AYERS TO THE POSITION OF ALTERNATE MEMBER
NO. 1 TERM TO EXPIRE DECEMBER 31, 2013**

This appointment was placed on the record.

REPORT FROM THE FIRE CHIEF Fire Department President Melfi was present and provided the department's report for the month of July. There was a total of 22 reported calls, 200 year to date.

REPORT FROM THE RESCUE SQUAD CHIEF The Chief was not present at this time.

REPORT FROM THE GREEN TEAM David Kolstad came with a basket of vegetables grown on the Sunset Vista Farms on a garden plot that volunteers have been working on and donating to the Bodhi Monastery. He said that the Farmers' Market is scheduled for September 23rd at the Long Pond School. He spoke about the community garden and there are about 10 dedicated volunteers and he said they are always looking for more. They can contact Eric Olsen.

He then spoke about a fundraiser that is taking place for Sustainable Andover and in the last week they have raised \$600.

REGULAR AGENDA

PUBLIC PORTION Diane Gillespie asked about the Andover Township side of Roseville Road and when construction will be completed. Mr. Walsh explained that though the intent was to do the project in conjunction with Byram, those plans fell through. Scheduling the reclamation equipment for grinding the road has been delayed by the contractor for use on other projects that were delayed by the weather. Construction will begin on Tuesday, September 4th and run through to Friday the 7th.

She then commented on how beautiful the bike/walking trail turned out and she complimented everyone who worked on it. She said she has some ideas including installing benches along the trail and posts with a description of the wildlife along the route. Mr. Walsh explained that another Scout project does include benches.

John Carafello asked about dogs along the trail and he was told they are as long as they are on a leash and the owners clean up after them. Mr. Smith said he has never seen anyone abusing the trail and not cleaning up after their dogs.

Seeing no other hands, Mr. Walsh closed the public portion.

NEW BUSINESS**REVIEW AND CONSIDERATION OF ZONING PERMIT APPLICATION FEES AMENDMENT FOR POSSIBLE ORDINANCE INTRODUCTION**

Mr. Boyce motioned that this item be tabled for the full committee, seconded by Mr. Smith and carried unanimously.

LETTER FROM THE ANDOVER REGIONAL SCHOOL DISTRICT AND THE PROPOSED DRIVEWAY

Mr. Walsh explained that Chief Tagliatela came before the Committee with regard to the school bus traffic in front of FMB School. He is concerned of the busy intersection and the safety of the officer and the students on the bus. A recommendation was made to put a driveway out to Deer Pond Road for school bus traffic only. A chain would be installed so there would be no other use at any other time. The school offered to reimburse the town for the purchase of the blacktop and the Police Chief was able to get the base donated. The work itself is to be done by the DPW when time allows. Signage is to be provided by the school. The school would also relocate the playground equipment.

Mr. Smith asked what kind of problems would be created for residents in the Sussex Park Homes area. Mr. Smith suggested opening this discussion to the public and all agreed. Mr. Walsh opened this discussion to the public.

Jim Woodstrom stated that he feels the residents in that area would object to this. He also said that with respect to Cumberland Farms and the other stores in that area is that they have a buffer zone. So if there is traffic behind there, they were forced to place a buffer zone for traffic noise. Those stores may also want to be approved for a back entrance as well.

Betty Donnelly asked what direction the buses are going once they come out of Deer Pond Road. Chief Tagliatela said the buses will come out to Deer Pond and making a right to Park and then to Limecrest. He added that the driveway will only be used as a school bus exit. The buses will continue to enter the parking lot from Newton-Sparta Road. This will take approximately 20 minutes. The alternative route has two stop signs and a traffic light, creating a much safer environment. The school bus company has no issue with this proposed change.

NEW BUSINESS (CONTINUED)**LETTER FROM THE ANDOVER REGIONAL SCHOOL DISTRICT AND THE PROPOSED DRIVEWAY**

Rick Melfi stated that several months ago we found out that the Newton-Sparta Road expansion project was cancelled by the County because of Sparta Township and their environmental concerns. This project's cancellation caused Andover Township and Newton their scheduled improvements to this roadway. Sparta did receive their improvements. One of these improvements was a traffic light at the FMB School. We lost that answer to this safety concern. He said these are the problems we face when we lose projects. This is another solution to an ongoing problem. Mr. Boyce added that the expansion project was fully funded by the State.

Chief Tagliatela spoke about the safety concerns with school bus traffic on Newton-Sparta Road along with what the officer has to do to keep the students safe. Mr. Walsh said that if we agree to go forward with this driveway we would have to check for availability of funds to construct this driveway. We also need to talk to DPW Supervisor Dickinson for the department's availability for this project. Mr. Smith suggested a full Committee is needed for further discussion and action on this matter. Chief Tagliatela requested contact with the Engineer to discuss the construction of this project.

Janis McGovern asked how long the project will take. Mr. Walsh said the intent was to have the project done before the start of school but it doesn't look possible at this time. The whole project should only take a few days. She asked who is responsible for letting the residents know of the possibility of this project. The Clerk/Administrator was directed to send letters to the property owners to Sussex Park Homes' residents.

Following further discussion this matter was tabled for the next meeting.

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

This matter was also tabled for the full Committee to discuss.

COMMITTEE REPORTS

MR. BOYCE. He reported that the School Board met on August 21st. The School's Interim Superintendent informed everyone at the last meeting that the school will switch their heat to natural gas from oil. The furnace is already set up for natural gas. The cost is about \$30,000 for this conversion and they are estimating the savings to be about \$70,000. They are still taking applications for the new superintendent. The next round of interviews will take place September 10, 11 and 12. On September 15th the high school will be unveiling their new synthetic field. A number of sports are scheduled, finishing at 7PM with a football game under the lights.

MR. SMITH. He reported on the seniors and announced one present this evening is celebrating her birthday, Mary Jane Nemis. Last Monday was the Annual Senior Picnic, it was well received and everyone enjoyed themselves very much. The next item of business is on October 1st, when the First Hope Bank is sponsoring a luncheon for them at Sheridan's. This was also done last year. This event is a club member only function. The next meeting is September 4th.

SWAC is on summer recess and Board of Health will convene in September. He reported that flu and pneumonia shots are being given free to Seniors, 65 plus free of charge. Tetanus shots require a slight charge.

He also reported on the trail stating that he walks the trail almost every night. He said in his personal opinion, it is so beautiful and wonderful in its natural state, he hates to see us adding anything along the path. He urged everyone to take advantage of the trail.

COMMITTEE REPORTS (CONTINUED)

MR. WALSH. He reported earlier on Roseville Road and the walking trail. At the last meeting he urged everyone to contact the State Senators with regard to the Energy Tax. As a result of people doing just that, he had a two hour meeting with Senator Oroho. He said he agreed that he would support us in bringing back the \$66 million Energy Tax Credits to the municipalities and he made a recommendation to Committee in Trenton, with one stipulation. Senator Oroho said the funding must go to tax relief. Mr. Walsh said he agreed with him 100%. Bigger cities wanted to use the funds towards services. Senator Oroho told Mr. Walsh in this meeting that was the reason he voted against it. Mr. Walsh asked for a resolution asking that this funding go to tax relief. He asked for another letter writing campaign to encourage the funding be directed to property tax relief.

He then asked for a resolution to ask the Freeholder Board to entertain a two year cooling-off period, which will require a former politician to wait a period of two years before taking a job with any service they contract with. He asked for Andover Township to consider such an ordinance as well. Mr. Walsh said that Sussex County is the only county that does not have that policy.

RESOLUTION

#R2012-108 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO URGE THE SUSSEX COUNTY FREEHOLDER BOARD TO CONSIDER ADOPTION OF A "COOLING OFF" PERIOD POLICY OF TWO YEARS FOR FORMER POLITICIANS

Mr. Smith moved to adopt the foregoing resolution, seconded by Mr. Boyce and carried unanimously. *(See Insert Attached to These Minutes)*

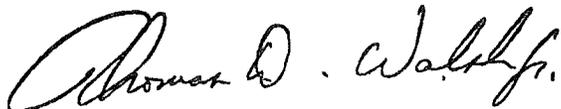
Mr. Walsh then reported on the Charity Softball Tournament taking place on September 8th. We should raise between \$2000 and \$3000. Some teams match the amount they raise for their charity. Lackawanna Little League will be using their snack shack and selling food and that money will be donated back to the township for equipment for the ball fields.

REPORT FROM THE CLERK/ADMINISTRATOR She reported that the Best Practices Check List was received from the State for the 2012-2013 fiscal year. She will be working with CFO Magura and the finished project will go before the Township Committee for their input and approval and clerks certification. The deadline for this report is September 28th.

REPORT FROM THE MUNICIPAL ATTORNEY He reported that the Committee asked him to work on the AT&T lease. They have proposed a buyout of lease of the cell tower that the Township owns on Goodale Road. Negotiations continue in an attempt for a favorable presentation to the Committee for formal action. He was also directed to work on an agreement with a resident that owns property along the new trail with respect to liability issues. He is also working with the engineer and the administrator with regard to drainage issues on Park View Road

NEXT SCHEDULED MEETINGS: 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. Smith moved the meeting be adjourned at 8:37 P.M., seconded by Mr. Boyce and carried unanimously.



Tom Walsh, Chairman appointed
By the Committee

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 27TH day of August 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. ***Discussion of Shared Services Proposal***
- 3. ***AT&T Lease Renewal Amendment Update***
- 4. ***Sunnyvale Farms/Site Work Contribution***

Attorney-Client Privilege:

- 1. ***Rolling Hills Condominiums Municipal Services Agreement***
- 2. ***Traffic Safety Study Discussion/Current Drive***
- 3. ***Old Creamery Property***
- 4. ***Tax Exempt Status***
- 5. ***New Bike/Walking Trail***

Potential Litigation:

- 1. ***Property Located at Block 120/Lot 8***

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: August 27, 2012

Moved: Boyce Seconded: Smith
Voted Aye: Boyce, Smith, Walsh
Voted Nay: None
Abstained: None
Absent: Phoebus, Lensak
Resolution adopted. AUGUST 27, 2012
