

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

SEPTEMBER 10, 2012

6:30 P.M.

REGULAR MEETING BEGINS AT 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, 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: Mr. Walsh asked that the matter of Drainage Issues on Bernard Drive be added under Potential Litigation. On a motion by Ms. Phoebus, seconded by Mr. Smith, the resolution as amended to go into executive session to discuss

Personnel Matters:

1. *Delegate's Attendance at State Convention*

Contract Negotiations:

1. *St. Paul's Abbey Due Diligence*
2. *Discussion of Shared Services Proposal*
3. *AT&T Lease Renewal Amendment Update*

Attorney-Client Privilege:

1. *Traffic Safety Study Discussion/Current Drive*
2. *Old Creamery Property*
3. *Tax Exempt Status*

Potential Litigation:

1. *Property Located at Block 120/Lot 8*
2. *Somerset Investors - 448 Route 206*
3. *Drainage Issues on Bernard Drive*

Pending Litigation:

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

The Committee went into executive session at 6:30 P.M. Mr. Boyce moved to adjourn executive session at 7:38 P.M., seconded by Ms. Phoebus and carried unanimously.

RECESS CALLED AT THIS TIME. REGULAR MEETING BEGAN AT 7:42.

REGULAR MEETING

APPROVAL OF AGENDA Mr. Boyce moved to approve the agenda, seconded by Mr. Walsh and carried unanimously.

APPROVAL OF CONSENT AGENDA ITEMS Resident, Mr. Skew questioned the rate of increase for the Deputy Court Administrator. Ms. Thompson explained the reason for the increase and the amount at \$.45 an hour. Mr. Walsh moved the approval of the following consent items as amended, seconded by Mr.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

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

ACCEPTANCE OF THE TAX COLLECTOR'S AUGUST 2012 REPORT
\$4,848,582.55 – YEAR TO DATE TOTAL \$14,532,406.11

APPROVE THE RELEASE OF THE LANDSCAPING CASH BOND FOR THE
ANDOVER ANIMAL HOSPITAL IN THE AMOUNT OF \$7000

APPROVE THE RELEASE OF A DRIVEWAY PERMIT ESCROW FEE FOR
THOMAS KEEGAN IN THE AMOUNT OF \$335

***RESOLUTIONS:**

#R2012-111 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF
SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE SPECIAL
EMERGENCY APPROPRIATION FOR PREPARATION OF TAX MAPS
(See Insert Attached to These Minutes)

RESOLUTION REMOVED FROM THE CONSENT AGENDA

#R2012-110 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF
SUSSEX AND STATE OF NEW JERSEY TO AMEND RESOLUTION
#R2012-101 ENTITLED "2012 SALARY RESOLUTION" – POSITION
OF DEPUTY COURT ADMINISTRATOR

Following a brief explanation of this resolution, Mr. Boyce moved to approve this resolution as presented, seconded by Mr. Walsh and carried unanimously.
(See Insert Attached to These Minutes)

APPROVAL OF MINUTES

AUGUST 27, 2012 REGULAR MEETING
AUGUST 27, 2012 EXECUTIVE SESSION

Mr. Walsh moved to approve the foregoing minutes as amended by removing Mayor Lensak as present, seconded by Mr. Smith. Roll call vote:

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

Mayor Lensak read the Proclamation in remembrance of the 11th anniversary of the attacks by terrorists, killing thousands of innocent people in New York, Pennsylvania and Washington DC.

**PROCLAMATION FROM GOVERNOR CHRIS CHRISTIE FROM THE STATE OF NEW JERSEY
PROCLAIMING SEPTEMBER 11, 2012 AS PATRIOT DAY AND NATIONAL DAY OF SERVICE AND
REMEMBRANCE**

REGULAR AGENDA

GENERAL DISCUSSION/PUBLIC PARTICIPATION

**LETTER FROM THE ANDOVER REGIONAL SCHOOL BOARD OF EDUCATION
WITH REGARD TO BUS TRAFFIC AND PROPOSED DRIVEWAY**

Police Chief Tagliatela began this discussion by briefly explaining the need to entertain the issue of a driveway for school buses only exiting from the school parking lot out the back and through Sussex Park Homes development. This plan would utilize two stop signs and a traffic light at Limecrest and Newton-Sparta Road. Chief Tagliatela explained the safety concerns with the traffic on this roadway. He addressed concerns with regard to idling buses which would not be the case. Buses will be leaving three or four buses at a time, worst case scenario. He addressed several letters he received these past two weeks. He mentioned children and officer safety. If there is only one officer on duty and that officer needs to address an emergency, he has to leave his post in front of the school, leaving no one to direct traffic. He said nothing would make him happier than the installation of a traffic light in front of the FMB School. He stated that ballpark estimates are about \$50,000 for engineering costs and \$200,000.

Comments were opened to the public and many residents commented that the residential atmosphere in Sussex Park Homes would be threatened by the school buses using their development twice a day. There were many residents in favor of a traffic light as a solution to this problem no matter what the cost. Others commented that this solution only pushing the problem from Newton-Sparta Road to Limecrest Road. There were suggestions including the hiring of a school traffic guard which the Chief stated it is a dangerous situation for an officer and even more dangerous for a traffic guard. Mr. Smith suggested petitioning the County and make a request for a stop sign in front of the school.

Ms. Phoebus stated at the County Planning Board meeting there was a traffic study review done with regard to a current application for Newton-Sparta Road but not in Andover Township. She said this road is the heaviest traveled road in the County, 25,000 cars per day. She said the traffic on this road is much more than Route 94. There were also comparisons made with schools in other municipalities on County roads which are handled by the respective police departments.

There was also a comment with regard to the flashing light on Newton-Sparta Road. Chief Tagliatela stated he has contacted the County several times with regard to the non-functioning light. They informed him it should be working and it is not working again. He said he left the County a call this morning with regard to this issue.

Alternative routes were also discussed by the general public as possible solutions in lieu of creating a driveway through the development. The traffic on Limecrest Road was also mentioned as well as the lack of site visibility at the corner of Limecrest and Park Lane. Ms. Phoebus explained that the school board does not have to come before the Land Use Board for an approval of this type. When they do, it is only as a courtesy. The only time the township has any say is when there is a use variance request. There were also comments with regard to the tonnage of the buses and if the driveway can withstand this load. Chief explained he spoke with the engineer who said if we fortify and compact the sub base, it can support the school bus load.

GENERAL DISCUSSION/PUBLIC PARTICIPATION (CONTINUED)**LETTER FROM THE ANDOVER REGIONAL SCHOOL BOARD OF EDUCATION
WITH REGARD TO BUS TRAFFIC AND PROPOSED DRIVEWAY**

Mr. Walsh reminded everyone that this would be a joint venture requested by the police department and they agreed to the concept if the township would consider the idea that the construction be done by the DPW. If the Committee does not authorize this, there is a possibility the school can go forward with the project but it is highly unlikely due to the lack of funds to do this construction. The School Board did not ask for this project, only in response to the Chief's safety concerns. There was discussion regarding the width of the roads in the Sussex Park Homes development and a comment was made to keep commercial traffic on commercial roads.

Mayor Lensak stated that the Chief has good intention and we have a situation where police officers can be in danger and this needs to be addressed. The School Board was open to this suggestion for providing safety. He added his appreciation to all residents giving their opinion and concerns. He stressed the Committee does listen. We have everyone's best interest at heart but we must work together to address this situation. Following this discussion it was decided that the Township Committee will ask the County about the possibility of putting a stoplight on Newton-Sparta Road at the FMB School.

RECESS WAS CALLED AT 9:00PM

MEETING WAS RESUMED AT 9:09PM

PUBLIC PORTION Resident Linda Leenstra of Limecrest Road asked the status of her request for the engineering report and information regarding the drainage on her road which addresses why her house collapsed. Attorney Semrau stated he would have to check with the Municipal Engineer with regard to this issue. He added he knows the County Engineer was working with the Municipal Engineer to evaluating the situation. Ms. Leenstra stated this has been going on for 17 years and she wants answers. She said her garage and septic sits in the flood area. She wanted to know when someone is going to call her family and offer assistance.

Mayor Lensak asked if she has the report from the engineer who built her house because that is the report she needs to review. She said she doesn't have anything. Attorney Semrau stated we met with the County and he does not believe there is anything more at this point. He added that the Township turned over extensive documents in response to an OPRA request from Ms. Leenstra's attorney. He suggested following up to see if there are any new developments. We have nothing more to report at this time. Ms. Leenstra stated that the information is not there and there is no solution or offer of help. She asked again what the town is going to do about the water management problem on those three properties, one hers on Limecrest Road. She then spoke about the runoff of water from the mountain behind her house. She also mentioned water being redirected by her neighbor, asking again what the town has done.

Attorney Semrau stated the new location of the house has addressed a solution and he added that she had indicated she received insurance and FEMA funding. Mr. Boyce addressed flooding issues throughout the municipality a year ago, not just with her. It was two one hundred year storms, one a hurricane. Some residents had never had flooding before. The weather event that occurred was highly unusual.

Attorney Semrau advised the governing body at this point in the discussion he had answered the questions asked as did everyone else. He said that this may very well be a private matter. The house has been moved, insurance proceeds were received, we contacted the County and as far as the elected officials not visiting that home, everyone here was out doing everything they could. But unfortunately there are other reasons, perhaps there is history and may be litigation that precludes members of the governing body volunteering and going on property. He advised that under the circumstances that this Committee is not obligated to respond any further. There is litigation still pending.

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

It was explained that these fees haven't been reviewed in over 15 years. Mayor Lensak stated that just looking at these proposed fees are lower than most he has seen in years. With regard to the commercial fees, with the little movement in this field, it will not affect the budget at all for the next few years. Following review of this matter it was suggested by Mr. Smith that research be done to review past applications to determine how much money would the Township had received if these fees were implemented.

DISCUSSION REGARDING THE 2012 BEST PRACTICES WORKSHEET

The Township Committee reviewed these responses and beginning with Mr. Smith he found several "no" answers that he felt could be converted to "yes". Following review of these questions Mr. Smith moved to make the changes to the selected questions as indicated, seconded by Mr. Walsh and carried unanimously.

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

Mr. Smith voiced his concern with regard to addressing concerns on this roadway while there are others such as Pierce Road which is also dangerous. Mr. Walsh explains what is the issue here is the site distance when pulling out and those cars pulling out of FMB and across to Current Drive. Mr. Smith asked about the number of accidents that have occurred in that section in the past five years. Chief Tagliatela stated that without the numbers in front of him he doesn't know exactly but he would guess very few. Chief Tagliatela referred to the Engineering Report and that along with his recommendation feel there is ample information to move forward with this action.

ORDINANCES: INTRODUCTION**NO. 2012-09 TO ADD CURRENT DRIVE, NORTHWEST, BETWEEN LIMECREST ROAD AND NEWTON-SPARTA ROAD*****"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY, TO MODIFY CHAPTER 10, SECTION 13, "ONE-WAY STREETS"***

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2012-09, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on September 24, 2012 at 7:30 P.M. local prevailing time, or as soon thereafter as the matter can be reached in the Municipal Building, 134 Newton-Sparta Road, Roll call vote:

Mr. Boyce – yes
Mr. Smith – no
Mayor Lensak – yes

Ms. Phoebus – yes
Mr. Walsh – yes

OLD BUSINESS (CONTINUED)**REVIEW OF THE PROPERTY MAINTENANCE ORDINANCE**

Mr. Walsh stated he asked that there be a review of this Ordinance because as predicted, the Zoning Officer has now become the beauty police. He explained about the grass height complaints and suggested that this section along with the regulations regarding trees be removed. It was decided that this Ordinance be further reviewed by the Zoning Officer to determine any other amendments before we introduce a revision. There was discussion stating that this section was to be omitted from the Ordinance before adoption. It was also decided that anonymous complaints will not be accepted, keeping in mind that all complaints are confidential.

OLD BUSINESS (CONTINUED)**REVIEW OF THE PROPOSED AMENDMENTS TO THE LOT LINE ADJUSTMENT ORDINANCE AND THE SITE PLAN WAIVER ORDINANCE AS APPROVED AND SUBMITTED BY THE LAND USE BOARD**

Ms. Thompson provided copies of the correspondence from the Land Use Board with regard to certain amendments to the Site Plan Waiver and Lot Line Adjustment Ordinances. Following a short discussion and explanation the Committee decided to introduce at this time. Mr. Boyce commented on the lower escrow amount which will make the process much easier on any applicant. He then mentioned the checklists. Ms. Thompson explained that one is with regard to the Site Plan and the other the Lot Line Adjustment.

Land Use Board member Rick Melfi was present and confirmed the Board highly recommends these amendments as reviewed and approved by them.

ORDINANCES: INTRODUCTION**NO. 2012-10 TO AMEND CHAPTER 74 LOT LINE ADJUSTMENT AND CHAPTER 131 SITE PLAN REQUIREMENTS**

“ORDINANCE TO AMEND THE GENERAL ORDINANCES OF THE TOWNSHIP OF ANDOVER, CHAPTER 74, LAND USE PROCEDURES, ARTICLE V, GENERAL PROVISIONS, BY AMENDING SECTION 74-50, “LOT LINE ADJUSTMENT APPROVAL” AND CHAPTER 131, SITE PLAN REVIEW, ARTICLE III, APPLICABILITY OF SITE PLAN REQUIREMENTS BY AMENDING SECTION 131-5, “EXCEPTIONS”

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2012-10, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on October 22, 2012 at 7:30 P.M. local prevailing time, or as soon thereafter as the matter can be reached in the Municipal Building, 134 Newton-Sparta Road, Roll call vote:

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

COMMITTEE REPORTS:

MR. BOYCE. He reported that the Board of Education is continuing their search for a superintendent. There are three Executive Sessions scheduled for tonight, tomorrow and Wednesday for interviews.

MS. PHOEBUS. She reported on Land Use matters stating that Dale’s Market application was approved on the County level as well as the Township’s Land Use Board. A final approval is still needed but it is official. The corner of Limecrest and Newton-Sparta at this location will be cleaned of the shrubbery in order to clear the site distance.

Ms. Phoebus reported on the railroad station stating that Freeholder Zellman informed everyone that the DEP feels that where the platform is to be located is a potential habitat for wildlife. This delays the program. She said that Freeholder Zellman is working diligently trying to get this matter resolved.

She then reported on the Abbey thanking the NJ Herald for the article outlining the work that needs to be done in order to bring this project to life. She added that she has a phone call into Senator Oroho to set up an appointment with the DCA Commissioner and plead for monetary assistance for the sewer treatment plant.

COMMITTEE REPORTS: (CONTINUED)

MR. SMITH. He reported that there will be a luncheon held for the Seniors sponsored by First Hope Bank on October 1st. This is for members only. Next regular meeting is September 17th.

SWAC meets tomorrow night at 7:30, first meeting since the summer recess. This is the first meeting since the Committee adopted its resolution requesting the Freeholder Board further review of their subcommittee appointments. He reported on the Board of Health meeting stating the dates have been posted for the free flu shots for Seniors.

MR. WALSH. He reported on the progress of the Roseville Road reconstruction and reclamation project. Drainage and reclamation work was completed and we are waiting for the blacktop process which will be done this week. The Goodale Field has been opened temporarily for soccer games only. He then thanked Mr. Skews for umpiring during the Annual Softball Tournament held this past Saturday.

MAYOR LENSAK. He reported on the Softball Tournament. He said it was once again a great event. He said we raised approximately over \$2000 for local charities. Every team wins something for their charity. He then reported on the Lakeland Emergency Squad and everything is going well with them.

REPORT FROM THE CLERK/ADMINISTRATOR She stated much of what she worked on the past several weeks is for the Executive Session. She did report that the State Treasury Department will be conducting an audit our contracts on Thursday. They need to make certain that all mandatory information is in each file.

On October 11th there is a meeting in the Judge's Chambers at 5PM with the Administrative Office of the Courts to review the Court security program for the courtroom and building.

REPORT FROM THE MUNICIPAL ATTORNEY He reported that the Committee had directed him to review the issue regarding tax exemptions. As Ms. Phoebus mentioned, they will continue to petition the State for the funds that have been turned over regarding the Affordable Housing Program. He has also been asked to review a number of drainage issues from a legal perspective and issues pertaining to the Econo Lodge. He will be working with the Zoning Officer and Administrator on this issue as well.

NEXT SCHEDULED MEETINGS: Regular Meeting September 24, 2012
Regular Meeting October 22, 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 10:06 P.M., seconded by Mr. Walsh 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 10TH day of September 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***

Attorney-Client Privilege:

- 1. ***Traffic Safety Study Discussion/Current Drive***
- 3. ***Old Creamery Property***
- 4. ***Tax Exempt Status***

Potential Litigation:

- 1. ***Property Located at Block 120/Lot 8***
- 2. ***Somerset Investors - 448 Route 206***
- 3. ***Drainage Issues on Bernard Drive***

Pending Litigation:

- (x) a. (8) Personnel matters.

- 1. ***Delegate's Attendance at State Convention***

- () 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: September 10, 2012

Moved: Phoebus Seconded: Smith
Voted Aye: Boyce, Phoebus, Smith, Walsh, Lensak
Voted Nay: None
Abstained: None
Resolution adopted. SEPTEMBER 10, 2012
