

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

SEPTEMBER 24, 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 6:34 P.M. by Mayor Lensak, followed by a salute to the flag.

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

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

**EXECUTIVE SESSION:** Mayor Lensak asked earlier today Ms. Brown asked that discussion regarding her matter be moved to the Public portion of the meeting and therefore removed from Executive. On a motion by Ms. Phoebus, seconded by Mr. Smith, the resolution to go into executive session to discuss

**Personnel Matters:**

1. *K. Brown, Public Safety Telecommunicator (moved to the public portion under Rice Meeting)*

**Contract Negotiations:**

1. *St. Paul's Abbey Due Diligence*
2. *Discussion of Shared Services Proposal*
3. *Recreational Trails Program*

**Attorney-Client Privilege:**

1. *Old Creamery Property*
2. *Tax Exempt Status*

**Potential Litigation:**

1. *Property Located at Block 120/Lot 8*
2. *SMAC Corporation*

**Pending Litigation:**

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

The Committee went into executive session at 6:35 P.M. Mr. Walsh moved to adjourn executive session at 7:22 P.M., seconded by Mr. Smith and carried unanimously.

RECESS CALLED AT THIS TIME- REGULAR MEETING CALLED TO ORDER AT 7:30

REGULAR MEETING

**APPROVAL OF AGENDA** Mr. Walsh moved to approve the agenda as presented, seconded by Ms. Phoebus and carried unanimously.

**APPROVAL OF CONSENT AGENDA ITEMS** Mayor Lensak added additional checks to be approved for Engineer Golden, Return of Escrow to Andover Animal Hospital, and one for the Andover Sustainable Green Team. 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 CHIEF FINANCIAL OFFICER'S REPORT FOR MONTH ENDING AUGUST 31, 2012**

**ACCEPTANCE OF THE POLICE CHIEF'S REPORT**

**\*RESOLUTIONS:**

**#R2012-112 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ANNUAL SICK LEAVE BUYBACK OPTION TO PUBLIC WORKS REPAIRER MARK W. BIRD FOR 2012**

**#R2012-113 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ANNUAL SICK LEAVE BUYBACK OPTION TO DEPUTY TREASURER MARYANN FRODELLA FOR 2012**

**#R2012-114 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ANNUAL SICK LEAVE BUYBACK OPTION TO POLICE CHIEF ACHILLE TAGLIALATELA FOR 2012**

**#R2012-115 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ANNUAL SICK LEAVE BUYBACK OPTION TO SGT. ERIC DANIELSON FOR 2012**

**#R2012-116 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ANNUAL SICK LEAVE BUYBACK OPTION TO POLICE OFFICER JASON MILLS FOR 2012**

**#R2012-117 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ANNUAL SICK LEAVE BUYBACK OPTION TO POLICE OFFICER/ DETECTIVE ROD MOSNER FOR 2012**

\*CONSENT AGENDA: (CONTINUED)

\*RESOLUTIONS: (CONTINUED)

#R2012-118 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ANNUAL SICK LEAVE BUYBACK OPTION TO SGT. STEPHEN MURRELL FOR 2012

(See Inserts Attached to These Minutes)

AWARDS PRESENTATION - THIRD ANNUAL TOWNSHIP CHARITY SOFTBALL GAME

TIED FOR FIRST PLACE –TEAM POWERLESS \$600.00 FOR THE MLD FOUNDATION

TIED FOR FIRST PLACE – RESCUE HEROES \$600 FOR THE GIFT OF THE LIFE FAMILY HOUSE

SECOND PLACE – CARLEY’S CREW \$400 FOR THE JD RF

THIRD PLACE – HIDDEN VALLEY \$300 FOR PROJECT SELF SUFFICIENCY

TIED FOR FOURTH PLACE – FATHER/SON \$150 FOR SCARC

TIED FOR FOURTH PLACE - LAKE LENAPE \$150 FOR THE LAKELAND EMERGENCY SQUAD

TIED FOR FIFTH PLACE – TOWNSHIP TEAM \$100 FOR THE BODHI MONASTERY FOOD BANK

TIED FOR FIFTH PLACE – DORSET FARM \$100 FOR THE GIFT OF THE LIFE FAMILY HOUSE

Mayor Lensak called up each team present to accept their Certificate of Participation. The trophy was presented to the winning team.

REPORT FROM THE FIRE CHIEF Chief Steinwand was present and stated his report for August and September will be given at the next meeting. He then informed everyone of the upcoming Chicken BBQ scheduled for October 20<sup>th</sup> at Firehouse #1. Tickets are \$12.

REPORT FROM THE RESCUE SQUAD CHIEF There was no one present at this time.

REPORT FROM THE GREEN TEAM David Kolstad reported that they are continuing to donate produce to the local food bank. He spoke about the Farmers’ Market held yesterday which yielded a larger crowd than others combined. He was pleased to see people come up in support of local vendors and green products.

REQUEST FOR ZONE CHANGE TO ALLOW INSTALLATION OF A 25KW ON GROUND SOLAR SYSTEM FOR RESIDENTIAL USE ONLY

Frank DeWitt from Alternative Energy Associates from Augusta stated he approached the zoning officer for a permit and he was informed that the Township does not have an ordinance in order to approve this project. Mayor Lensak asked if he had sample ordinances which Mr. DeWitt stated he has a number from the BPU and some from local municipalities. Following a short discussion, Mr. DeWitt stated he will collect these samples and make them available to Ms. Thompson to present to the Land Use Board. They also discussed Wind Power Ordinance samples as well. The Committee stated they would investigate both for residential and commercial properties.

**RICE MEETING**

**J. CASELLA, PUBLIC SAFETY TELECOMMUNICATOR  
D. CRATER, PUBLIC SAFETY TELECOMMUNICATOR  
K. BROWN, PUBLIC SAFETY TELECOMMUNICATOR**

Mayor Lensak stated this is part of the 2013 Municipal Budget process in order to look at various areas of that budget. Mr. Walsh explained that through a cursory review of a draft budget, we are starting out with a \$200,000 shortfall. He stated that every year we begin this process and it's always in the early part of the budget year that we look at possible layoffs and by the time review of the concept plan is completed we are in August, too late in the budget year to reap any benefit. Last year's answer was to dip into the reserves. He said we have an additional \$90,000 in expenses due to contract obligations. Part of the plan is to contact the bargaining unit to give them our proposed plan before we take any further action.

Mayor Lensak added that surrounding municipalities were contacted in an effort to bring in revenues before resorting to the Rice Notices. Attorney Semrau stated that where the Committee goes from here that you have identified that this may be an area to be restructured, what the contract calls for that if there are any thoughts or suggestions that would result in such restructuring/layoff of employees, the administration meets with the bargaining unit to review such concerns. He then explained that following that meeting, the administrator brings all information before the Township Committee and they will discuss the options further.

All members were agreement. There is no other action this evening.

**REGULAR AGENDA**

**PUBLIC PORTION** Jack and Linda Leenstra of Limecrest Road were present and asked the Committee again about the reports and information from the Township with regard to the drainage situation at their location. Mr. Walsh explained that the onus may be on the engineer that plotted the subdivision that included her home. Attorney Semrau explained that the Township taxpayers cannot fund private matters that conditions may have occurred with respect to engineering. Ms. Leenstra stated this is a public matter it's just that it happened to one home and one family. She asked again for a report that was done sometime between last September and this September.

Mr. Skews of Manor Drive spoke with regard to the dispatching services and while attending these meetings heard nothing less than praise for the work they did during the hurricane and all storms. He asked if another town can do the job that these employees did. He stressed the need for ratables that will bring revenue. He then spoke about the current Land Use Board. Mayor Lensak commented that these employees do a phenomenal job and the Committee is doing everything they can to protect this service. He said they are legally bound to follow a process and the letter of the law. If we discuss someone's job, they need to be noticed. That is all we are doing this evening. He added that we have tried to bring in other municipalities but unfortunately we weren't successful. Mr. Skews stated that town hall is being run with a minimum amount of people and the possibility of eliminating that service. He asked who will be next. He said we can't keep cutting services and eliminating personnel. Mayor Lensak said he agrees that you can't keep selling off your assets because sooner or later we will have nothing left to sell. He said we need businesses in town but it is not the Land Use Board to blame. Many people came out in opposition to potential ratables.

Brian Kithcart, an Andover Township resident and President of the FOP #177 came before the Committee. He said that in light of the recent discussions regarding layoffs, he is before the Committee to speak of all the details that the police department is concerned with if the dispatch center is eliminated. He read the letter sent to the governing body several months ago in reference to this issue. Seeing no other hands, Mayor Lensak closed the public portion of the meeting. He stated that the dispatchers do much more than answer the phone. He proceeded to explain the variety of responsibilities that they do and how they assist the police.

**PUBLIC PORTION (CONTINUED)** He spoke about the camera system that is monitored 24/7 by the dispatch center. The police headquarters has a full time security team by being there around the clock. They handle all the criminal history checks along with the required paperwork to make the arrest process run smooth. He then referenced the extra help that the female dispatchers can give when detaining a female prisoner. In closing he asked the Committee, though times are tough, removing a dispatcher isn't the answer.

Rick Melfi of Park View Road and President of the Andover Township Fire Department stated he understands the due process with the Rice Notices but he says the Township, residents and emergency services need to know what direction the Committee is going to take. He said several options are on the table and so because of budgetary constraints. He said what happens in the process is that once you remove a service it is gone and it cannot come back. He spoke about the idea of a County dispatch center. If removal of this service from Andover occurs, the actual cost may be eliminated from Andover Township but the taxpayer still pays the cost, and perhaps a higher cost than they are paying now.

Joyce Covalence asked if there are facts and figures on how much it costs per resident to run the dispatch center. She then asked what the cost would be if we were to consider shared services with another municipality. The information isn't readily available but Ms. Thompson will provide it to Ms. Covalence within the week. Mayor Lensak stated the Committee is bound to conduct this process when discussing options involving employees. The input is certainly appreciated.

There were members of surrounding fire departments who spoke in support of the Township's dispatch center and how valuable they are to them. Resident and Police officer Dan Kern added his comments in support of the dispatch center remaining in the Township. He stated that there familiarity with the township helps officer finds homes. He added that half of the police force started their careers as dispatchers in Andover Township.

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

RECESS WAS CALLED AT 8:28PM.

MEETING RESUMED AT 8:34PM.

### **ORDINANCES: PUBLIC HEARING**

#### **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"***

Mayor Lensak opened discussion of this matter to the public and seeing no hands he closed the public hearing. Mr. Smith stated his concerns stating the reason for this action is safety and he had asked about the amount of accidents on this strip of roadway and the answer is none. Mr. Smith then spoke about consistency mentioning other roads equally narrow and dangerous. Chief Tagliatela stated his reasons for addressing this roadway at this time. He added that other roads will be considered in order to be consistent with regard to public safety. He referenced the Engineer's Report and Ms. Thompson stated that the County has asked the Township to consider this action for a number of years and they gave their full support.

An ordinance of which the foregoing is the title was introduced and passed on first reading at the regular meeting of the Andover Township Committee on September 10, 2012, was advertised according to the law and was brought before the public for final consideration. There being no objections, Mr. Walsh moved the adoption of the above entitled ordinance, seconded by Ms. Phoebus. Roll call vote:

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

Ms. Phoebus – yes  
Mr. Walsh – yes

**NEW BUSINESS****CANCELLATION OF THE NOVEMBER 12, 2012 REGULAR MEETING**

Mayor Lensak stated that due to the attendance at the League Conference, there is a need to cancel this meeting. Mr. Walsh moved to cancel this meeting, seconded by Mr. Smith and carried unanimously.

**DISCUSSION REGARDING POSSIBLE BRUSH PICK UP ORDINANCE**

Mr. Walsh asked the Committee to consider an amendment with regard to a Brush Pick Up fee schedule. He is asking because come February 1, 2013 the department will be done two men without replacement of personnel. With that said, we currently provide service from October 1 through April 15 and many of the residents don't use this service but there are those who abuse it. They place commercially cut trees curbside for municipal pick up rather than paying of the cost of removal by the contractor. A suggestion was made by the department that following storms, any damage will be picked up with a couple of weeks in the Spring another pick up service up to a minimum size. Any additional service can be requested for a fee to be determined. A recommendation of \$75 a pick up beyond the one per year was suggested. Mr. Walsh stated that the chipper is 22 years and a new one costs about \$45,000. He said that we need to begin to think about a replacement, these fees could be placed in a trust fund account solely for the purchase of a new chipper.

Attorney Semrau stated that he has a draft Ordinance regarding this service and he will bring it to the next meeting for further discussion.

**RESOLUTIONS:****COMMITTEE REPORTS:**

**MR. WALSH.** He reported Roseville Road has been completed.

He said he spoke to residents who live near power lines and what he found is that the Township does give these residents a reduction in their taxes. That percentage is then made up by the utility companies to reimburse the town for that percentage lost. Mr. Walsh stated that represents the energy tax receipts that we do not receive that is paid to the State. Now that the new lines are going in, residents are requesting higher reductions and that will be more money paid to Trenton that they use to balance their budget by using what belongs to the municipalities. He stressed again to everyone to call Senator Steve Oroho, Assembly members Gary Chiusano and Alison McHose and tell them you want your money back in the towns where it belongs.

He then stated he received a phone call from the County Administrator in regards to the Resolution adopted by the Township concerning a two year cooling off period. He proceeded to explain what this means.

Mr. Walsh added that Andover Township past the toughest Pay to Play Ordinance in the State. Perhaps we should send a copy of this Ordinance to the County for their consideration for approval. Ms. Phoebus stated all municipalities should pass such an Ordinance. She then added that when Mr. Walsh brought this up she was out of town, but she did some homework. She said the Cool Down period was introduced as a bi-partisan piece of legislation in 1997 on the Federal level. The Senate and Congress adopted this.

Mr. Walsh moved to forward a copy of the Pay to Play Ordinance to the County and all Sussex County municipalities, seconded by Ms. Phoebus and carried unanimously.

**COMMITTEE REPORTS (CONTINUED)**

**MS. PHOEBUS.** She reported that the Land Use Board at their last meeting discussed a few Ordinances including a Solar and Wind Ordinance. She asked if the Committee would like the Land Use Board to continue on this path. They agreed to this and Mayor Lensak stated the gentleman who spoke earlier this evening will present sample Ordinances to the Clerk. They also discussed an Ordinance regulating exterior wood burning furnaces. Mr. Walsh said he strongly disagrees with regulating these furnaces. Following a short discussion it was found that some regulation requiring a certain lot size with ample clearances between neighbors would be suggested in lieu of not allowing them at all.

Mayor Lensak voiced his concerns that these furnaces though he agrees should be permitted but perhaps, regulations are not necessarily a bad thing. Ms. Phoebus said that she will report back to the Land Use Board that they can begin to address these three Ordinances in 2013.

She then presented a piece of the ribbon from the Ribbon cutting ceremony for the new Newton High School football field. She said the field is gorgeous and it cost the taxpayers one percent and the rest of the cost was from companies and individuals.

Ms. Phoebus reported that the train tracks are almost to Byram and Andover Township but there is a glitch in the platform. The Ribbon Cutting ceremony will be delayed unless the DEP can quick track some of the permits. It appears to be a potential breeding season for a certain species. They are working diligently to make this happen sooner.

She then reported on the Abbey and she spoke with Senator Oroho and he is willing to help us by scheduling a meeting with the head of the DCA to come to the site and have a walk through. This visit may provide us with funding to offset the cost of the sewer service treatment plant.

The County Food bank needs volunteers desperately. They are feeding a huge number of families and the Bodhi Monastery is up to 75 families a week. They are open Monday through Friday beginning at 9:30. She finished by adding that the County approved the application for Dale's Market.

Mayor Lensak stated that Mr. Smith has requested to give his report last this evening.

**MAYOR LENSAK.** He reported on the Economic Development Committee for a meeting in the near future.

He then reported on the softball tournament he thanked Bagel Bistro for donating a six foot sub and two more at a discounted rate. He thanked Debbie Danielson for arranging the food at the last minute. He thanked Pezzo Pizza for providing pizzas at a reduced rate. Charles Grotyohann came out again this year to provide us with umpiring services. He thanked Mr. Skews for his umpiring services. Gail Phoebus also made a donation to the event. It was a great day which ended in a tie due to the weather cancelling the last game of the day.

He reported on his visit to the Lakeland Emergency Squad meeting and everything is running smoothly with them. He found that the State of New Jersey is hindering volunteerism by making it more difficult to make their certifications. He said we should do everything we can to make things easier during these times rather than have the State come in and crack down and demand more time to education and pay more out of their pockets to people who dedicate their time and energy. He added that we have politicians and bureaucrats who make life more complicated than easier.

**REPORT FROM THE CLERK/ADMINISTRATOR** She spoke with Township Engineer Joe Golden and he is getting to file his application for the 2013 DOT Grant. After speaking with DPW Supervisor Dickinson they feel that Stickles Pond Road is the available option this year. Mr. Walsh stated we have been denied only once before adding that perhaps this might be the year we are denied again but we will wait and see.

**REPORT FROM THE CLERK/ADMINISTRATOR(CONTINUED)** She added that he is looking for \$2500 to do the preliminary application process and that money is available. Consensus was given by the full Committee.

There is a Freeholders' meeting this Wednesday night and Administrator Eskilson has asked for a Committee member be present because Sussex Park Homes residents will be present at this time to discuss the potential of a traffic light in front of FMB School. The Committee decided that Phil Boyce as liaison to the Board of Education should be present at this meeting if he is available. She said Chief Tagliatela and she will be present.

**REPORT FROM THE MUNICIPAL ATTORNEY** He stated there were comments made earlier this evening with regard to the Land Use Board and in the time he has been with Andover Township, they work really hard and look at everything so carefully, streamlining processes to encourage business and be more business friendly. When we hear some of the stormwater issues, the Board previously adopted Steep Slopes Ordinances to address concerns throughout the Township.

From the standpoint of litigation, the Life Care Mews Restoration Project we are almost at the point where the Township Engineer will be signing off. There are currently no other litigation items except those which are covered by the insurance carrier.

He then reported that AT&T wishes to lease a small space for a generator at the cell tower at the DPW garage. They thought they would do so without additional cost to them. He said that following negotiations with them an additional rent of \$200 a month will be charged to the current lease. Mr. Walsh moved to agree to this lease amendment as presented, seconded by Ms. Phoebus and carried unanimously.

#### **COMMITTEE REPORTS (CONTINUED)**

**MR. SMITH.** He reported that it has been a long day for him and this is a bittersweet moment. He said he would like to be a bit philosophical for a moment and he quoted "There is a time for everything and a season for every activity under the heavens. There is a time to be born and a time to die. A time to laugh and time to cry and there is even a time when politicians should say goodbye." Mr. Smith continued to say "I have served Town Council for six years, one year as Deputy Mayor and one as Mayor. I have also served on the Land Use Board, the Recreation Committee, Liaison to the Police Department, Department of Public Works, Board of Health, Building and Construction Department, member of the Finance Committee, President of the Senior Citizens' Club, member of the County Solid Waste Advisory Board, and the creator of the original website and Township email systems. During those years, I saved the town over \$150,000 by not taking health benefits and for most of those years, not even taking the salary. During those six years, there were many good times and there were many not so good times. But most importantly, I can look in the mirror and I say, I have always been true to myself and always voted for what I thought was the very best for this town regardless of how popular or unpopular those notions were. It is now time for me to move on to bigger and better things so with that said I respectfully submit my resignation from the Township Committee effective October 31, 2012". With that said, Mr. Smith moved for adjournment.

#### **NEXT SCHEDULED MEETINGS:**

Regular Meeting October 22, 2012  
Regular Meeting November 12, 2012 (Possible Cancellation)  
Regular Meeting November 26, 2012

**ADJOURNMENT** No further business appearing before the Committee at this time, Mr. Smith moved the meeting be adjourned at 9:16 P.M., seconded by Mr. Walsh and carried unanimously.

  
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Michael Lensak, Mayor

Respectfully submitted,

  
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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 24<sup>TH</sup> 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. 24:4-26, 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.

**Contract Negotiations:**

1. *St. Paul's Abbey Due Diligence*
2. *Discussion of Shared Services Proposal*
3. *Recreational Trails Program*

**Attorney-Client Privilege:**

1. *Old Creamery Property*
2. *Tax Exempt Status*

**Potential Litigation:**

1. *Property Located at Block 120/Lot 8*
2. *SMAC Corporation*

**Pending Litigation:**

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

1. *K. Brown, Public Safety Telecommunicator*

- ( ) 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 24, 2012

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Moved: Phoebus      Seconded: Smith  
Voted Aye: Phoebus, Smith, Walsh, Lensak  
Voted Nay: None  
Abstained: None  
Absent: Boyce  
Resolution adopted. SEPTEMBER 24, 2012

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