

# ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

OCTOBER 22, 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, Mr. Walsh, Mayor Lensak  
Also present: Attorney Semrau  
Absent: (Excused) Ms. Phoebus, Mr. Smith

Ms. Thompson stated that she received an email from Mr. Smith informing her of the following: "Hi Vita, Unfortunately, I will be unable to attend the Township Committee meeting this evening since I am just running out of time. Please say farewell to all and wish them the best. God Bless Andover Township and God Bless the USA. Best Regards, Bob."

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

**EXECUTIVE SESSION:** Ms. Thompson asked if Under Personnel Matters we could add DPW Staffing. On a motion by Mr. Walsh, seconded by Mr. Boyce, the resolution to go into executive session to discuss

### Personnel Matters:

1. *Police Department Staffing*
2. *K. Brown, Police Telecommunicator*
3. *J. Casella, Police Telecommunicator*
4. *D. Crater, Police Telecommunicator*
5. *DPW Staffing*

### Contract Negotiations:

1. *St. Paul's Abbey Due Diligence*
2. *Discussion of Shared Services Proposal*
3. *2013 Professional Services Contracts*
4. *Susquehanna-Roseland Project Agreement*
5. *AT&T Lease Renewal Update – Goodale Cell Tower*

### Attorney-Client Privilege:

1. *Old Creamery Property*
2. *Possible Property Acquisition*
3. *Potential Development – Block 118/Lot 6*
4. *Tax Revaluation*

### Potential Litigation:

1. *Property Located at Block 120/Lot 8*
2. *SMAC Corporation*
3. *Somerset Investors – 448 Route 206*
4. *Property Located at Block 106/Lot 16*

### 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 7:42 P.M., seconded by Mr. Walsh and carried unanimously.

REGULAR MEETING BEGAN AT 7:46 PM FOLLOWING A SHORT RECESS

**APPROVAL OF AGENDA** Mayor Lensak asked that the Rice meeting scheduled for the Regular Agenda is hereby removed. Mr. Walsh moved to approve the agenda as amended, seconded by Mr. Boyce and carried unanimously.

**APPROVAL OF CONSENT AGENDA ITEMS** Mayor Lensak requested that check 15450 to be placed on the Bills List for consideration. Mr. Walsh 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 SEPTEMBER 2012 REPORT  
\$174,385.16 – YEAR TO DATE TOTAL - \$14,706,791.27**

**ACCEPTANCE OF THE CHIEF FINANCIAL OFFICER'S  
SEPTEMBER 30, 2012 REPORT**

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

**\*RESOLUTIONS:**

**#R2012-119 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-012-007 FOR THE ESTATE OF RAYMOND P. CERASOLI III, LARRAINE D'OLIVO, ADMINISTRATOR FOR THE TERM JULY 1, 2012 THROUGH JUNE 30, 2013 WITH CERTAIN CONDITIONS FOLLOWING SPECIAL RULING TO PERMIT RENEWAL OF INACTIVE LICENSE PURSUANT TO NJSA 33:1-12.39**

**#R2012-120 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ACCEPT THE LETTER OF RESIGNATION FROM ROBERT O. SMITH**

**#R2012-121 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND IN THE AMOUNT OF \$1,182.73 FOR A PAYMENT MADE IN ERROR FOR THE FOURTH QUARTER 2012 TAXES FOR BLOCK 90/LOT 12**

**#R2012-122 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO FORMALLY ACCEPT THE LETTER OF INTENT TO RETIRE SUBMITTED BY JACQUELINE HUELBIG, ASSISTANT MUNICIPAL CLERK/DEPUTY REGISTRAR OF VITAL STATISTICS/BOARD OF HEALTH SECRETARY/RECREATION DIRECTOR & SECRETARY AND CLEAN COMMUNITIES COORDINATOR EFFECTIVE FEBRUARY 28, 2013**

\*CONSENT AGENDA: (CONTINUED)

\*RESOLUTIONS: (CONTINUED)

#R2012-123 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO PREPARE CERTAIN SURPLUS MUNICIPAL EQUIPMENT THAT IS CONSIDERED UNREASONABLY EXPENSIVE TO REPAIR FOR SALE ONLINE AT MUNICIPAL AUCTION THROUGH ALFRED'S AUCTIONS, INC. IN ACCORDANCE WITH THE CONDITIONS OF THE STATE CONTRACT

#R2012-124 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY REVISING THE APPROVED QUANTITIES FOR GOODALE ROAD RECONSTRUCTION PROJECT – PHASE I

*(See Inserts Attached to These Minutes)*

\*APPROVAL OF MINUTES:

**SEPTEMBER 10, 2012 REGULAR MEETING  
SEPTEMBER 10, 2012 EXECUTIVE SESSION**

REPORT FROM THE FIRE CHIEF Chief Steinwand provided reports for the past two months due to computer issues.

REPORT FROM THE RESCUE SQUAD CHIEF Squad President informed the Committee that the Chief was not able to provide a report for this evening.

REPORT FROM THE GREEN TEAM David Kolstad reported that Sustainable Andover is in planning stages for next year. They are working on a winter farmers' market in February. Earth Day events are also planned at Kittatinny State Park. They are beginning the process of sustainability for Andover Township and if anyone is interested they should contact Eric Olsen.

**REGULAR AGENDA**

PUBLIC PORTION Jessica Casella asked why her request for a public session for her Rice was placed in the Executive Session. Ms. Thompson explained that if one person of a unit that is Riced requests a Closed Session then all affected employees must be heard in the Executive Session.

Joyce Covalence was present and she was prepared to asked questions regarding the budgeting and funding for the dispatching services. She spoke about the revenues received from other municipalities for shared services. During her discussion it was brought to her attention that numbers she had received from were not accurate. She asked the Committee to share the costs of the dispatching center with the general public. Mayor Lensak provided the public with the subtotals beginning with Salary and Wages, Health Benefits, FICA and Pension and ending with the Revenues collected from the three municipalities. The total cost for dispatch is \$361,940.80. She then began discussing the charges for the shared services contracts based on their populations along with the increases of two percent and five percent.

She then asked what the cost would be if we were to contract with another municipality and she was told \$180,000 for 2013. She then mentioned what Andover Township collects in taxes as of 2011. She then stated how much goes to fund the schools, county and open space, leaving the municipal portion. There were discrepancies in some of the figures provided.

**PUBLIC PORTION (CONTINUED)** In closing, Ms. Covalence stated that if the Committee was to consider paying \$180,000 for dispatching services in another municipalities and we can keep them here for \$185,000 why wouldn't the Committee to just that. Mr. Boyce explained that another municipality offered to provide dispatching services at \$180,000, saving the township about half the cost of running the department. There would be additional costs figured in. He explained every town is looking at financial difficulties for next year; it is something we have to consider. What was just said makes it sound like a wash, paying another town what it costs us to provide a service in town. The savings is \$181,000, not a wash.

She then spoke about the possible options for the Committee to consider if the dispatch center was to be relocated to another municipality through shared services. Mr. Walsh again mentioned the lost Energy Tax Credits at a total of \$66 million that the State is using the balance their budget, while municipalities, who the credits belong to, are struggling to keep taxes as low as possible.

Resident Kim Post was present and asked about the outcome of the Police Chief's meeting with the School Superintendent on the alternative options of the school bus path in and out of the parking lot. Chief Tagliatela was present and he stated that they discussed several alternatives focusing on the hiring of a special officer who would be placed in front of the FMB School to direct traffic while cones would be set up in the parking lot driveway enforcing the right only turn for parents and other traffic leaving the parking lot. The Police Chief stated that the right turn only has been done through an Ordinance and the department will enforce that Ordinance if they have to. He then stated that this will be done on a trial basis until the end of the year. Mayor Lensak asked Chief Tagliatela if the Board of Education was willing to pay for the special police officer and the Chief replied yes and that the balance would come from his budget. Ms. Wolfrum interjected that the action from the School Board had not yet taken place. She also said that they discussed the possibility of volunteers assisting with school traffic. She reiterated that options including the hiring of a special officer were discussed but it was said that hiring would be done through the Chief. She said she was watching the school traffic stating that officers arrive at about 3:19 and done about 3:31, about 15 minutes a day.

Ms. Post then stated that she sat at the golf course yesterday afternoon to watch the traffic entering and leaving the school while the buses were there. She said that there were a total of 51 vehicles exiting the FMB parking lot driveway between 3:02PM and 3:35PM. About 12 to 13 buses exited the circle driveway during that timeframe. Between 3:02PM and 3:14PM there were a total of 32 vehicles that exited the FMB parking lot driveway. Twelve made a right; 17 went straight across to Current Dr and 3 made lefts onto Newton-Sparta Road. She added there was one parent even parked on the road behind the fruit stand to pick up his child. There were about 5 or 6 buses that left FMB in that time frame as well. In this timeframe, the buses exited the school without an officer present. Between 3:15PM and 3:35PM there were a total of 19 vehicles that exited the FMB parking lot driveway - 11 made a right; 8 went straight across; 0 lefts. There were 7 buses that exited FMB. The officer arrived in front of the FMB school at 3:15PM.

Jim Woodstrom questioned why the blinking lights on the school traffic signs in front of the FMB School have been inconsistent and sometimes left on in the evening hours. The Chief explained that the County is responsible for turning them on and had some minor issues with them the past week.

Russell Law of Hamburg stated he is a Councilman and he asked if it is not the intent of the Committee to disband the dispatching services at this point in time. Mayor Lensak replied not at this point. He then stated that if the Committee were going to do so in the future what type of notice Hamburg would receive. Attorney Semrau replied whatever is stated in the contract which he believes is six months. He then asked if the Committee is considering reducing full time staff what is the plan on training. Mayor Lensak assured him that ample time would be given to allow proper training of any new part time staff.

Linda Golonski asked about some of items discussed during the Executive Session asking if there is anything that can be shared with the public at this time. Mayor Lensak touched on some items such as St. Paul's Abbey status with a scheduled meeting next week. He said that it provides the Committee with an update on all these matters and how we are progressing.

Attorney Semrau explained one of the matters is regarding a foreclosure proceeding that was started. The proceeding was stopped because the property owner filed bankruptcy. Options were discussed. He reminded everyone that any formal action must be done on the record so the public is aware.

**PUBLIC PORTION (CONTINUED)** In closing, Ms. Golonski stated that the face of Andover Township has always been two people that she can always call on no matter what and she gets answers immediately. She said that is Vita and Jackie and to see that Jackie is planning on retiring, that is a big loss, she has been here as long as she as lived here. You can ask them anything and you know you are going to get the right answer.

Bill Gallagher a firefighter in the township stated that it was mentioned during the budget process that there was a firestorm when the public was informed that taxes would increase \$53 a year for the average home. He said that if an extra \$53 will save a township resident a full time job as opposed to a part time, he will be glad to pay. Mr. Boyce said we need to hear more of that.

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

### **ORDINANCES: PUBLIC HEARING**

#### **NO. 2012-10 TO AMEND CHAPTER 74 & CHAPTER 131**

***“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”***

Mayor Lensak opened the public hearing on this Ordinance. Mr. Gallagher stated he was a victim of the costly, cumbersome lot line adjustment process years ago and he is happy to see that adjustments are being made. Mr. Carafello stated that the Committee should be review the sign ordinance for a fee adjustment; the costs are too high for the business owners. They will inform the Land Use Board of this concern, and have them review the ordinance. Seeing no other hands, he closed the public hearing.

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 24, 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 Mr. Boyce. Roll call vote:

Mr. Boyce– yes

Ms. Phoebus – absent

Mr. Smith – absent

Mr. Walsh – yes

Mayor Lensak – yes

### **NEW BUSINESS**

#### **DISCUSSION REGARDING PROPOSED ORDINANCE AMENDMENT TO THE SICK LEAVE BUYBACK POLICY REQUESTING A WAIVER OF THE 75 DAY MINIMUM BANKED FOR RETIREMENT APPLICANTS**

Ms. Thompson asked the Committee to consider an amendment to the Sick Leave Buyback Police which will waive the 75 day minimum requirement when retirement applicants are within one year of their date of retirement. Following a short discussion the Committee agreed to introduce this Ordinance as presented with a cursory review by Attorney Semrau.

**ORDINANCES: INTRODUCTION**

**BE IT RESOLVED** by the Mayor and Committee of the Township of Andover, that Ordinance #2012-11, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on November 26, 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 – absent
Mr. Smith – absent	Mr. Walsh – yes
Mayor Lensak – yes	

**NEW BUSINESS (CONTINUED)****REVIEW OF BRUSH PICK UP ORDINANCE**

Mayor Lensak asked that this discussion be tabled at this time.

**APPROVAL TO PROCEED TO BID FOR ASSIGNMENT OF CELL TOWER LEASES**

Attorney Semrau stated we had proposals submitted to the Township for the leases at the Goodale Road site. He explained the process and that Committeeman Walsh had asked to proceed further and look into the possibility that it would ultimately yield a great deal of funding for the Township. Following discussion in Executive Session the Committee agreed to move forward and draft bid specifications to sell the rights to the tower for a period of 50 years and payment would be made now without the risk of losing a tenant or a change in technology that would then affect the monthly payments were currently receive.

Mr. Walsh moved to approve the Attorney to move forward with the bid process on this matter, seconded by Mr. Boyce and carried unanimously. Mr. Walsh explained the process and how it would benefit the municipality.

**OLD BUSINESS****DISCUSSION REGARDING THE POSSIBLE INITIATION OF THE LAYOFF PROCESS WITH REGARD TO THE PUBLIC SAFETY TELECOMMUNICATOR**

Attorney Semrau stated that based on the discussion in Executive Session, if the governing body chooses to initiate the process, which does not mean changes take place, the Committee is not bound by this action. To initiate the process the Committee would consider a motion to direct the Administrator to submit a plan of restructuring to Civil Service Commission for approval. If the plan is approved, it comes back to the Committee and then if they so choose, you can take action to effectuate that Plan.

Mr. Walsh moved to initiate the Layoff Plan as discussed, seconded by Mr. Boyce and carried unanimously.

**OTHER BUSINESS**

**APPOINTMENT OF A GRANT WRITER** Mr. Walsh asked the Committee for direction to ask the Ms. Thompson to look into the hiring of a grant writer where the writer receives 10% of the total amount of the grant received. There would be no additional salary except for this commission. Mr. Walsh made the motion which was seconded by Mr. Boyce and carried unanimously.

**COMMITTEE REPORTS:**

**MR. BOYCE.** He reported on the recent dress down Friday charity contribution which is done by the town hall employees. He said this past quarter the funds were directed to the National Meningitis Association. To date since they started this program, they donated almost \$3000 to charities.

**MR. WALSH.** He reported the Finance Committee is working on the 2013 budget. He will be meeting with them tomorrow to discuss the status of the Current Drive One Way signs. He will also be meeting with the Police Chief a few representatives from the dispatchers. They will be discussing this year's budget and where we stand at this point in time.

**MAYOR LENSAK.** He reported that the Chief retrofitted the two new police vehicles. Sgt. Danielson and Secretary McSherry attended a session on OPRA. He further reported that a Uniform Crime Reporting Training was completed by them as well. There were other officers that completed Passenger Vehicle Interdiction, Securing Our Schools and Emergency Medical Technician training. All officers took part in Domestic Violence training.

Due to a conflict he was unable to attend the rescue squad meeting. He also stated that the Recreation Department held the annual Senior Luncheon that was well attended. The Girl Scout Troop 792 served and the food was delicious.

He then stated that there was a plaque for Mr. Smith on his retirement from the Committee for his service to Andover Township. He said he wished Bob was able to attend this evening. He added that it has been an honor and privilege serving with him over the years. He brought a view point to the Committee that was appreciated. With that being said, he stated we are also celebrating Mr. Boyce's birthday with cookies and a balloon.

**REPORT FROM THE CLERK/ADMINISTRATOR** She reported that an investigator from the State Treasury Department, Affirmative Action office audited the contracts to make certain we are in compliance with the State's regulations. We were found to be compliant. The American Legion is holding a children's Halloween Costume Party for children ages 12 and under on Friday October 26<sup>th</sup> from 6PM to 9PM. It is free and they will have a DJ, hot dogs and prizes for costumes. All family members are encouraged to attend in costume. This year the Township doesn't have a Halloween event planned.

The prescription disposal day held on September 29<sup>th</sup> a total of 633 pounds of medications was collected at 10 sites including the Andover Township Police Department. This is done in an effort to reduce assess to prescription drugs.

**REPORT FROM THE MUNICIPAL ATTORNEY** Mr. Semrau stated that it is not a common occurrence where municipalities pass the State's review of contracts. He applauds Ms. Thompson for that. He then reported on the Life Care Mews status stating we are now at the point of completion and that litigation is resolved. He also thanked Mr. Smith for the opportunity to work for him and the Committee.

**NEXT SCHEDULED MEETINGS:**

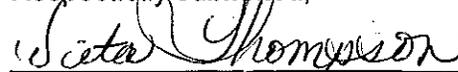
Regular Meeting November 26, 2012  
Regular Meeting December 10 & 24, 2012  
Executive Session - 6:30 p.m.  
Regular Meeting - 7:30 p.m.

**ADJOURNMENT** No further business appearing before the Committee at this time, Mr. Boyce moved the meeting be adjourned at 9:03 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 22<sup>nd</sup> day of October 2012, that:

1. Before the commencement of this Regular Meeting, the Township Committee 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. *2013 Professional Services Contracts*
4. *Susquehanna-Roseland Project Agreement*
5. *AT&T Lease Renewal Update – Goodale Cell Tower*

Attorney-Client Privilege:

1. *Old Creamery Property*
2. *Possible Property Acquisition*
3. *Potential Development – Block 118/Lot 6*
4. *Tax Revaluation*

Potential Litigation:

1. *Property Located at Block 120/Lot 8*
2. *SMAC Corporation*
3. *Somerset Investors – 448 Route 206*
4. *Property Located at Block 106/Lot 16*

Pending Litigation:

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

Personnel Matters:

1. *Police Department Staffing*
2. *K. Brown, Police Telecommunicator*
3. *J. Casella, Police Telecommunicator*
4. *D. Crater, Police Telecommunicator*
5. *DPW Staffing*

- ( ) 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: October 22, 2012

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Moved: Walsh                      Seconded: Boyce  
Voted Aye: Boyce, Walsh, Lensak  
Voted Nay: None  
Absent: Phoebus, Smith  
Resolution adopted.      OCTOBER 22, 2012

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