

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

MICHAEL LENSAK, MAYOR
GAIL PHOEBUS, DEPUTY MAYOR
DOLORES BLACKBURN
PHIL BOYCE
THOMAS WALSH

NOVEMBER 26, 2012

EXECUTIVE SESSION – 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 6:32 P.M. by Mayor Lensak, followed by a salute to the flag.

ROLL CALL: Present: Mr. Boyce, Mr. Walsh,
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: Mr. Walsh asked if Trees in Municipal Rights of Way could be added to the agenda. On a motion by Ms. Phoebus, seconded by Mr. Walsh, the resolution to go into executive session to discuss

Personnel Matters:

1. *Police Department Staffing*
2. *A. Tagliatela, Police Chief*
3. *D. Francisco, Municipal Court Administrator*

Contract Negotiations:

1. *St. Paul's Abbey Due Diligence*
2. *Cell Tower Bids Review*

Attorney-Client Privilege:

1. *Old Creamery Property*
2. *Tax Revaluation*
3. *Potential Development – Block 118/Lot 6*
4. *Life Care Mews – Soil Restoration Project*
5. *Trees in Rights-of-Way*

Potential Litigation:

1. *Various Drainage Issues*
2. *SMAC Corporation*

Pending Litigation:

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:34 P.M. Mr. Walsh moved to adjourn executive session at 7:42 P.M., seconded by Mr. Boyce and carried unanimously.

RECESS CALLED UNTIL 7:45PM

REGULAR MEETING

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

APPROVAL OF CONSENT AGENDA ITEMS Mayor Lensak asked that the Consent Agenda include Resolution #R2012-130, a resolution authorizing a six month extension of the original award of Professional Services Contract to Mary Smith, agent for Weichert. Mr. Walsh moved to approve the Consent Agenda as amended, seconded by Mr. Boyce and carried unanimously. Mr. Walsh approved all items except for Bill #1556516. The following consent items were approved:

***CONSENT AGENDA:**

***OTHER BUSINESS:**

APPROVAL OF VOUCHERS FOR PAYMENT

(See Inserts Attached to These Minutes)

ACCEPTANCE OF THE TAX COLLECTOR'S OCTOBER 2012 REPORT
\$908,905.02 – YEAR TO DATE TOTAL \$15,615,696.29

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

ACCEPTANCE OF THE POLICE CHIEF'S REPORT

***RESOLUTIONS:**

#R2012-125 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF
SUSSEX AND STATE OF NEW JERSEY TO APPROVE THE
ISSUANCE OF THE APPROPRIATE LAYOFF NOTICES FOR THE
POSITION OF PUBLIC SAFETY TELECOMMUNICATOR
AS REQUIRED BY LAW

#R2012-126 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF
SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE
ANNUAL SICK LEAVE BUYBACK OPTION TO ASSISTANT
MUNICIPAL CLERK/DEPUTY REGISTRAR JACKIE HUELBIG
FOR 2012

#R2012-127 2012 BUDGET APPROPRIATIONS TRANSFER - \$57,450

#R2012-128 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF
SUSSEX AND STATE OF NEW JERSEY AUTHORIZING
THE EXECUTION OF AN INTERLOCAL SHARED SERVICES
AGREEMENT WITH THE TOWNSHIP OF WANTAGE FOR THE
PROVISION OF ANIMAL CONTROL SERVICES

APPROVAL OF CONSENT AGENDA ITEMS (CONTINUED)

***CONSENT AGENDA (CONTINUED)**

***RESOLUTIONS (CONTINUED)**

#R2012-129 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY ACCEPTING CAPITAL ONE BANK IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER 30003525 IN THE AMOUNT OF \$59,760.00 ISSUED FOR CHEESIE ASSOCIATES, LLC. FOR PERFORMANCE GUARANTY FOR CERTAIN IMPROVEMENTS

(See Inserts Attached to These Minutes)

APPROVAL OF MINUTES

**SEPTEMBER 24, 2012 REGULAR MEETING
SEPTEMBER 24, 2012 EXECUTIVE SESSION**

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

Mr. Boyce– abstain
Mr. Walsh – yes

Ms. Phoebus – yes
Mayor Lensak – yes

COMMITTEE ACTION PURSUANT TO THE MUNICIPAL VACANCY LAW

TOWNSHIP COMMITTEE VACANCY - CANDIDATES RECOMMENDED BY THE MUNICIPAL REPUBLICAN COMMITTEE

**DELORES BLACKBURN
NANCY CARAGHER
RICK MELFI**

Ballots were distributed to the governing body, collected and read by the Clerk. Dolores Blackburn was selected the candidate to fill the vacancy created by the resignation of Bob Smith.

RESOLUTIONS

#R2012-131 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO FILL THE VACANCY CREATED BY THE RESIGNATION OF BOB SMITH

Dolores Blackburn was appointed to fill the vacancy.
(See Insert Attached to These Minutes)

The Oath of Office was conducted and Ken Roberts held the Bible for his wife. Following a round of applause, Ms. Blackburn signed the Oath. Ms. Blackburn took her seat on the dais.

Mr. Boyce thanked all five candidates, three recommended by the County Committee. All three are very qualified. He said he was thrilled to see there were people willing to serve. He thanked Mc. Blackburn for her willingness to serve. Mayor Lensak thanked the County Committee for their participation.

REPORT FROM THE FIRE CHIEF Chief Steinwand gave his report for the month of October. He added that Operation Santa is scheduled for December 14, 15 and 16th at Firehouse No. 1. Mr. Boyce thanked the Chief and the Fire Department for the fabulous job during the hurricane event. He said he constantly hears praise for the department. He said many sacrificed their own time with their families to help other families. A round of applause followed. Mayor Lensak added that the department did a great job opening the Fire House for warm meals and a place to stay during the power outage. All services all came together and did a phenomenal job.

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

REPORT FROM THE GREEN TEAM Mr. Kolstad stated the Green Team met in October to discuss plans for the coming year. They have three events planned including a winter farmers' market for February 10th. Earth Day Green Fair planned for April 20th at Kittatinny State Park and the Harvest Farmers Market. He reported on the Environmental Commission's Rain Garden project. This Thursday at Kittatinny Valley State Park at the main stone house office, at 6:30, there will be a pot luck dinner and an opportunity for everyone to get to know each other. Mayor Lensak congratulated them on growing 61 pounds of food which was donated to the Bodhi food pantry.

REGULAR AGENDA

RICE MEETING – J. CASELLA, PUBLIC SAFETY TELECOMMUNICATOR

There was no need for discussion regarding this matter.

PUBLIC PORTION

Jan Ragsdale, a member of the Andover Township Police Department Dispatch commented on the dispatch center and its function in the township. She stated they deal with life and death situations and there is no substitute for experience. Shifts need to be covered no matter what. She added that full time dispatchers have a commitment and provide a continuity in the unit. She then read a letter from Sgt. Danielson commending the dispatchers during the hours that Hurricane Sandy hit the area and the days that followed. He wrote that during a three day period there were 1,118 phone calls in addition to 273 9-1-1 calls. She asked the Committee to reconsider this layoff.

Chief Tagliatela stated over the past several months he has submitted his report in writing but for this evening he would like to reinforce some of the numbers from the dispatch center. Over the two day period the Police Department did handle 1,283 calls, 273 were 9-1-1 calls for service which was a tremendous volume through the department. He commended the dispatchers who worked through that storms and the police officers as well, who did an outstanding job. He thanked all the other agencies in the township, the fire department, the rescue squad and the township committee for their support. They came out and helped clear roads. He added that it was a cooperative effort and this town should be very proud for what was done. A round of applause followed.

Janis McGovern of Lawrence Road she stated she looks forward to working with everyone in January. She congratulated Dolores for her appointment and believes she is a wonderful choice.

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

ORDINANCES: INTRODUCTION

1. NO. 2012-12 TO PURCHASE VARIOUS EQUIPMENT CAPITAL IMPROVEMENT

“AN ORDINANCE TO PURCHASE VARIOUS EQUIPMENT FOR THE POLICE AND ROAD DEPARTMENT FOR THE TOWNSHIP OF ANDOVER TO PROVIDE FOR THE FUNDING THEREOF”

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2012-12, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on December 10, 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:

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

ORDINANCES: PUBLIC HEARING

NO. 2012-11 SICK LEAVE BUYBACK “WAIVER OF 75 DAYS”

“AN ORDINANCE AMENDING CHAPTER 115 “PERSONNEL POLICIES”, SECTION 115-11(B) “ANNUAL BUYBACK” OF THE CODE OF THE TOWNSHIP OF ANDOVER IMPLEMENTING A WAIVER OF BANKING A MINIMUM OF 75 DAYS WITHIN ONE YEAR AFTER FILING APPLICATION FOR RETIREMENT”

Mayor Lensak opened this Ordinance for discussion to the public. Jim Woodstrom questioned this amendment and it was explained that every year every employee with a balance of 75 days in the bank has an opportunity to buyback sick time at 75%. This amendment would allow those employees within one year of retirement, upon completion of the application for retirement to sell sick leave without the need to bank 75 days.

Seeing no other hands, Mayor Lensak closed the public hearing. The Committee discussed this matter briefly before bringing the Ordinance to a vote.

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 October 22, 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:

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

NEW BUSINESS

DISCUSSION REGARDING POLICE DEPARTMENT STAFFING

REVIEW OF BIDS RECEIVED FOR THE ASSIGNMENT OF TELECOMMUNICATIONS LEASES AND CONSIDERATION OF AWARD OF CONTRACT

Mayor Lensak stated these matters are tabled at this time. Following a second Executive Session this evening, formal action may be taken on each of these issues.

NEW BUSINESS (CONTINUED)**APPOINTMENT TO THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE**

Mayor Lensak asked for a motion to appoint Nancy Caragher to the Economic Development Advisory Committee. On a motion by Mr. Boyce, seconded by Mr. Walsh, Ms. Caragher was appointed to the Committee for the term expiring December 31, 2012.

DISCUSSION REGARDING FACEBOOK TO THE TOWNSHIP'S WEBSITE ACCOUNT

Mayor Lensak commented on the police department's Facebook account on their website and urged the Committee that the township should follow suit. He stated there is a way to provide an account to "post only" and not provide a mechanism for people to make comments. Mr. Boyce commented on including Twitter to the webpage as well. Ms. Phoebus provided her recent experience with Facebook with an invitation that she responded to and it was never received because it fell on a weekend and no one was in that office to receive it.

Mayor Lensak stated he will explore this further and report back to the Committee.

COMMITTEE REPORTS:

MS. PHOEBUS. She reported that she is an avid walker on the new trail but there is a great deal of litter along the trail. She stated that the trail was not built for people to walk and drop their trash. She asked if trash and recycling containers could be placed along the path to encourage walkers to put their trash/recycling in the receptacles. Mr. Walsh stated he will speak with DPW Supervisor Dickinson about this.

Ms. Phoebus stated that she will not be attending the December 10th meeting, making this meeting her last. She thanked all the residents for their support. She thanked her fellow Committee members and Vita and Fred, along with all the employees in town hall. She thanked the DPW as well. She stated she had a wonderful time the entire six and one-half years she served Andover Township. She said that she hopes her new endeavor will be as enjoyable as serving this great municipality. She closed by saying she cares deeply for all the people she has worked with and served. A round of applause followed.

Mr. Boyce stated that this town has been very fortunate to have her. When she gets involved in something she doesn't let go and for that reason Ms. Phoebus has been able to accomplish a great deal. For that and her dedication he thanked her also.

She reported that the expansion plan for Newton-Sparta Road is not completed dead, but may be revived. They are still looking at that project. The tipping fees for 2014 will most likely increase but for 2013 there is no increase.

MAYOR LENSAK. He reported that he received a letter from Walter Hart of the Lake Lenape Association that referenced a meeting of the association regarding the recent storm. In the letter he asked if there is a possibility of taking down trees, not those directly on the lines but in danger of taking down lines. Mayor Lensak said he received a notice on his door regarding a tree lying on a line which will be taken down. He asked if the town has any recourse to request JCP&L to review trees in danger of taking down lines be labeled for removal. Ms. Thompson stated she will reach out to the municipal representative and ask. Mr. Walsh said when DPW Supervisor Dickinson sees trees that may compromise lines he calls out to JCP&L and sometimes they don't respond.

Mayor Lensak stated the letter asks another question regarding how our representatives can put pressure on the utilities to provide more preventive maintenance and preventive tree trimming in our community. That can be also be forwarded to JCP&L. Mayor Lensak asked if we can be provided with power maps and grid diagrams for the town.

COMMITTEE REPORTS (CONTINUED)

MAYOR LENSAK. Fire Chief Steinwand stated that the Fire Department asked for those diagrams and were told that due to security concerns these diagrams are not available to anyone. Not having the information is actually safer for the municipalities. He added that JCP&L did send a letter of thanks to all elected officials and public safety officers for assistance during the storm.

MR. BOYCE. He reported has extended their agreement with the interim superintendent although they are close to a decision. The School Board has agreed to assist in the compensation for a special police officer in front of the FMB School. Chief Tagliatela stated he will conduct interviews for this position to have someone in place by the first of the year. This officer will also assist during Court sessions at the cost of \$16.77 an hour.

MR. WALSH. He reported on the DPW stating the leaf pick up will extend into the first week of December. He spoke about brush and because of the sheer volume around the town would have destroyed the chipper. We borrowed a bucket loader from Newton to assist with the load. Everything needs to be cleaned up before the first snow in order not to have unsafe conditions around the town. All roads in Lake Iliff have been picked up, a grand total of 19 loads. Drake Manor had 31 loads of brush. They will go around again once everyone has been picked up once.

The auction was put on hold because of the storm. They are still in the process of seasonal equipment changeover. There was a meeting with FEMA which concentrated on the amount of brush. The DPW would also like to thank all that helped during the storm. They extend thanks to all the volunteers of the fire department that worked with them hand in hand. The police department and rescue squad that worked with them day and night. Police officers were using chain saws to assist in clearing roadways which allowed for roads to open sooner than anticipated. Everybody was wonderful.

He then reported that the budget is coming along slowly. They are waiting for figures from the State. Mayor Lensak stated within hours following the storm we had volunteers came together to work on opening streets. By the first night we had all the roads open in order to allow emergency vehicles to access all homes. He mentioned EMC Danielson and the Police Chief in doing a phenomenal job in keeping him updated as to where the power crews were going. They established relationships with the power crews which were very helpful in restoring power.

Mayor Lensak then mentioned an article from North Carolina from a city on the coast there. There is a report that was put together on emergency preparedness and response and it says that it is best for County and local municipalities to take the lead and direct the efforts from the utility companies rather than letting those companies decide where to respond. He said he couldn't agree more. JCP&L had no clue because they don't know the municipalities as well as the local officials do. EMC Danielson took the power crews where they needed to be. He would like to get this report and send it to the other towns and in a combined effort tell them to give us the crews and we will direct them.

At this time Ms. Phoebus spoke about the pending Petition before the Board of Public Utilities against JCP&L. She said she believes it is still pending and may be a huge bone of contention. She will check with Engineer Golden.

Mayor Lensak referred to a letter from the Andover Regional School District thanking the Township especially the police department and its Chief for providing information via the reverse 9-1-1 system. He mentioned another letter sent by Marjorie Mitchell thanking the DPW for handling the voting on Election Day by providing traffic control and parking assistance.

He then read a letter from the Gift of Life Family Life for the generous contribution of \$700 from the softball tournament.

REPORT FROM THE CLERK/ADMINISTRATOR She stated everything was covered during the course of the meeting. Much of her report has been covered in Executive Session.

REPORT FROM THE MUNICIPAL ATTORNEY He reported on the Life Care Mews litigation and announced that the restoration plan has been completed and no longer bare and a drainage issue. Engineer Golden designed the restoration and the case was settled using escrow funds set aside by the developer. Everything has been done to the engineer's satisfaction.

There was a brief discussion regarding the Board of Health and the possibility of having the Committee members sit as the Board of Health. Attorney Semrau will review the current Ordinances and make any amendments necessary to adopt these changes. Meetings can be held quarterly and can be done prior to the Regular meeting of the Township Committee. Details will follow.

He then spoke about the bids received for the Assignment of the four leases at the Goodale Road Tower Site. Three proposals were submitted with various alternatives of which the Committee will discuss in Executive Session. He also thanked Ms. Phoebus for the opportunity to work for her echoing Mr. Boyce's comments made earlier.

CANCELLATION OF DECEMBER 24, 2012 MEETING

Mr. Boyce moved to cancel this meeting, seconded by Mr. Walsh and carried unanimously.

EXECUTIVE SESSION: 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. **A. Tagliatela, Police Chief**

Contract Negotiations:

- 2. **Cell Tower Bids Review**

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into a second executive session at 8:53 P.M. Ms. Phoebus moved to adjourn executive session at 10:07 P.M., seconded by Mr. Boyce and carried unanimously.

Mayor Lensak announced that no action will be taken this evening on the cell tower leases assignment. Further review is needed.

NEXT SCHEDULED MEETINGS: Regular Meeting December 10, 2012
 Regular Meeting December 24, 2012 (Canceled)
 Executive Session - 6:30 p.m.
 Regular Meeting - 7:30 p.m.
 2013 Reorganization Meeting, Wednesday,
 January 02nd at 7:30PM

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 10:08 P.M., seconded by Mr. Boyce and carried unanimously.



 Michael Lensak, Mayor

Respectfully submitted,

 Vita Thompson, R.M.C.
 Clerk/Administrator

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION "A"

BE IT RESOLVED by the Township Committee of the Township of Andover on the 26th day of November 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.

Contract Negotiations:

- 1. ***St. Paul's Abbey Due Diligence***
- 2. ***Cell Tower Bids Review***

Attorney-Client Privilege:

- 1. ***Old Creamery Property***
- 2. ***Tax Revaluation***
- 3. ***Potential Development – Block 118/Lot 6***
- 4. ***Life Care Mews – Soil Restoration Project***
- 5. ***Trees in Rights-of-Way***

Potential Litigation:

- 1. ***Various Drainage Issues***
- 2. ***SMAC Corporation***

Pending Litigation:

- (x) a. (8) Personnel matters.
 - 1. ***Police Department Staffing***
 - 2. ***A. Tagliatela, Police Chief***
 - 3. ***D. Francisco, Municipal Court Administrator***
- () 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: November 26, 2012

Moved: Phoebus Seconded: Walsh
Voted Aye: Boyce, Phoebus, Walsh, Lensak
Voted Nay: None
Abstained: None
Resolution adopted. NOVEMBER 26, 2012

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION "B"

BE IT RESOLVED by the Township Committee of the Township of Andover on the 26th day of November 2012, that:

2. 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.

Contract Negotiations:

2. Cell Tower Bids Review

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

- 1. **Police Department Staffing**
- 2. **A. Tagliatela, Police Chief**

- () b. (9) Deliberations after a public hearing that may result in penalties.
 - 2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: November 26, 2012

Moved: Walsh Seconded: Boyce
Voted Aye: Blackburn, Boyce, Phoebus, Walsh, Lensak
Voted Nay: None
Abstained: None
Resolution adopted. NOVEMBER 26, 2012
