

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

DECEMBER 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. Blackburn,
Mr. Walsh, Mayor Lensak
Also present: Attorney Semrau
Absent (Excused) Ms. Phoebus

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

EXECUTIVE SESSION: On a motion by Mr. Boyce, seconded by Ms. Blackburn, the resolution to go into executive session to discuss

Personnel Matters:

1. *Police Department Staffing*
2. *D. Francisco, Municipal Court Administrator*

Contract Negotiations:

1. *St. Paul's Abbey Due Diligence/Renewal of Lease Agreement*
2. *Review of Bids for Assignment of Cell Tower Leases*
3. *S. Murrell*

Attorney-Client Privilege:

1. *Old Creamery Property*

Potential Litigation:

1. *Various Drainage Issues*

Pending Litigation:

1. *Leenstra vs. Andover Township, etal.*

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:33 P.M. Mr. Boyce moved to adjourn executive session at 7:37 P.M., seconded by Mr. Walsh and carried unanimously.

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 the Police Chief's Report be removed from the agenda. Ms. Mc Govern asked that resolutions #R2012-133 and #R2012-135 be removed from the Consent Agenda for further discussion. Mr. Boyce moved the following consent items be approved, seconded by Mr. Walsh and carried unanimously.

CONSENT AGENDA:**OTHER BUSINESS:****APPROVAL OF VOUCHERS FOR PAYMENT**

(See Inserts Attached to These Minutes)

**ACCEPTANCE OF THE TAX COLLECTOR'S NOVEMBER 2012 REPORT
\$4,166,116.99 – YEAR TO DATE TOTAL \$19,781,813.28**

ACCEPTANCE OF THE POLICE CHIEF'S REPORT

***RESOLUTIONS:**

#R2012-132 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH SPACE FARMS, INC. FOR DEER CARCASS RECOVERY/REMOVAL FROM THE TOWNSHIP'S ROADWAYS AND ROAD RIGHT-OF-WAYS EFFECTIVE JANUARY 01, 2013 THROUGH DECEMBER 31, 2013

#R2012-134 2012 BUDGET APPROPRIATIONS TRANSFER - \$35,170

#R2012-136 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY REQUESTING THE APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

(See Inserts Attached to These Minutes)

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA:

#R2012-133 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO REAPPOINT JOSEPH ABRUSCI TO THE POSITION OF SPECIAL POLICE OFFICER FOR THE ANDOVER TOWNSHIP POLICE DEPARTMENT

#R2012-135 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING TO APPOINT A SPECIAL POLICE OFFICER FOR THE ANDOVER TOWNSHIP POLICE DEPARTMENT

Jim Woodstrom stated there are other municipalities that use school crossing guards and questioned why we have to have special police officers. Chief Tagliatela was present and explained the importance of these positions and how it is fiscally responsible to have special police officers versus a school crossing guard.

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA (CONTINUED)

#R2012-133 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO REAPPOINT JOSEPH ABRUSCI TO THE POSITION OF SPECIAL POLICE OFFICER FOR THE ANDOVER TOWNSHIP POLICE DEPARTMENT

#R2012-135 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING TO APPOINT A SPECIAL POLICE OFFICER FOR THE ANDOVER TOWNSHIP POLICE DEPARTMENT

Mr. Walsh moved to approve the foregoing resolutions as presented, seconded by Ms. Blackburn and carried unanimously.
(See Inserts Attached to These Minutes)

APPROVAL OF MINUTES

**OCTOBER 22, 2012 REGULAR MEETING
OCTOBER 22, 2012 EXECUTIVE SESSION**

Mr. Boyce moved to approve the foregoing minutes, seconded by Mr. Walsh. Roll call vote:
Ms. Blackburn - abstain Mr. Boyce – yes
Ms. Phoebus – absent Mr. Walsh – yes
Mayor Lensak – yes

PRESENTATION OF CERTIFICATES OF ACHIEVEMENT

**TO HONOR THE NEWTON HIGH SCHOOL BOYS' SOCCER TEAM
2012 GROUP II STATE CHAMPIONS**

The Newton High School Boys' Soccer Team was present along with their coaches. Mayor Lensak presented each of them with Certificates of Achievement for winning the Group II State Championship. A round of applause followed.

REPORT FROM THE FIRE CHIEF Chief Steinwand gave the monthly report from the fire department.

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

REPORT FROM THE GREEN TEAM Member David Kolstad was present and gave a short report explaining they are on break for the holidays. He wishes everyone happy holidays.

REGULAR AGENDA

PUBLIC PORTION Ms. Gillespie was present and she informed the Committee of the handling wires on her property and that they have been this way since Hurricane Sandy hit. Workers from JCP&L come to review the situation and so far nothing to remedy the matter has been done. Mr. Walsh stated he will make some calls in the morning and have someone over to her house.

Mr. Bensley and Mr. Carafello questioned the status of the Open Space Tax and how it is used.

ORDINANCES: PUBLIC HEARING**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”***

Mayor Lensak opened the public hearing. Ms. Gillespie asked what the equipment is that we are purchasing. Mr. Walsh explained what the equipment is and how it is being used. Seeing no other hands, he closed the 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 November 26, 2012, was advertised according to the law and was brought before the public for final consideration. There being no objections, Mr. Boyce moved the adoption of the above entitled ordinance, seconded by Mr. Walsh. Roll call vote:

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

NEW BUSINESS**DISCUSSION REGARDING POLICE DEPARTMENT STAFFING**

At this time following discussion of this matter in Executive Session, Mayor Lensak asked for a motion to adopt the following resolution as presented:

RESOLUTION**#R2012-137 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX
AND STATE ON NEW JERSEY AUTHORIZING THE PROMOTION OF
SERGEANT ERIC C. DANIELSON TO THE POSITION OF POLICE
LIEUTENANT FOR THE ANDOVER TOWNSHIP POLICE DEPARTMENT IN A
PERMANENT STATUS**

Mr. Walsh moved to adopt this resolution as presented, seconded by Ms. Blackburn and carried unanimously.

(See Insert Attached to These Minutes)

NEW BUSINESS (CONTINUED)**REVIEW OF BIDS RECEIVED FOR THE ASSIGNMENT OF TELECOMMUNICATIONS
LEASES AND CONSIDERATION OF AWARD OF CONTRACT**

The Committee discussed the bids received and all available options. Following this discussion the decision was made to accept the only alternative bid for the Nextel Lease by Landmark Dividends.

RESOLUTION**#R2012-138 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX
AND STATE OF NEW JERSEY AWARING BID FOR THE ASSIGNMENT OF
THE EXISTING CO-LOCATION WIRELESS TELECOMMUNICATIONS
FACILITIES LEASE WITH HORIZON PERSONAL COMMUNICATIONS, INC.**

Mr. Walsh moved to adopt this resolution as presented, seconded by Mr. Boyce and carried unanimously.

(See Insert Attached to These Minutes)

COMMITTEE REPORTS:

MR. BOYCE. Mr. Boyce reported that the school board hired a new superintendent, Dr. Vickie Pede. She is currently the superintendent of Lopatcong Township School district. She will assume her responsibilities in Andover in March 2013. She took a \$10,000 pay cut to take this position. The Interim Superintendent Dr. Malusi will continue on a month by month basis until March.

MR. WALSH. He reported on the Environmental Commission stating they are going to find a place by the Barn in the park where they can place the rain garden. They have to make absolutely sure that the location they dig is a good spot.

He reported that the DPW is about 40% done with the brush pickup.

Mr. Walsh said that as everyone knows he has been pushing the Energy Tax Credits Bills that these monies should be returned to the municipalities. He referenced an article in the NJ League of Municipalities magazine quoting that even with municipal expenses down year after year, tax rates cannot be decreased, at least in part because the State has repurposed the ETR (energy tax receipts). The State is taking the monies that are rightfully the municipalities. In today's message from the League of Municipalities, there are two new Bills, one Assembly and one Senate to direct payment of energy taxes directly to the municipal government. He urged everyone to once again write to their Legislators to support these Bills.

RESOLUTION

**#R2012-139 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX
AND STATE OF NEW JERSEY IN SUPPORT OF ASSEMBLY BILL A-2753 &
SENATE BILL S-1923 WHICH WOULD DIRECT PAYMENT OF ENERGY
TAXES DIRECTLY TO MUNICIPAL GOVERNMENT**

Mr. Walsh moved to approve the foregoing resolution as presented, seconded by Mayor Lensak and carried unanimously.
(See Insert attached to these Minutes)

Mr. Walsh then spoke about the Pay to Play Ordinance and a Two Year Cooling Off Period Ordinance referring to the request made to the County for them to consider the same Ordinances. He asked that Mr. Eskilson be asked again to present these Ordinances to the Freeholders.

MS. BLACKBURN. She had no reports at this time.

MAYOR LENSAK. He reported on the Green Team's Dinner earlier this month. He applauded the public safety agencies on a job well done during Sandy.

REPORT FROM THE CLERK/ADMINISTRATOR The Request for Proposals for the Labor Attorney has been advertised in the NJ Herald and on the website. The proposals are due on December 20, 2012. Copies of the proposals will be forwarded to the governing body for their review.

There is a League of Municipalities meeting on Wednesday night at 6:30 and the program is regarding the Sandy devastation. Mayor Lensak, Chief Tagliatela and EMC Danielson will be attending this meeting. She reported that she received the monthly report of activities from Animal Control for the month of November. The 208 Water Quality PAC meeting scheduled for Thursday has been canceled and the next meeting is January 10, 2013.

She then reported on information she received in the Senior Times through the County with regard to Nutrition awareness for seniors as well as energy assistance for those seniors who qualify.

REPORT FROM THE MUNICIPAL ATTORNEY He reported on a program put together by Marlboro Township which is an incentive to buy local and purchases made locally can offset property taxes. He said he will look into this further and report back and perhaps if there is an interest he can share it with the Economic Development Committee.

2013 REORGANIZATION MEETING CHANGE. Mr., Boyce moved to change the Reorganization meeting from January 2, 2013 at 7:30 PM to January 4, 2013 at 6:30 PM, seconded by Mr., Walsh and carried unanimously.

Mayor Lensak wished everyone a Happy, Health Holiday Season. He told Ms. Mc Govern he looks forward to working with her in the coming years.

NEXT SCHEDULED MEETINGS: 2013 Reorganization Meeting, Wednesday, January 04th at 6:30PM

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Boyce moved the meeting be adjourned at 8:57 P.M., seconded by Ms. Blackburn 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 December 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/Renewal of Lease Agreement*
2. *Review of Bids for Assignment of Cell Tower Leases*
3. *S. Murrell*

Attorney-Client Privilege:

1. *Old Creamery Property*

Potential Litigation:

1. *Various Drainage Issues*

Pending Litigation:

1. *Leenstra vs. Andover Township, etal.*

- (x) a. (8) Personnel matters.
 1. *Police Department Staffing*
 2. *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: December 10, 2012

Moved: Boyce Seconded: Blackburn
Voted Aye: Blackburn, Boyce, Walsh, Lensak
Voted Nay: None
Absent: Ms. Phoebus
Resolution adopted. DECEMBER 10, 2012
