

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

TOM WALSH, MAYOR
MICHAEL LENSAK, DEPUTY MAYOR
DOLORES BLACKBURN
PHIL BOYCE
JANIS Mc GOVERN

APRIL 08, 2013

EXECUTIVE SESSION AT 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 6:33 P.M. by Mayor Walsh, followed by a salute to the flag.

ROLL CALL: Present: Ms. Blackburn, Mr. Boyce, Mr. Lensak
Ms. Mc Govern, Mayor Walsh
Also present: Attorney Semrau

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

EXECUTIVE SESSION: Mayor Walsh asked that under Personnel Matters to add R. Melfi, under Potential Litigation to add Block 120/Lot 8 and Contract Negotiations to add Weapon Buyback Option. Attorney Semrau requested that Nextel Lease Assignment also be added under Contract Negotiations. On a motion by Mr. Boyce, seconded by Mr. Lensak, the resolution to go into executive session to discuss

Personnel Matters:

1. *Appointment of Special Police Officer*
2. *R. Melfi, Volunteer Firefighter*

Contract Negotiations:

1. *St. Paul's Abbey Due Diligence*
2. *A. Tagliatela, Police Chief*
3. *Dental Coverage/Review of Proposals*
4. *DPW Contract Negotiations*
5. *Weapon Buyback Option*

Attorney-Client Privilege:

1. *Old Creamery Property*
2. *Sustainable New Jersey/Green Team Andover*
3. *Review of Purchase Order #1230 – Corrigan Law Firm*

Potential Litigation:

1. *JCP&L – Request for Rate Increase*
2. *Block 120/Lot 8*

Pending Litigation:

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

The Committee went into executive session at 6:35 P.M. Mr. Boyce moved to adjourn executive session at 7:33 P.M., seconded by Ms. Mc Govern and carried unanimously.

RECESS CALLED AT THIS TIME

REGULAR MEETING CALLED TO ORDER AT 7:39 P.M.

REGULAR MEETING

APPROVAL OF AGENDA Ms. Blackburn moved to approve the agenda as presented, seconded by Mr. Lensak and carried unanimously.

APPROVAL OF CONSENT AGENDA ITEMS Linda Golonski requested that #R2013-66, 67, and 69 be removed from the Consent Agenda. Mr. Boyce asked that Resolution #R2013-65 be removed. Mayor Walsh asked to add #R2013-72, amendment to the current DPW contract with regard to the floating holiday. Ms. Mc Govern asked that #R2013-72 be removed for further explanation. Ms. Mc Govern 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 MONTHLY REPORT
MARCH 2013 - \$149,249.65 – YEAR TO DATE \$5,103,812.77**

***RESOLUTIONS:**

#R2013-68 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ACCEPT THE RESIGNATION OF SPECIAL POLICE OFFICER JARRET BISANZIO EFFECTIVE IMMEDIATELY

(See Insert Attached to These Minutes)

***APPROVAL OF MINUTES:**

FEBRUARY 25, 2013 EXECUTIVE SESSION

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA

#R2013-65 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE EXECUTION OF THE ADDENDUM TO THE AGREEMENT BETWEEN THE TOWNSHIP AND ACHILLE TAGLIALATELA

Mr. Boyce explained that this amendment to the agreement takes a portion of the stipend given to the Police Chief and moves it over to his base over the course of three years. There will be \$2000 moved in 2013, \$3000 moved in 2014, and \$1000 in 2015. Following a detailed discussion and explanation by the governing body as well as Chief Tagliatela, Mr. Boyce moved to adopt the foregoing resolution as presented, seconded by Mr. Lensak and carried unanimously.
(See Insert Attached to These Minutes)

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA (CONTINUED)**#R2013-66 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT A SPECIAL POLICE OFFICER FOR THE ANDOVER TOWNSHIP POLICE DEPARTMENT**

Ms. Govern asked how many hours per week will this officer be used and for what purposes. Tagliatela explained that daily, directing traffic in front of FMB School and during Court Sessions in order not to use an officer on overtime. The cost of this employee is \$17 per hour. Some of the cost is reimbursed by the school district. Mr. Boyce moved to approve this resolution as presented, seconded by Ms. Govern and carried unanimously.

(See Insert Attached to These Minutes)

#R2013-67 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO RENEW THE CONTRACT TO PROVIDE ELEVATOR MAINTENANCE AND REPAIR SERVICES AT THE MUNICIPAL BUILDING TO MORRIS COUNTY ELEVATOR, INC.

Ms. Golonski wanted to know where the elevator was located and it is the municipal building. Due to having two floors, it is required by ADA. Ms. Blackburn moved to approve the resolution, seconded by Mr. Boyce and carried unanimously.

(See Insert Attached to These Minutes)

#R2013-69 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AWARDDING THE CONTRACT FOR THE 2013 TURF CARE PROGRAM FOR MUNICIPAL PROPERTIES AND BALL FIELDS TO FARMSIDE LANDSCAPE & DESIGN

Ms. Golonski asked why the DPW could not take care of the fields in house. Mayor Walsh stated for many reasons, one of which we have no one certified, they found it less expensive to contract for this service. Mayor Walsh gave a short history on sale of land with the intent of the funds being used solely for the purpose of open space and recreation. This is turf management process and we will be looking into the possibility of certifying someone for this purpose. Ms. Mc Govern added that she felt we could buy the materials at cost and apply it ourselves. DPW Supervisor Dickinson was present and explained that there is a liability if there is no one certified to apply these chemicals to the fields and lawns. This company has been working with us for a number of years, not only applying the chemicals but also they conduct soil testing to make certain the feed is appropriate. He also stated that it would be costly if the application was incorrect and the fields and lawns were ruined and had to be reseeded. Following this discussion Mr. Boyce moved to approve the foregoing resolution, seconded by Mr. Lensak and carried unanimously.

(See Insert Attached to These Minutes)

#R2013-72 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY APPROVING THE ADDENDA TO THE CURRENT SUCCESSOR COLLECTIVE BARGAINING AGREEMENT WITH THE LOCAL 81427, IUE-CWA, AFL-CIO (DPW) UNDER ARTICLE XIV, HOLIDAYS

Ms. Thompson explained the change in the agreement that would allow the employees of the department, with approval from the supervisor, the opportunity to use the Election Holiday for any other day the following year if during Christmas Eve there was a snow event. Ms. Mc Govern moved to approve this resolution, seconded by Mr. Boyce and carried unanimously.

(See Insert Attached to These Minutes)

REPORT FROM THE FIRE CHIEF Chief Steinwand gave the report from the Fire Department for the month of March.

REPORT FROM THE LAKELAND EMERGENCY SQUAD LIAISON Rourke Day gave the report from the Rescue Squad for the month of March. A written report was provided to the governing body.

REGULAR AGENDA

ORDINANCES: PUBLIC HEARING

NO. 2013-03 TO ESTABLISH A CAP BANK FOR 2013

“ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40-45.14)”

Mayor Walsh opened the public hearing on this Ordinance. Diane Gillespie stated she does not agree with this Ordinance. She said she knows this was done in the past and there are residents in other towns that are voicing their objections to this type of Ordinance. Ms. Gillespie stated she was speaking with those objectors and listening to what they say she believes we are giving our right as residents to keep the taxes where they should be. This allows the town to exceed the Cap.

Ray Sarinelli, Township Auditor explained how the Ordinance works. He stated that this was created by Legislation to prevent towns from increasing the budget to get to the maximum amount every year. If something unforeseen arises the towns wanted flexibility in the budget. Instead of forcing every budget to go to the maximum amount they created the ability, a calculation on the side that if something came up towns would be allowed the flexibility to increase spending. In this case, it has not been about what is allowed to spend, but the most efficient use of the funds that are available. We are about \$500,000 under this CAP. Mayor Walsh stated in the event this ordinance was not adopted the Bank is eliminated. Ms. Mc Govern stated that if funds are not available we should know to stay and spend within our means. Mayor Walsh added that this Ordinance would be in place in the event of something unexpected. Ms. Gillespie stated that this Ordinance has been adopted nine times and how many times did we need the additional funding. Auditor Sarinelli stated he could not recall ever needing to use the funding. This is not about what is the CAP limit but about protection in the case of an emergency.

Seeing no other hands, Mayor Walsh 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 March 11, 2013, 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. Lensak. Roll call vote:

- | | |
|---------------------|--------------------|
| Ms. Blackburn – yes | Mr. Boyce– yes |
| Mr. Lensak – yes | Ms. Mc Govern – no |
| Mayor Walsh – yes | |

PUBLIC HEARING FOR THE ADOPTION OF THE 2013 MUNICIPAL BUDGET

Ms. Thompson read the budget summary into the record. Mr. Sarinelli stated that the process tonight is to hold the public hearing. This municipality is not subject to DCA Local Government Services approval prior to adoption. We are in Self-Examination this year.

He stated the highlights in the budget including multi-year planning. He spoke about the use of revenue responsibly. He said the revenues are down because of using funding last year to lower the tax rate. We are also running out of sale of municipal asset monies, which you have wisely spread over the course of the last five years. This budget increases the in cap operating expenses by about \$50,000, which is a less than one percent increase. He spoke about the debt service and Mayor Walsh stated we have accelerated our debt payments. This is the last year of the larger bond. We will have lower payments until the final payment in 2020. We will then be debt free. The State Aid is the same amount as last year.

The School tax is increasing about 3.3 cents and the County has a zero increase. Mayor Walsh stated that the Andover Township county tax is decreasing because of the lower evaluations. Mr. Sarinelli stated that the net increase per average household is about \$120 increase for all taxes. Mr. Boyce then spoke about the Energy Tax Receipts debate. These monies belong to the municipalities and used by the State to balance their budget. Ms. Gillespie then spoke about a Township Journal article last week and felt the statement made was not accurate with regard to the fact that we cannot cut any more in the budget without cutting services. She stated that comment is not correct because there are still members of the governing body collecting health benefits. If those people gave up those benefits or even subscribe to single coverage only, that would help the budget and would not affect services to the residents. Mayor Walsh took offense to the comment stating reasons why he works for the salary and benefits he is afforded with the position. He stated when Hurricane Sandy hit he left his family in the dark and cold to assist the public safety personnel because they needed help. He says he puts this town before his family. A round of applause followed his statements. Mr. Boyce added that the public evaluates the services provided by the governing body and if the services do not meet the public's standards, they should let them know.

James Woodstrum spoke stating that Ms. Gillespie brought up a valid point and the Governor stated no part time employees shall receive benefits unless they are grandfathered. Ms. Mc Govern and Ms. Blackburn do not receive benefits and there are many municipalities where governing bodies do not receive benefits. He then asked why we are paying for a Chief Financial Officer and Mrs. Thompson, who is the administrator. He said it is their jobs to do not the Committee. Mayor Walsh stated they work in concert with the employees. Mayor Walsh gave several examples how he has helped many residents when they reach out directly to him for assistance. Mr. Boyce gave examples how this Committee worked to downsize positions beginning with the combination of the positions of clerk and administrator. Several people were very upset at this concept calling the Committee foolish. We did it and saved \$80,000 a year and it has been close to five years. Since then we have combined and eliminated other positions. He mentioned the CFO, the Land Use Board Administrator, and the Tax Collector. He then mentioned the reduction of full time staffing at the dispatchers' office. Mr. Boyce then added that it was Mr. Woodstrum who suggested we look at the construction office. It was costing us too much money for what was brought in. They looked at it and eliminated the costs and the inspections are being done by the DCA and administrated by Ms. Thompson. We have scaled back everywhere we could. He said the work is being done and services are being provided. Mayor Walsh added that we are always looking to for revenues. He gave examples of acquired revenues through the last several years.

Mayor Walsh closed the public hearing on the budget.

RESOLUTIONS#R2013-71 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE
TO ADOPT THE 2013 MUNICIPAL BUDGET

Ms. Mc Govern moved to adopt the 2013 Municipal Budget, seconded by Mr. Boyce. Ms. Mc Govern stated that it was during the Budget Work session on March 11th that we needed to cut monies from the budget and we conveniently found \$50,000. She stated she had ideas on how to cut further as well as additional questions. She asked for a more detailed accounting of each line item and what each contains for both Salary and Wages and Operating Expenses. Mayor Walsh said that information was provided. CFO Magura stated that she has the exact breakdown of costs in each line item.

Ms. Mc Govern questioned the surplus amount and Mr. Sarinelli stated in this budget there would be about \$700,000 remaining in the surplus. She asked if this amount is justifiable and he said yes. She then questioned the telephone bill and worked from the analysis. CFO Magura explained the number of phone lines needed to run the individual extensions. Without those branch lines, we would need an operator to take the calls and transfer them. There would also be no voice mail ability. She then questioned the cell phones for the township. Ms. Blackburn asked to have someone look into the discrepancy in the cell phone number.

Attorney Semrau reported in his estimation that the actions taken by this Committee as a cost savings involve the shared services for Land Use Board Administrator which is about a \$30,000 savings. The construction department elimination and take over by the DCA saved the township about \$135,000 with benefits. The Committee merged the Zoning and Planning Boards and now pays one attorney and has two meetings a month. They also merged the Board of Health with the Township Committee, which is a \$5000 savings. Animal Control is a shared service and Clerk/Administrator is a \$80,000 savings as well.

Ms. Thompson added that the joint position of clerk/administrator would probably not work or work as well without the assistance of the governing body in some of the day to day operation. Having this done on a part time basis creates a great deal of work. The Committee is contacted daily with questions that we need their input. Some towns in this county still have membership that takes benefits. Some municipalities are manager type governments in which the clerks' position cannot be combined. With a manager form of government, they are the ones that make decisions. In this form of government it is the Township Committee that has that responsibility. She added that what she does, the CFO does and other employees do is a recommendation to the governing body with the tough decision being made by them. They are tough decisions that have to make for more than 6000 people. This combination would never work without the Committee's support.

Attorney Semrau continued with the CFO from full time to part time as well as the Tax Collector. Renegotiated contracts for a lesser compensation than in years past. Mayor Walsh said that the legal budget nine years ago was \$250,000 for the township attorney. In 2012 the township attorney costs was \$58,000. We have a better attorney and we listen to his advice. He then spoke about the Land Conservancy contract cancellation and the Open Space acquisition was handled in house. We saved \$5000 by eliminating the Risk Managers position. Ms. Thompson said that service now runs about \$10,000 if we were to fill that position. He then mentioned the SEM Cooperative and saved about \$7000 with that. The Court had two people and now there is one. Mr. Boyce mentioned the savings in the garbage contract. Mayor Walsh said we are taxpayers as well and our decision affects them as well. Mayor Walsh asked for a roll call.

Ms. Blackburn – yes
Mr. Lensak – yes
Mayor Walsh – yes

Mr. Boyce – yes
Ms. Mc Govern – no

PUBLIC PORTION Peter Spinney stated following Hurricane Sandy he wrote a letter to SECTV requesting a credit for the days in which there was no service. He read a portion of the letter into the record. Attorney Semrau informed Mr. Spinney that a resolution was adopted and circulated throughout the County, to SECTV and the BPU with demand for credit. He also stated that in a letter to their attorney he included this resolution and added that this will be considered at the time of franchise renewal.

Ms. Gillespie spoke about how she has always been grateful for everything Mayor Walsh, others have done for her, and she never said he does not work very hard. She said we just happen to disagree on the issue of health benefits.

Linda Golonski questioned the bill for Corrigan on Executive. Mayor Walsh said we are only discussing the bill itself for clarification purposes; it is not a litigation issue. She then asked about the bills before the Senate and Assembly and what she can do to keep an eye on the issues in order to comment before a scheduled vote. Ms. Thompson stated a link has been created on the website homepage to the NJ Legislature where a list of pending bills can be found. Scheduled hearing dates are also available on that site. There was more discussion on the Energy Tax Receipts.

NEW BUSINESS

NOTICE OF INTENT TO RENEW AN AERONAUTICAL FACILITY LICENSE FOR AEROFLEX-ANDOVER AIRPORT FOR THE PERIOD MAY 01, 2013 THROUGH APRIL 30, 2014

There was a consensus by the Committee not to send any comments because there are no concerns at this time.

COMMITTEE REPORTS:

MS. MC GOVERN. Reporting on the Senior Citizens' meeting, Ms. Mc Govern reported that Chief Tagliatela will present before the Seniors on July 15th and he will speak on safety, security and any other senior concerns. The FOP will provide lunch to the Seniors following the presentation.

MR. BOYCE. Mr. Boyce used this time to provide a status report on his fundraiser, Food For the Poor. He will conduct a program on Thursday and Friday this week to raise \$21,000 for this organization to feed about 500 children a year in Guatemala. For more information he asked everyone to visit the website for more information.

MS. BLACKBURN. She reported that the Land Use Board and Environmental Commission meetings were cancelled.

MR. LENSAK. He referred to an article in US Today with regard to the police department. A town in Georgia passed legislation that heads of households have to maintain firearms. This legislation was the reason for a drop of 89% in the crime rate. Regarding the Economic Development Committee a new business opened, Sussex Bike and Sport Shop. They have been in business in Sussex for over 14 years. He met with the owners and this Saturday at 11 AM, the Committee is invited to attend the Grand Opening and Ribbon Cutting Ceremony. Cleaner/Greener Andover Day is also scheduled for that day at 9 AM. He spoke to the property owner where the store is located and he asked him how the process went from permits to inspections to the opening. He said that everything ran smoothly and very happy with the entire process. The Bridgeway Grand Opening is scheduled for this Wednesday.

COMMITTEE REPORTS (CONTINUED)

MR. WALSH. He reported on Dale's Market and they would like to open the garden shop by Mothers' Day. The entire operation is targeted for opening by Memorial Day. Reporting on the DPW, they placed recycling containers on the trail. Trash receptacles were placed on all the fields and parks. The plows are going to be dropped from the trucks this week.

REPORT FROM THE CLERK/ADMINISTRATOR She stated that she reported at the last meeting a request from the County to endorse their Wastewater Management Plan. Following a short discussion, it was decided to reach out to Special Projects Engineer Cory Stoner for his opinion and recommendation on this endorsement. She stated she heard from him and he recommends that the Committee endorse the Plan. The Plan was not perfect but they did add most of the area back in for Andover Township that we had asked for. He added that if we did not endorse the Plan, the Township would have to adopt our own wastewater quality management plan.

Attorney Semrau suggested a motion at this time, and for the Clerk/Administrator to take whatever action is necessary for the endorsement based upon the recommendation of the Special Projects Engineer. Mayor Walsh moved to direct Ms. Thompson to take the action to endorse the County's Wastewater Management Plan as recommended by Engineer Stoner, seconded by Ms. Mc Govern and carried unanimously.

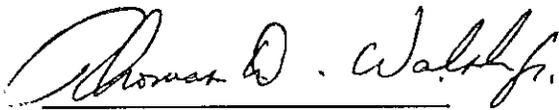
She then updated the Committee on the new procedure for filing the online Financial Disclosure Statement with the Local Finance Board. There is a slight delay so the due date has been moved to May 31st. They are putting the final touches on the process and we should see a Local Finance Notice shortly on this matter.

REPORT FROM THE MUNICIPAL ATTORNEY He reported that he is working on those items listed under the Executive Session agenda. In addition, with regard to the JCP&L matter, the Committee asked for him to look into opposing the rate increase. Based on some of the costs involved and the number of municipalities, most are larger communities that are involved at this point, he was asked to monitor the situation. If he finds a time where Andover should be heard, he will notify the Committee and we will do so. A cost estimation of \$5000 would be needed to enter this case at this time.

NEXT SCHEDULED MEETINGS: April 22 & May 13, 2013

6:30PM Executive Session
7:30PM Regular Meeting

ADJOURNMENT No further business appearing before the Committee at this time, Ms. Blackburn moved the meeting be adjourned at 9:31 P.M., seconded by Mr. Boyce and carried unanimously.


Tom Walsh, 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 08TH day of April 2013, 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. *A. Tagliatela, Police Chief*
3. *Dental Coverage/Review of Proposals*
4. *DPW Contract Negotiations*
5. *Weapon Buyback Option*

Attorney-Client Privilege:

1. *Old Creamery Property*
2. *Sustainable New Jersey/Green Team Andover*
3. *Review of Purchase Order #1230 – Corrigan Law Firm*

Potential Litigation:

1. *JCP&L – Request for Rate Increase*
2. *Block 120/Lot 8*

Pending Litigation:

- (x) a. (8) Personnel matters.
 1. *Appointment of Special Police Officer*
 2. *R. Melfi, Firefighter*
- () 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: April 08, 2013

Moved: Boyce Seconded: Lensak
Voted Aye: Blackburn, Boyce, Lensak, Mc Govern, Walsh
Voted Nay: None
Abstained: None
Resolution adopted. APRIL 08, 2013
