

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

MAY 12, 2014

EXECUTIVE SESSION – 6:45 P.M.

REGULAR MEETING – 7:30 P.M.

The regular meeting of the Andover Township Committee was called to order at 6:51 P.M. by Mayor Boyce, followed by a salute to the flag.

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

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

EXECUTIVE SESSION: Mr. Walsh asked to amend the Executive Session to include the Goodale Field and Recreation Soccer under Potential Litigation. On a motion by Mr. Walsh, seconded by Mr. Lensak, the resolution to go into executive session to discuss

Personnel Matters:

1. ***Police Department Staffing***

Contract Negotiations:

Attorney-Client Privilege:

Potential Litigation:

1. ***The Goodale Field-Recreation Soccer***

Pending Litigation:

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

The Committee went into executive session at 6:53 P.M. Ms. Mc Govern moved to adjourn executive session at 7:33 P.M., seconded by Mr. Walsh and carried unanimously.

RECESS CALLED AT THIS TIME.

REGULAR MEETING

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

APPROVAL OF CONSENT AGENDA ITEMS Mayor Boyce asked that Resolution #R2014-67 and the minutes be removed from the Consent Agenda for further discussion. Ms. Mc Govern asked to have Resolution #R2014-66 removed as well. Ms. Blackburn moved the following consent items be approved, seconded by Mr. Lensak and carried unanimously.

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

**ACCEPTANCE OF TAX COLLECTOR'S APRIL 2014 REPORT
\$881,462.54 – YEAR TO DATE - \$5,917,223.69**

**RECREATION COMMITTEE – APPOINTMENT OF GIGI KELLY-REGOLIZIO
REGULAR MEMBER – TERM TO EXPIRE DECEMBER 31, 2015**

***RESOLUTIONS:**

#R2014-62 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ISSUE A TAX REFUND TO US BANK CUSTODIAN FOR PRO CAPITAL I, LLC IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE # 11-00005 SOLD FOR DELINQUENT TAXES FOR BLOCK 109, LOT 4.01, C0293 IN THE AMOUNT OF \$22,753.79

#R2014-63 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ISSUE A TAX REFUND TO LIEN TIMES, LLC IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE # 13-00006 SOLD FOR DELINQUENT TAXES FOR BLOCK 111, LOT 18 IN THE AMOUNT OF \$45,950.10

#R2014-64 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ISSUE A TAX REFUND TO US BANK CUSTODIAN FOR PRO CAPITAL I, LLC IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE #11-00010 SOLD FOR DELINQUENT TAXES FOR BLOCK 130, LOT 7 IN THE AMOUNT OF \$32,429.12

#R2014-65 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY APPROVING OF LAKELAND EMERGENCY SQUAD TO RECEIVE FINANCIAL ASSISTANCE FROM THE COUNTY OF SUSSEX AS PER THE CERTIFICATION FOR RESCUE SQUAD CONTRIBUTION ATTACHED HERETO

ITEMS REMOVED FROM THE CONSENT AGENDARESOLUTIONS#R2014-66 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AWARDING THE CONTRACT FOR THE 2014 TURF CARE PROGRAM FOR MUNICIPAL PROPERTIES AND BALL FIELDS TO FARMSIDE LANDSCAPE & DESIGN

Ms. Mc Govern stated she wanted to bring attention to this resolution commenting that in order to care for the fields and lawns with chemicals, someone on the DPW needs to have certain certifications to apply these fertilizers and chemicals. Mr. Walsh moved to approve this resolution as presented, seconded by Ms. Mc Govern and carried unanimously.

#R2014-67 RESOLUTION FOR ACCEPTANCE OF 2013 REPORT OF AUDIT & EXECUTION OF GROUP AFFIDAVIT

Mayor Boyce explained the audit process and read into the record those items that the auditors feel need to be corrected by the Township. He stated that they are minor issues that will be addressed by the CFO when she drafts the Corrective Action Plan. Ms. Thompson stated that the official audit report is available for review on the Township's website. Ms. Blackburn moved to approve this resolution as presented, seconded by Ms. Mc Govern and carried unanimously.

(See Inserts Attached to These Minutes)

*APPROVAL OF MINUTES:**MARCH 24, 2014 REGULAR MEETING
MARCH 24, 2014 EXECUTIVE SESSION**

Mayor Boyce stated that in the minutes he believed that the average home assessment was incorrect but following a short discussion, he withdrew his objection. Mr. Walsh moved to approve the foregoing minutes as presented, seconded by Ms. Mc Govern and carried unanimously.

APPROVAL OF MINUTES**APRIL 14, 2014 REGULAR MEETING
APRIL 14, 2014 EXECUTIVE SESSION**

Ms. Blackburn moved to approve the foregoing minutes as presented, seconded by Ms. Mc Govern.
Roll call vote:

Ms. Blackburn – yes	Mr. Lensak – abstain
Ms. Mc Govern – yes	Mr. Walsh – abstain
Mayor Boyce – yes	

PUBLIC PORTION Jim Woodstrom questioned the need for additional staff in the municipal building. He referred to an article in the NJ Herald that listed eight municipalities. In those municipalities, when looking at the staffing of Andover Township, we were right there at the top with the most employees. He then compared the size of Andover with Sparta Township. Looking at Stillwater Township he said they have five DPW employees and one in the municipal building. They used 29 temporary employees. He stressed that we should look in subcontractors and temporary employees when assistance is needed.

PUBLIC PORTION (CONTINUED) Jack Burke asked Mayor Boyce what specifically did he not agree with the budget to vote "no" when for four to five meetings prior the budget work session was discussed and every department head presented their own requests for the coming year. Mayor Boyce stated the reason he voted no after voting to introduce the budget 30 days prior was because he began to watch other municipalities with their budgets. He said he had run down a list of municipalities and their respective increases. He said of all the towns' budgets he looked at Andover Township had the highest increase. He said he believes there were things that the Committee could have done to cut that budget and he wished they would had.

Mr. Walsh stated that the five members of the Committee spent months putting together the budget and he agreed it was a great idea to do the budget work sessions in this manner, as a team. Through every work session, every meeting, no member of the public objected to any of the requests put forth in the budget. Everyone had many opportunities to address each request and reduce it further than the introduced figures.

Mayor Boyce stated that there was a position for town hall that he stated we cannot afford to add that person right now. Mr. Walsh asked why this position was not questioned prior to the introduction.

Stan Christodlous asked Mayor Boyce what other requests he asked be cut from the budget in addition to the \$20,000 for the position in town hall. Mayor Boyce stated he will answer this question when the public portion is concluded. Mr. Christodlous then stated in past years Mayor Boyce would criticize former Committee member Bob Smith on voting no on any budget containing a tax increase. He said he would say to Mr. Smith the increase represents only a cup of coffee a day. He asked why this budget is different than those in the past he supported. Mayor Boyce stated he did not have to answer.

Jack Waegle stated he had come before the Committee before with regard to the use of fire pits in his neighborhood. He asked if there was a status on the matter. Mayor Boyce stated that we did check into the matter and there isn't an ordinance regulating this use but Fish and Wildlife may have some jurisdiction and urged that he call them. Attorney Semrau added that there is some legislation in the local code but as opposed to regulating this any further, he was asked to check with the DEP. He said that there is a need for a permit to burn. Following this discussion, it was suggested that he contact the local Forest Fire Unit located in Andover Borough. Diane Gillespie requested additional information on this issue stating what she knew about open fire pits and the need for permits.

Stan Christodlous stated in the past the Mayor and Township Committee members have always answered questions from the public and he asked why Mayor Boyce is not answering the public's questions regarding the budget. Mayor Boyce stated he would answer when the public portion is over. He stated he did not want to get in a public argument over this matter. Mr. Christodlous stated by the Mayor answering his question at the conclusion of the public portion does not give him the opportunity to challenge the answer.

Seeing no hands, Mayor Boyce closed the public portion.

He then proceeded to answer the two questions asked. He stated from the period following the introduction and public hearing dates, he saw other towns coming in with significantly lower budgets. He said he could not in good conscience vote for this increase. He added that in prior years when Mr. Smith wanted a flat budget, our increases were much lower. He said he would love to give another employee to town hall but he said he does not know if now the time to do so is. Mayor Boyce then spoke about prior budget processes when Mr. Smith was on the governing body. He said he voted yes on all past budgets that contained small increases. Perhaps those budgets should have contained larger increases but he does not think they should have been the highest in Sussex County.

Mr. Walsh reminded everyone that when he concluded with working on past budgets, his recommendations were higher than what was approved by the governing body. He warned everyone then that we were delaying the inevitable and eventually there will be a spike and that time has come.

ORDINANCES: PUBLIC HEARING**NO. 2014-03 "WIND AND SOLAR ENERGY SYSTEMS"
TO ADD AND SUPPLEMENT CHAPTER 190 "ZONING"*****"AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ADD AND SUPPLEMENT CHAPTER 190 "ZONING" OF THE TOWNSHIP CODE BY CREATING ARTICLE XVI "WIND AND SOLAR ENERGY SYSTEMS"***

Greg Gorman, Conservation Chair of the Skylands Group of the NJ Sierra Club Chapter, was present and he commented on the proposed Ordinance. He provided three recommendations, the first permitting for utility scale renewable projects consideration, the second to reconsider the regulation from the perspective of vertical axis wind turbines and the third to reconsider adding exceptions or process for addressing exceptions regarding the underground cable requirement. He stated that this ordinance if properly structured can aid in making the proper choices and he applauded Andover Township's effort to consider this Ordinance.

Diane Gillespie asked if this Ordinance was solely created by the Land Use Board or with the Land Use Board, Environmental Commission, and Open Space Committee. Ms. Blackburn stated she could not speak about the Open Space but the Environmental Commission also looked at the proposed Ordinance, as did the zoning officer.

John Carafello questioned Attorney Semrau with regard to how this Ordinance would affect the Noise Ordinance. Mr. Semrau stated that if the systems ran louder than what is recommended in the Ordinance there would be a violation. The town would have the right to shut down the system if that would occur.

Seeing no hands, Mayor Boyce closed the public hearing on this Ordinance.

Ms. Blackburn stated that the Land Use Board met last week to discuss this Ordinance. She stated there was one Board member who was very upset that there was nothing about violations in this Ordinance. He stated that he felt the zoning officer would not be able to enforce this. Ms. Blackburn added that Zoning Officer Fred Suljic reviewed the draft before it came to the Committee and he had no comments regarding Penalties and Violations. Without this clause, she stated the General Provisions would be in effect.

Attorney Semrau explained that this Ordinance was drafted by the Land Use Board and what the Committee had asked them to do is statutorily, to pass a resolution advising that this proposal is consistent with the Master Plan and they did not take any action on this matter. He stated that by not taking any action the governing body would have to adopt reasons why it believes that if it may not be consistent with the Master Plan is should be adopted. He stated that he feels it would be much better served if perhaps the Land Use Board reconsiders this. The Land Use Board can always suggest the penalties and violations but the heart of the question is, is this consistent. Mr. Semrau stated he will have the changes recommended for the June 9th meeting and we can table the final hearing and adoption for June 23rd, after the Land Use Board has had a chance to meet and discuss the Master Plan consistency.

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 April 14, 2014, was advertised according to the law and was brought before the public for final consideration. There being some objections, Ms. Blackburn moved to table the adoption the adoption of the above entitled ordinance for June 23, 2014, seconded by Mr. Walsh.
Roll call vote:

Ms. Blackburn – yes
Ms. Mc Govern – yes
Mayor Boyce – yes

Mr. Lensak – yes
Mr. Walsh – yes

OTHER BUSINESS: Ms. Blackburn remarked that she, Mr. Lensak and Ms. Mc Govern attended the Grand Opening of the new Yoga and Pilates Studio on Newton-Sparta Road. She said the turnout was great and they did a nice job in renovating the facility. They spoke about the rear parking lot, which is all mud at this point since it has not been completed for overflow parking. Mr. Lensak stated that the placement of quarry stone would alleviate any muddy conditions. Mr. Lensak asked them how the process of bringing their business into Andover Township was and they could not say enough good things about the people at town hall and the construction department and the permitting process. He stated as he dug deeper he said we got their business because Sparta made their lives miserable. He thanked the people in town hall for their part in bringing business into the Township.

COMMITTEE REPORTS:

MR. LENSAK. He then reported that the Police Department had a Distracted Drivers detail where there was a State grant that funded the overtime for this event. From April 1st through April 21st we had over 51 summons issued for the use of a hand held wireless telephone. He has heard from law enforcement that driving with a cell phone is worse than drunk driving and he agrees.

Reporting on the Rescue Squad, Lakeland will have a 75th anniversary parade on Saturday, July 26th at 1PM. Details are available in your packets. There is a list of events planned for that day. Fireworks are planned for the end of the day.

MS. BLACKBURN. She reported on the Land Use Board earlier in the evening. She then reported on the Environmental Commission and they reviewed an issue regarding the Long Pond School sewer plant, which Ms. Mc Govern will address under her report. They also looked into an email they received regarding a possible air pollution event from the Roxbury landfill. The DEP was contacted and the likelihood of any kind of pollution filtering up in this area was very unlikely. She added that the landfill will be capped. The Commission along with Sustainable Andover is sponsoring a free seminar presented by the Rutgers Cooperative Extension on Stormwater Management. They will be highlighting the Rain Garden at the Hillside Barn. This event is scheduled for Thursday, June 5th from 6PM to 8PM at the Barn.

MR. WALSH. He reported that there are two people who are very interested in spearheading the Andover Day festivities and he asked Mayor Boyce if he would consider their appointments. Mr. Walsh stated that Jim Holmes and Gigi Kelly-Regolizio. Mayor Boyce said he has Gigi's phone number but needs to get Jim's and he will give them a call. Mr. Walsh added that this Friday the Recreation Committee is hosting Bingo Night at the Barn. Additional information can be found on the website.

He then asked if the Clerk/Administrator will post memorialize the procedure and regulations that we follow to set time aside for athletics on the ball fields for the various organizations. The DPW Supervisor will keep the schedules for these teams and another schedule will be kept at town hall in the Clerk's Office.

Mr. Lensak moved to memorialize the policy and procedures with regard to the scheduling of athletic events to be held on the ball fields, in accordance with Green Acres regulations, seconded by Ms. Mc Govern and carried unanimously.

He then reported on the NJDOT grant application and we received the funding for Mulford Road for \$145,000. We will try to do both Stickles Pond Road and Mulford Road projects at the same time. We have also applied for Discretionary Funds for Pinkneyville Road. The fire department fleet has been inspected by the mechanic and will be completed by tomorrow.

Reporting on the Economic Development Committee, Rick Melfi, Mark Avondoglio, John Carafello and he will schedule a meeting with the County Planner to discuss the Route 206 corridor. They will try to come up with a plan to reviving this area of town.

COMMITTEE REPORTS (CONTINUED)

MS. MCGOVERN. She reported on the Seniors stating the next meeting is next Monday, May 19th. This luncheon will honor the Senior of the Year, Ed Daugherty, current Senior President. The food will be catered by Savor. The cake will come from Chocolate Parfait. Members of the Committee, their guests and Ms. Thompson are invited to attend.

The Open Space Committee hasn't met since the last Township Committee meeting. She and Carla Kostelnik walked the Lake Iliff Road Access property last week. She said the property is beautiful and she would like to see the Township do more with that property. At the entrance to the property, there are a few parking spaces. There is a sign posted there which says, Andover Township – Green Acres. She said you go about 40 feet and there are huge fences across the access that says STOP – DON'T ENTER. You walk down a pathway which is tricky due to the overgrown plants. Once you hit the water the area is absolutely beautiful.

She then reported on the School Board meeting and she gave a copy of the most recent financial remedial plan to Ms. Thompson for the Clerk's records. They are working on getting their funds in order. This information is updated weekly. She reported that the school taxes will increase the State's CAP, 2:7. She then read from the article, highlighting certain points. They will be placing ballot questions during the general election, asking specifically for additional items. Mr. Walsh mentioned that Andover Borough received a spike in the school taxes this year. He stated his concern that usually a spike is because of the increase in their ratables. He was wondering if the spike was because of the sale of the Francisco farm this year and next year it will revert. Attorney Semrau said they purchased the property and so it takes it off the tax rolls. Ms. McGovern stated that the disparity was largely the result of the apportionment formula used by the State. It takes into account certain items including student population. The Township has about seven times the number of students as the Borough. Attorney Semrau will look into this further.

MAYOR BOYCE. He congratulated the new member to the Recreation Committee, Gigi Kelly-Regolizio who also volunteered to be on the Andover Township Day committee. He read her application into the record, outlining her accomplishments as a Girl Scout leader.

He reminded everyone of the NJ Tree Program scheduled for June 6th at the Hudson Farm. The program includes an entire day of activities. He mentioned the memo from the Tax Collector outlining that there are no uncollectible taxes at this time. He then read a change in the Statute for Petitions for Nomination which now states that a person circulating a petition is not required to be a registered voter in that jurisdiction.

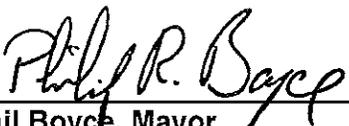
REPORT FROM THE CLERK/ADMINISTRATOR She reported that as a result of the change in the Statute, all the old Petitions have been replaced with new ones reflecting that a circulator does not have to be a registered voter in the jurisdiction ready for the 2015 Primary. Everything that she worked on has been addressed by the Committee or on tonight's agenda.

REPORT FROM THE MUNICIPAL ATTORNEY He addressed the fire pits issue earlier in the evening. There was a question at the last meeting with regard to the Newton Airport. One is about the tax assessment. According to Tax Assessor Marchione, after PSE&G purchased the property the taxes are about \$30,000. The assessment did not change because the bulk of the property remains in Farmland Assessment Status.

Regarding the rezoning of the property, they looked at the Case Law that says you can rezone the airport but you will have to have the Transportation Commissioner to consent to that rezoning. Ms. Blackburn stated the issue that the airport has been decommissioned was discussed at the last Land Use Board meeting. She stated there are four zones in that immediate airport zone. She stated that once the airport was decommissioned, could it be recommissioned as an airport. Attorney Semrau will review this matter further. There was some discussion that the decommissioning was only temporary.

NEXT SCHEDULED MEETINGS: June 09 & 23, 2014
July 14 & 28, 2014
6:30PM Executive Session
7:30PM Regular Meeting

ADJOURNMENT No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 9:02 P.M., seconded by Mr. Lensak and carried unanimously.



Phil Boyce, 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 12TH day of May 2014, 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) a. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () a. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () a. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - (x) a. (4) A collective bargaining agreement including negotiations.
 - (x) a. (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.
 - () a. (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) a. (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:

Attorney-Client Privilege:

Potential Litigation:

1. ***The Goodale Field-Recreation Soccer***

Pending Litigation:

- () a. (8) Personnel matters.
 1. ***Police Department 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: May 12, 2014

Moved:	Walsh	Seconded:	Lensak
Voted Aye:	Blackburn, Lensak, Mc Govern, Walsh, Boyce		
Voted Nay:	None		
Abstained:	None		
