

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

JULY 28, 2014

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 6:35 P.M. by Mayor Boyce, followed by a salute to the flag.

**ROLL CALL:**

Present:	Ms. Blackburn, Ms. Mc Govern, Mr. Walsh, Mayor Boyce
Also present:	Attorney Pasek
Absent (Excused)	Mr. Lensak

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

**EXECUTIVE SESSION:** Mayor Boyce asked that the Executive Session be amended to include under Personnel Matters, Intergovernmental Transfer Request. On a motion by Ms. Blackburn, seconded by Mr. Walsh, the resolution to go into executive session, as amended to discuss

**Personnel Matters:**

1. *H. Walls, Acting Court Administrator*
2. *Police Department Matters*
3. *Intergovernmental Transfer Request*

**Contract Negotiations:**

1. *Possible Shared Services Opportunities*
2. *9-1-1 Dispatching Shared Services Agreements*

**Attorney-Client Privilege:**

1. *Property Located at Block 73/Lot 6*

**Potential Litigation:**

1. *NJ Civil Service Commission – Appeal Matter*

**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 7:27 P.M., seconded by Ms. Mc Govern and carried unanimously. Recess was called at this time.

**REGULAR MEETING – called to order at 7:33 P.M.**

**APPROVAL OF AGENDA** Mayor Boyce asked if the agenda could be amended to include a presentation by Boy Scout Michael Reidmiller. Mr. Walsh asked to include Andover Recreation Soccer under New Business. Attention was made by Ms. Blackburn that the Committee Reports was missing from tonight's agenda and should be added. Ms. Blackburn moved to approve the agenda, as amended, seconded by Ms. Mc Govern and carried unanimously.

**APPROVAL OF CONSENT AGENDA ITEMS** Ms. Mc Govern asked to remove #R2014-91 and #93 for further discussion. Ms. Mc Govern moved the following consent items be approved, as amended, seconded by Ms. Blackburn and carried unanimously.

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

*(See Inserts Attached to These Minutes)*

**ACCEPTANCE OF THE CHIEF FINANCIAL OFFICER'S REPORT  
FOR THE MONTH ENDING JUNE 30, 2014**

**ACCEPTANCE OF THE TAX COLLECTOR'S JUNE REPORT  
\$112,731.58 – YEAR TO DATE - \$10,206,510.85**

**OPEN SPACE COMMITTEE**

- A. TO ACCEPT THE RESIGNATION OF KARL KRUMMEL  
EFFECTIVE IMMEDIATELY
- B. APPOINTMENT OF JAMES HOLMES AS THE RECREATION  
REPRESENTATIVE – TERM TO EXPIRE DECEMBER 31, 2014

**\*RESOLUTIONS:**

**#R2014-89 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY TO PROMOTE HELGA  
WALLS TO THE POSITION OF MUNICIPAL COURT ADMINISTRATOR  
EFFECTIVE AUGUST 01, 2014**

**#R2014-90 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE  
APPOINTMENT OF TONI-LU MARTIN TO THE POSITION OF  
CLERK 1 FOR THE ANDOVER TOWNSHIP MUNICIPAL CLERK/  
ADMINISTRATOR'S OFFICE EFFECTIVE AUGUST 01, 2014**

**#R2014-92 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE  
RELEASE OF A CASH BOND IN THE AMOUNT OF \$424.50  
SUBMITTED BY BRIDGEWAY REHABILITATION SERVICES, INC.,  
BLOCK 128/LOT 4.02 LANDSCAPING AS A CONDITION REQUIRED  
BY THE ANDOVER TOWNSHIP LAND USE BOARD FOLLOWING  
APPROVAL OF THE AMENDED SITE PLAN**

**\*CONSENT AGENDA (CONTINUED)****\*RESOLUTIONS (CONTINUED)****#R2014-94 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE CLERK/Administrator TO EXECUTE THE INTERGOVERNMENTAL TRANSFER SENDING JURISDICTION AGREEMENT FOR POLICE OFFICER DANIEL KERN**

*(See Inserts Attached to These Minutes)*

**RESOLUTIONS REMOVED FROM THE CONSENT AGENDA****#R2014-91 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY OPPOSING EXPANSION OF FEDERAL CONTROL UNDER CLEAN WATER ACT**

Ms. Mc Govern spoke briefly about this Resolution confirming that there is no need for additional levels of government with regard to Clean Water regulations. She then made reference to the Freeholder Board's support on opposing such a regulation. Mr. Walsh moved to adopt the foregoing Resolution as presented, seconded by Ms. Mc Govern and carried unanimously.

**#R2014-93 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO PHOENIX ADVISORS, LLC TO SERVE AS THE CONTINUING DISCLOSURE AGENT AND CONDUCT CONTINUING DISCLOSURE SURVEY**

Ms. Thompson explained that we received advice from Township Auditor Ray Sarinelli with regard to a pending deadline of September 9, 2014 for self-reporting to the Securities and Exchange Commission on any material reporting failures. He stated that New Jersey bond counsels had one of their industry meetings this past Friday with DLGS Director Neff and they unanimously agreed that anybody who issued debt in the last 5 years should hire a Financial Advisor to do the review. There is a Local Finance notice coming out the middle of this week from the Division indicating that the review should be performed.

He is strongly recommending that we get on top of this now and have each government entity decide on a contractor to handle this filing. She stated that CFO Gail Magura contacted Phoenix Advisors, one of two recommended by Auditor Sarinelli, and he has worked with these firms in the past and feel they are capable of doing the research and reporting. They will assist the Financial Advisor by providing electronic documents or any other assistance they may need. The quote from Phoenix is \$950 all-inclusive fee for up to three researched issues, and \$150 for each additional issue and he said probably can be charged to a capital ordinance. We can reappoint this advisor at each reorganization for ongoing filing at the rate of \$650, plus \$100 for each additional issue.

Mr. Walsh moved to adopt the foregoing Resolution as presented, seconded by Ms. Mc Govern and carried unanimously.  
(See Inserts Attached to Minutes)

**APPROVAL OF MINUTES:**

**JUNE 09, 2014 REGULAR MEETING  
JUNE 09, 2014 EXECUTIVE SESSIONS "A" & "B"**

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

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

**JUNE 23, 2014 REGULAR MEETING  
JUNE 23, 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 – absent |
| Ms. Mc Govern – yes | Mr. Walsh – yes     |
| Mayor Boyce – yes   |                     |

**PRESENTATION BY MICHAEL REIDMILLER, ANDOVER TOWNSHIP BOY SCOUT**

Michael Reidmiller came before the governing body explaining to the Committee that he is working toward achieving his Government Badge. This evening he is here to ask what is one of the main issues that the Committee deals with at a meeting. Mayor Boyce began by saying one of the biggest issues they have to deal with is the annual municipal budget. He stated that a great deal of work goes into figuring out how to pay for all the services that the residents and property owners of the municipality need and expect. He added that the economy has not yet recovered in his opinion and the residents in this town pay one of the highest property taxes in NJ. Mr. Walsh agreed that the budget process is the biggest issue and everything else the Committee needs to address follows the budget adoption. Mayor Boyce thanked Michael for attending the meeting and wished him the very best in his future endeavors. He also remarked how Michael's parents are very involved as volunteers in Andover Township.

**PUBLIC PORTION** Ellsworth Bensley was present and he asked questions with regard to the status of the State's Energy Receipts. He stated he spoke with Senator Oroho's office and he asked if the taxpayers will ever get their share of these receipts back to offset the taxes. He said we can clearly use this money. Mr. Walsh also mentioned his conversation with the Senator. He was told that there was a push to have these funds returned to the municipalities but it wasn't in the State Budget to do so. Mr. Walsh replied to the Senator that it wasn't the State's money to use to balance their budget. They are returning some of the funds and calling it our State Aid. Senator Oroho also informed Mr. Walsh during their conversation that they use these funds as an Aid to the schools and if the municipalities receive these credits, they may lose the school funding opportunities. Mr. Walsh asked the Senator to advise the Governor that the State should also impose a two percent CAP on the State as he has done with the Counties, Schools and Municipalities. Mr. Walsh stated this push for the energy tax has been through the Senate and Assembly two years ago and he hasn't heard anything since. There was a brief discussion regarding the State mandates. Mr. Walsh continued to encourage people to write with regard to this funding.

Mr. Bensley then spoke briefly on the Francisco Farm preservation in Andover Borough and how this preservation will help keep the school population down at the Regional School.

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

**ORDINANCES: INTRODUCTION**

**NO. 2014-08 PURCHASE OF POLICE DEPARTMENT  
& MUNICIPAL COURT EQUIPMENT**

***“AN ORDINANCE TO PURCHASE POLICE DEPARTMENT AND  
MUNICIPAL COURT EQUIPMENT FOR THE TOWNSHIP OF  
ANDOVER AND TO PROVIDE FOR THE FUNDING THEREOF”***

**BE IT RESOLVED** by the Mayor and Committee of the Township of Andover, that Ordinance #2014-08, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on August 25, 2014 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 – yes	Mr. Lensak – absent
Ms. Mc Govern – yes	Mr. Walsh – yes
Mayor Boyce – yes	

**ORDINANCES: PUBLIC HEARING**

**NO. 2014-06 PURCHASE OF A NEW DUMP TRUCK**

***“AN ORDINANCE TO PURCHASE A NEW DUMP TRUCK FOR  
THE DPW FOR THE TOWNSHIP OF ANDOVER AND TO  
PROVIDE FOR THE FUNDING THEREOF”***

Mayor Boyce opened the public hearing. Mr. Woodstrum asked about the cost of the truck and stated if memory serves him, last year it was said that we had a truck sitting so we needed a person for that truck. Now we have a person with no dump truck. He also mentioned the use of contractors rather than employees to work some of these jobs. DPW Supervisor Dickinson was present and replied to these questions. He said the truck requested is \$40,000 and a fully stocked vehicle is \$65,000. He said we are reusing the body and the sander along with other accessories with a cost savings of \$15,000. Seeing no other hands Mayor Boyce closed the public hearing.

Mr. Walsh commented on the use of subcontractors. He said it doesn't save money when we begin to receive complaints from residents following snow removal. We know who we have working our streets and providing our services. They are a great crew doing the best with what they have. Mayor Boyce added that this past winter was one of the worst in years. He drove around town quite a bit and he hasn't seen any department do a better job than our DPW. Mayor Boyce asked how old the truck that we are replacing is. Mr. Dickinson stated the truck is a 1999 vehicle.

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 June 23, 2014, 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 Ms. Blackburn. Roll call vote:

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

**ORDINANCES: PUBLIC HEARING (CONTINUED)**

**NO. 2014-07 TO AMEND CHAPTER 10 – SECTIONS 10-11 & 10-21**

***“AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO AMEND THE TOWNSHIP CODE BY AMENDING CHAPTER 10, “VEHICLES AND TRAFFIC,” SECTION 10-11, “PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS,” AND SECTION 10-21, “VIOLATIONS AND PENALTIES,” TO ESTABLISH A NO PARKING ZONE AT HILLSIDE PARK BARN”***

Mayor Boyce opened the public hearing. Ellsworth Bensley questioned which streets are affected, certain or all. Mr. Walsh stated no streets are affected by this Ordinance amendment. It is only that this amendment falls under this Chapter. Mayor Boyce added that there is a sign posted at the Barn mandating no vehicles past this point and people ignore that sign. This Ordinance amendment will establish a sign for this violation. Mr. Woodstrum added that during Elections Days some of the older citizens will have quite the walk getting to the polling place. Mr. Walsh said there is ample parking for elections. This Ordinance will only deter those vehicles parked near the building in the fire zone, which will affect emergency vehicles getting to the buildings if there is a fire. There will be a loading and unloading area to drop and pick up people in addition to handicap parking.

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 June 23, 2014, 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 Ms. Blackburn. Roll call vote:

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

**NEW BUSINESS**

**THE LAKE LENAPE WATER COMPANY AND DISCUSSION REGARDING NOTIFICATION TO CUSTOMERS OF SCHEDULED AND EMERGENCY MAINTENANCE WORK**

Ms. Mc Govern stated she requested this matter be placed on the agenda for discussion. She stated that following our last meeting she received a call from a Lake Lenape Water Company resident who complained that the water company does not have a notification system in place to notify the customers of a shutoff, boil water notice or general maintenance. He remarked to her that they need to operate in a more efficient manner and he mentioned that the police department does try to inform people. She said that the police department does this as a curtesy and it should not be there is or the municipal employees' role to communicate anything regarding the private water system. Mr. Walsh added that the fire hydrant fee checks are still being held and they will soon be billing for the last quarter in addition to the first. They still owe the Township for the permit application fee and never filed the application, which means they illegally opened the streets to do water main work. We now hear complaints from the residents that these streets need attention following the water main work repair. Ms. Blackburn reminded everyone that on July 9<sup>th</sup> the water company held a hearing at the Borough Fire Hall because of their request for a rate increase. She said the Township received notification but none was sent to the customers. She said that the last water main break left people in the Elm Avenue area without water for eight hours and there was no notification. She added that there was a boil water alert by word of mouth. There are health issues at hand also.

**NEW BUSINESS (CONTINUED)****THE LAKE LENAPE WATER COMPANY AND DISCUSSION REGARDING  
NOTIFICATION TO CUSTOMERS OF SCHEDULED AND EMERGENCY  
MAINTENANCE WORK**

A suggestion was made to write a letter to the BPU regarding these issues. Mayor Boyce suggested inviting this employee for the water company to come to the next meeting to address these concerns. DPW Supervisor Dickinson remarked that this is an example of a contractor working in your town. He gave a brief history on what he has had to deal with on a prior break that occurred in March and still working with him to get the matter resolved.

**ANDOVER RECREATION SOCCER** Mr. Walsh remarked on the issues of the Andover Soccer Club, which is now known as the Soccer Academy. The attorney looked into this organization asking if it is non-profit. They haven't filed any reports to the State or anyone since the 1990's. Parents have no access to the organization's finances and bank accounts. The person running the program refuses to let anyone see the accounts. The coaches and parents stated they would step up to create a new organization and sever ties with the old league. He asked if the Township could back them with insurance assistance until they can obtain their own documents and create a bona fide league. The consensus of the Committee was to approve the insurance coverage.

**COMMITTEE REPORTS:**

**MR. WALSH.** He reported on Mulford and Stickles Pond Road projects and once the State approves these plans work will begin. Both are funded through State grants. He then mentioned the Brush Pick-Up program that is done from October through April. Calls are coming in because of the recent storms. He said we need to discuss this current program, which needs to be modified. Mr. Walsh suggested we provide this service only in October and April. Ms. Mc Govern agreed. The recent storms did not constitute a need for brush removal. The damage was minimal and sporadic. The Township should not be used as people's tree service.

He stated that August 5<sup>th</sup> is Bingo Night at 6:30. They are looking for someone to call numbers.

**MS. MCGOVERN.** She reported on the Seniors and they met last Monday for the Annual Ice-Cream Social. The summer picnic is August 4<sup>th</sup> and the Mayor and Deputy Mayor are cordially invited. On August 18<sup>th</sup> Linda Grinthal of Sunset Farms is presenting on therapeutic benefits of gardening.

She then reported on the school board meeting held July 15<sup>th</sup> and they hired a new Principal, Monica Hines for FMB and accepted the resignation with regrets from Vicki Pede. The Financial Remediation Plan was realized and came in as of that evening, in the black with \$19,000. They need to remediate eight rooms due to the roof problems this past winter. They will install new desktops and laptops, some wireless. Regarding to the natural gas conversion, they have to bond for the entire amount and then the State will reimburse them 40% that they have been promised. Approvals have not been received yet from the State. They will be implementing an afterschool care program this September, which is supposed to raise revenue.

She then reported on the Open Space meeting on July 9<sup>th</sup>, they continue to review the Open Space Plan and revise it. Karl Krummel resigned from the Committee. They would like to organize volunteers for a Lake Iliff Access Day to work on ridding the area of overgrown and unwanted weeds. She then spoke briefly about the turf care program and how the open space funds are used for this project. The Open Space Committee also spoke about the taxes paid by PSE&G at the Jump Airport location. She stated that she will suggest that at all future meetings of the Open Space that they be voice-recorded. Their next meeting is August 13<sup>th</sup> at 7PM and they are in great need of new members. She asked if this could be posted on the message board.

COMMITTEE REPORTS (CONTINUED)

**MS. BLACKBURN.** She reported on the recent Land Use Board meeting stating there was one application from Andover Transmission for a lot line adjustment. Reporting on Sustainable Andover, she announced that Sustainable NJ accepted the application for certification, with a few minor changes and updates. Most of the discussion involved a joint meeting/project with the Environmental Commission and Open Space. Everyone is having issues with membership so they felt this meeting encouraging joint effort on projects should help and there are some crossover projects.

**MAYOR BOYCE.** He reported that earlier this evening the Committee promoted Helga Walls to Court Administrator. He stated she has worked diligently toward this achievement. He then referenced the recent article regarding the joint court in Green Township, which will be disbanded at the end of this year. He mentioned that we are working with those municipalities to see if they would like to join our court system. He referenced the great job being done by Ms. Walls and former Court Administrator Diana Francisco who has done a great job with the Court to put everything in order when Ms. Walls took the reins. She continues to work well in the Clerk's Office. He also mentioned Judge Devine and his level of experience in the Courts. He said we feel very good where we are with our court system. The recent audit report filed by the AOC finds that there are no recommendations for the Court.

He then mentioned the Intergovernmental Transfer for Police Officer Dan Kern who is leaving to go to Hopatcong Borough. He said he is a fine young officer who will be sorely missed. He has been with Andover Township for 10 years.

**REPORT FROM THE CLERK/ADMINISTRATOR** She mentioned a Request for Proposals submitted by the Township Engineer and all proposals received exceeded the bid threshold. She asked the Committee if they wished to accept the project as is and go out for bid or ask the engineer to revise the RFP so to reduce the proposals. The Committee agreed that the request should be revised.

She then stated that she applied to have the County review and administered Gypsy Moth spraying within the Township. Once the application is received, a representative will contact the department and spraying in certain areas of the township will be recommended. All these services are without cost to the township.

**REPORT FROM THE MUNICIPAL ATTORNEY** Attorney Pasek said that on the Young Realty Tax Appeal, preliminary reports are completed and next month's meeting there will be a status report in Executive Session. Concerning the Rolling Hills agreement, it has been completed and signed.

**NEXT SCHEDULED MEETINGS:** August 25, 2014  
6:30PM Executive Session  
7:30PM Regular Meeting  
August 11, 2014 (Cancelled)

**ADJOURNMENT** No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 8:32 P.M., seconded by Ms. Mc Govern 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 28<sup>th</sup> day of July 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:**

1. ***Possible Shared Services Contract Opportunity***
2. ***9-1-1 Dispatching Shared Services Agreements***

**Attorney-Client Privilege:**

1. ***Property Located at Block 73/Lot 6***

**Potential Litigation:**

1. ***NJ Civil Service Commission – Appeal Matter***

**Pending Litigation:**

- ( ) a. (8) Personnel matters.
  1. ***H. Walls, Acting Court Administrator***
  2. ***Police Department Matters***
- ( ) 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: July 28, 2014

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

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