

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

OCTOBER 27, 2014

EXECUTIVE SESSION – 6:30 P.M.

REGULAR MEETING – 7:30 P.M.

The regular meeting of the Andover Township Committee was called to order at 6:30 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: On a motion by Ms. Mc Govern, seconded by Ms. Blackburn, the resolution to go into executive session to discuss

Personnel Matters:

1. ***Department of Public Works Matters***
2. ***Staffing for the Municipal Building***

Contract Negotiations:

1. ***Possible Shared Services Opportunities***
2. ***Discussion Regarding Renewals of the Dispatchers' & DPW Union Contracts***
3. ***Police Chief A. Tagliatela***

Attorney-Client Privilege:

1. ***Property Located at Block 73/Lot 6***
2. ***Cross River Fiber Proposed Resolution and Agreement***
3. ***Andover Train Station***

Potential Litigation:

1. ***Appeal of R. Cottrell, Civil Service Commission Certification No. OL140622***

Pending Litigation:

1. ***Tax Appeal – Young Realty v. Andover Township***

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

The Committee went into executive session at 6:36 P.M. Ms. Blackburn moved to adjourn executive session at 7:32 P.M., seconded by Ms. Mc Govern and carried unanimously.

REGULAR MEETING CALLED TO ORDER AT 7:38 P.M.

APPROVAL OF AGENDA Mayor Boyce asked that the agenda be amended by adding Ordinance No. 2014-08 under Introduction. Mr. Walsh moved to approve the agenda as amended, seconded by Ms. Mc Govern and carried unanimously.

APPROVAL OF CONSENT AGENDA ITEMS Mayor Boyce asked that Resolution #R2014-124 be added to the Consent Agenda. Mayor Boyce then asked if anyone would like any item removed from the consent agenda for further discussion. Andover Borough Mayor John Morgan requested that Resolution #R2014-122 be removed for 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 Insert Attached to These Minutes)

ACCEPTANCE OF THE TAX COLLECTOR'S SEPTEMBER 2014 REPORT
\$187,840.74 – YEAR TO DATE - \$15,687,821.55

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

***RESOLUTIONS:**

#R2014-118 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND TO CAROL O'HANLON & JOANNE COOK IN THE AMOUNT OF \$49.29 FOR AN OVERPAYMENT OF TAXES FOR PROPERTIES KNOWN AS BLOCK 3, LOT 1.01, Q0001 & BLOCK 3, LOT 1.02

#R2014-119 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

#R2014-120 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF THE NARCAN MEDICAL OVERSIGHT AGREEMENT WITH THE ATLANTIC AMBULANCE CORP.

#R2014-121 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY FOR APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE PINKNEYVILLE ROAD PROJECT

CONSENT AGENDA (CONTINUED)**RESOLUTIONS (CONTINUED)**

#R2014-123 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO APPOINT THERESA A. VERVAET TO THE POSITION OF CLERK 1 FOR THE TAX COLLECTOR'S OFFICE

#R2014-124 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ISSUE A TAX REFUND TO US BANK CUST FOR CRESTAR CAPITAL, LLC IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE # 12-00002 SOLD FOR DELINQUENT TAXES FOR BLOCK 9, LOT 5 IN THE AMOUNT OF \$36,316.03

(See Inserts Attached to These Minutes)

***APPROVAL OF MINUTES**

**AUGUST 25, 2014 REGULAR MEETING
AUGUST 25, 2014 EXECUTIVE SESSION
SEPTEMBER 08, 2014 EXECUTIVE SESSION "B"**

APPROVAL OF ITEMS REMOVED FROM THE CONSENT AGENDA

#R2014-122 A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY REVISING RESOLUTION #R2014-117 AUTHORIZING APPROVAL OF SHARED SERVICES AGREEMENT FOR ESTABLISHMENT OF JOINT MUNICIPAL COURT

Andover Borough Mayor John Morgan questioned the reasoning behind the costs determined by the Township for the services of a joint municipal court. He explained that all municipalities that have entered into an agreement with the Township have seen a reduction in costs and Andover Borough costs have increased. It was explained that by the time the Borough gave a response to the Township, the costs in running the court increased. The Township was had no choice but to reexamine their initial proposal, and add a sixth session Following a lengthy discussion on this matter, Attorney Semrau suggested that the Committee go into a second Executive Session at the end of this meeting to discuss this issue further. The Committee agreed to the session.

APPROVAL OF MINUTES:

**SEPTEMBER 08, 2014 REGULAR MEETING
SEPTEMBER 08, 2014 EXECUTIVE SESSION "A"**

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

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

Mr. Lensak – abstain
Mr. Walsh – yes

PUBLIC PORTION James Woodstrum stated that the only information he has regarding the shared court system is what he has read about in the newspaper. He asked if Green Township is going to join the court system and the answer was no at this time. He asked what does it cost the Township right now to run the municipal court. Ms. Thompson stated that she does not have those numbers available at this time. He asked what it would cost to run the court system after the joint court is established. She explained that due to some uncertainties, such as positions in court staffing that need to be filled, as directed by the AOC and negotiations in salary with the current court staff, a firm number is not known at this time. She further explained that ballpark figures were used to determine the figures provided in the proposals for the other municipalities, as well as the costs for the Andover Township court system.

Diane Gillespie questioned the item of the Andover Train Station on the Executive Session. Mayor Boyce proceeded to explain that this discussion was with regard to the possibility of creating a subcommittee to look into investing funds into zoning changes in the area of the train station. He stated that Ms. Blackburn has agreed to head that subcommittee along with the attorney, Mr. Melfi from the Economic Advisory Committee, and a fourth person from the Land Use. Ms. Gillespie stated that at a prior meeting someone from State had recommended that the town would like to look at that area for possible rezoning and Ms. Gillespie then stated she would like to be part of that committee. She asked if she would be eligible. Mr. Lensak stated that we are not at that point yet, we are forming a subcommittee at this time to determine how we move forward.

Attorney Semrau explained that the reason it is listed under Executive, Attorney-Client Privilege is because the first threshold is what can the Committee do and not do from a legal prospective. Then there was discussion after the legal advice was given; now the policy level of the issue happens in the open meeting. He then proceeded to list the items on the Executive Session and gave a brief explanation on each for the public's interest.

Deb Danielson, on behalf of the Fire Department stated that the department that on Halloween Night they are doing a Trunk or Treat at the Farmstead at 5:00. She said there is a little girl who is a friend of the department who is trick or treating for the first time due to an illness. They will be making an environment for her so she can celebrate Halloween.

Andover Borough Mayor John Morgan wished to congratulate the Andover Borough and Township Fire Department for receiving the St. Barnabas Valor Award at the banquet in West Orange. They all deserve this award.

Bill Gallagher from the Fire Department spoke in regards to the fire vehicle request that was made earlier this year. He stated that the time has come to and the documents are in order to proceed with the purchase. He explained the details in the pricing and the savings with regard to the amount of the down payment needed to begin working on the new vehicle. Mr. Gallagher explained that the truck being replaced is 15 years old. He continued to explain how the vehicle will be assembled using Pierce as the manufacturer of the truck. He asked the Committee to follow along on the print out provided which details the new vehicle and all the equipment needed. The trade in amount is \$70,000. There was then discussion regarding the reduced payment based on the amount of down payment provided in the deposit. Following a short discussion, Mr. Lensak suggested that Mr. Gallagher negotiate a savings of \$20,000 rather than the amount provided in the worksheet.

Attorney Semrau commented on the HGAC cooperative network and said he has to research this coop further and address the issue regarding the prepay of goods and services. He said he understands the incentives but he needs to address this before getting back to the Committee.

There was a consensus of the governing body to proceed with a counteroffer of a \$20,000 savings incentive. The Committee agreed to have Mr. Gallagher move forward with Pierce to design the schematics for the new truck. A resolution will be considered at the next meeting.

NEW BUSINESS**DISCUSSION REGARDING THE CALENDAR YEAR 2014 BEST PRACTICES INVENTORY**

The Committee reviewed the Inventory prepared by the staff and they discussed several items that were rated with a negative response. All in all, the total number yielded a zero deduction in the 2015 State Aid funding.

DISCUSSION REGARDING THE POSSIBLE CONTINUATION OF CURRENT OFFICE HOURS

Following a short discussion of this matter, it was decided that the "summer" hours for the municipal building end on October 31st to begin again next May.

COMMITTEE REPORTS:

MR. WALSH. He asked that the issue of an Ordinance regarding a cooling off period be discussed at the next meeting. He briefly explained that with this Ordinance in place, any elected official would have to be out of office for a period of one year before accepting employment with a vendor in which worked for the municipality while he or she was on the Committee.

He then reported on the Recreation Committee stating that last Sunday there was a Halloween Party at the park. There were 65 children in attendance. Pumpkins were provided at cost from Dale's Market. He commented on the Senior Luncheon, which he was told was another great success by the Recreation Committee. On November 14th there will be a Casino Night.

Reporting on the DPW, they are waiting for the drainage repair on Mulford Road in order to begin work on the road. This project may have to wait until Spring. He spoke about the application submitted for work on Pinkneyville Road in which we are asking for \$150,000. He then spoke about the work DPW Supervisor Dickinson has to do MSDS on every product in the garage. If the product isn't labeled, he has to research the product and print out a label. Mr. Walsh spoke about an inspection by the State making certain that these mandates are followed. Some products can have as many as 19 data sheets.

He spoke about the recent article in the NJ Herald with regard to the Town of Newton looking into the possibility of assessing taxes to their numerous tax-exempt properties. He said this prompted him to review the tax-exempt properties in Andover Township. He said that those properties in this town, land value and improved value total \$60,669,000. Mayor Boyce asked who the largest property owner is and Mr. Walsh replied that the State of NJ is the largest tax-exempt property owner on the rolls. They own over 1500 acres that they do not pay taxes.

MS. MCGOVERN. She reported on the Open Space meeting and they decided against having a bon fire at the Lake Iliff Access property. Instead they asked if the DPW would chip the brush that was collected at that site. The next meeting is November 20th at the Barn, which is a Joint meeting and potluck dinner with Sustainable Andover and the Environmental Committee.

The Seniors met last week and the next meeting is November 3rd at the Farmstead for their Thanksgiving lunch. There is a trip scheduled to Huntingdon Hills scheduled for November 14th and they are holding a Christmas show. Seats are available. Information will be placed on the Township website and Facebook page.

COMMITTEE REPORTS (CONTINUED)

MS. MCGOVERN. She then reported on the School Board. There was an audit presentation by Ray Sarinelli and the Corrective Action worked but they are not yet back at two percent surplus but they are positive \$175,000. They need an additional \$118,000 to be at two percent. They anticipate and hope to have that goal reached in about two years. The new debt service refunding of their long-term debt saves them \$35,000 a year in interest. They have a mid-year additional audit, which is scheduled over the Christmas break. She then reported on the technology grant and it offset the installation of some internet access cable work and provided portable carts that teachers can take with them from room to room. Andover Regional was selected by the State of NJ, Division of Pensions and Benefits for a payroll audit. Newton School District was also selected. She spoke about the preschool program and the Long Pond School remediation work. The contract between the Board and teachers was approved for the period July 2014 through 2017. She then spoke about a new drug education program opened to adults with babysitting available. The Township sponsored dance for 6th, 7th and 8th graders will be held at the Barn. She spoke briefly about the two questions and the tax share information for the Borough and Township on the ballot this Election.

MR. LENSAK. He spoke about the meeting with the Courts regarding Security measures. Judge Devine reported that he is very pleased with everything. The ideas of security cameras as well as a Skype line to the jail were discussed. He spoke briefly about the Joint Court venture. He then reported on October 4th the Grand Opening for Accomplitech which is a computer class/center to meet all your technology needs. There is 3D printing available there.

Reporting on the police department, in the month of August was motor vehicle stops were on the rise and the criminal mischief is about seven times less than the animal complaints. He then mentioned a meeting tomorrow with Senator Oroho to be held at this location. They asked in advance what concerns people might have. He said his concern was the Newton-Sparta Road corridor expansion and why the project was halted and if there are plans to make any upgrades to this roadway in the near future. He then spoke about a lost horse, which was found in Andover Township at the park. He thanked everyone who assisted in finding his horse.

MS. BLACKBURN. She reported on the Environmental Commission meeting and discussion was primarily regarding goals for 2015. The members will be working on the trail head signs on either end of the trail, which was an Eagle Scout project.

The Land Use Board held a hearing regarding Ascot Apartments and their new fire hydrants and water suppression system there. Their goal for 2015 is an updated zoning map for use by the applicants. Engineer Golden has done some work in this area in the past. They also discussed a review/update of the Master Plan. The last update was 2011. They also spoke about the Jump Airport property, in two years PSE&G will be done, and we will need to examine the area for rezoning. They also spoke about the train station zoning and the Route 206 corridor for possible rehabilitation. They also spoke about rezoning possibilities for the Rolling Hills Golf Course.

Reporting on Sustainable Andover, she stated that the Community Garden project has yielded over 630 pounds of fresh produce to the Bodhi Monastery this past summer. The Newton High School Ag Department students started the plants. They were given seeds by Sustainable Andover which they grew and achieved their community service hours in return. She then reported that on October 15th they received a letter from Sustainable Jersey informing them they have received Bronze Certification. Municipalities that earn this certification are considered by their peers, State government, experts and Civic organizations in NJ to be one of the leading communities in the State. Several members from Sustainable Andover will be going to the November Conference in Atlantic City to receive this award.

COMMITTEE REPORTS (CONTINUED)

MS. BLACKBURN. She then touched on the Senior Luncheon, which was attended by about 35 people. Harmony in Motion entertained for about an hour. Girl Scout Troop 4422 served as the wait staff.

MAYOR BOYCE. He commented on the Andover Township Fire Department and how well they maintain their vehicles. They are meticulous in their care for them, which in turn, give longer life to the vehicle. He thanked them all for all their hard work and dedication.

He then thanked all those who worked hard on the Joint Court Agreement, including Ms. Thompson, Ms. Francisco, Ms. Wells, Judge Devine and Deputy Mayor Blackburn and Mr. Lensak. He also thanked Attorney Sullivan from Mr. Semrau's office who worked very hard in bringing the consolidation to conclusion.

REPORT FROM THE CLERK/ADMINISTRATOR She reminded everyone to reach out to the website and Facebook page for daily news regarding the Township. Also mentioned available seats on the NY City bus trip. She also stated that Election Day is next week and look at the sample ballots for information regarding where to vote.

REPORT FROM THE MUNICIPAL ATTORNEY Regarding tax appeals, the nursing home appeal which has been pending for three years has been dismissed without any refund of taxes. The matter has been resolved with no legal fees involved. The one that remains is with Young Realty which there may have to be action in the future. The Farmstead matter is being worked on to try and resolve and if not, a resolution to authorize professional services agreements to finish their expert reports. That will be in the range of about \$20,000 to proceed.

With respect to the costs to the Court, it is difficult to articulate these numbers until you have a final proposal. You do know your fixed costs except for the prosecutor and judge's salary. The administration has been able to figure out what it will cost to run the court. You cannot turn around in municipal government and state you are going to make money is not permissible. If you are going to invest some of that money back into our resources, it is.

NEXT SCHEDULED MEETINGS: November 10 & 24
 December 08 & 22
 6:30PM Executive Session
 7:30PM Regular Meeting

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

Personnel Matters:**Contract Negotiations:**

1. ***Possible Shared Services Opportunities***

Attorney-Client Privilege:

1. ***Regionalization Study from the Town of Newton***

, was carried unanimously.

(See Insert Attached to These Minutes)

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION "A"

BE IT RESOLVED by the Township Committee of the Township of Andover on the 27th day of October 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. *Various Shared Services Opportunities***
- 2. *Discussion Regarding Renewal of Shared Services Contracts With Lafayette Township***
- 3. *Correspondence from the Police Dispatchers' Union***

Attorney-Client Privilege:

- 1. *Property Located at Block 73/Lot 6***
- 2. *Cross River Fiber Proposed Resolution and Agreement***
- 3. *Andover Train Station***

Potential Litigation:

- 1. *Appeal of R. Cottrell, Civil Service Commission Certification No. OL140622***

Pending Litigation:

- 1. *Tax Appeal – Young Realty v. Andover Township***

- () a. (8) Personnel matters.
 - 1. *Department of Public Works Matters***
 - 2. *Staffing for the Municipal Building***
- () 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: October 27, 2014

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

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION "B"

BE IT RESOLVED by the Township Committee of the Township of Andover on the 27th day of October 2014, 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) 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. *Various Shared Services Opportunities*

Attorney-Client Privilege:

1. *Regionalization Study from the Town of Newton*

Potential Litigation:

Pending Litigation:

- () a. (8) Personnel matters.
- () 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: October 27, 2014

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