

**ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES**

**MICHAEL LENSAK, MAYOR  
JANIS MC GOVERN, DEPUTY MAYOR  
DOLORES BLACKBURN  
JACK E. BURKE  
TOM WALSH**

**FEBRUARY 23, 2015**

**REGULAR MEETING – 7:30 P.M.**

The regular meeting of the Andover Township Committee was called to order at 7:33 P.M. by Mayor Lensak, followed by a salute to the flag.

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

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

**REGULAR MEETING AGENDA**

**APPROVAL OF THE GENERAL AGENDA** Ms. Blackburn moved to approve the agenda as presented, seconded by Ms. Mc Govern and carried unanimously.

**APPROVAL OF CONSENT AGENDA ITEMS** Mayor Lensak asked that the agenda be amended to include #R2015-48, To Authorize the Promotional Appointment of Road Laborer Daniel Hennighan to the Provisional Position of Public Works Repairer. Ms. Blackburn moved the following consent items be approved, as amended, seconded by Ms. Mc Govern and carried unanimously.

**\*CONSENT AGENDA:**

**\*OTHER BUSINESS:**

**APPROVAL OF VOUCHERS FOR PAYMENT**  
(See Inserts Attached to These Minutes)

**ACCEPTANCE OF THE CHIEF FINANCIAL OFFICERS REPORT FOR THE  
MONTH ENDING JANUARY 31, 2015**

**\*RESOLUTIONS:**

**#R2015-46 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE  
RENEWAL OF AN INTERLOCAL SERVICE AGREEMENT WITH THE  
COUNTY OF SUSSEX FOR ENFORCEMENT AGENCY SERVICES  
THROUGH THE SUSSEX COUNTY FIRE MARSHAL**

**#R2015-47 A RESOLUTION OF THE TOWNSHIP OF ANDOVER COUNTY OF  
SUSSEX AND STATE OF NEW JERSEY REGARDING THE  
RESTORATION OF FUNDING TO STATE PARK PROGRAMS  
WHICH WILL SUFFER CUTS DUE TO DIVERSION OF  
CORPORATION BUSINESS TAX FUNDS DUE TO PUBLIC  
APPROVAL OF NEW JERSEY BALLOT QUESTION 2**

**\*CONSENT AGENDA (CONTINUED)**

**\*RESOLUTIONS (CONTINUED)**

**#R2015-48 RESOLUTION TO AUTHORIZE THE PROMOTIONAL APPOINTMENT OF ROAD LABORER DANIEL HENNIGHAN TO THE PROVISIONAL POSITION OF PUBLIC WORKS REPAIRER**

*(See Inserts Attached to These Minutes)*

**\*APPROVAL OF MINUTES:**

**JANUARY 29, 2015 REGULAR MEETING**

**APPROVAL OF MINUTES:**

**DECEMBER 08, 2014 REGULAR MEETING  
DECEMBER 08, 2014 EXECUTIVE SESSION**

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

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

**PUBLIC PORTION** Nikki Tozner of Ridge Circle came before the Committee to discuss the Lenape Water Company. She stated her family has been without water for over a week. She has complained to Bruce Mueller and he told her that the problem is with the pipes in the home. She said she has called a plumber and after spending hundreds of dollars was told that there is a water main leak at the road. She then proceeded to say that Mr. Mueller stopped by her home tonight and spoke to her husband. He stated that the Township of Andover DPW was responsible for the break due to snow plowing the road.

Attorney Semrau stated that a formal complaint needs to be filed with the BPU because this is not in the jurisdiction of the Township. He added that responsibility doesn't sit with the property owners' association as well. One of the things they are investigating is a way to remove their franchise and if they agree to sell their rights, then United Water may have some interest in taking over the rights. If Lenape Water Company does not agree to do this voluntarily, then we have an up-hill battle to convince the BPU. He added that she could file a complaint with the DEP to let them know at Water Quality Management that this water company has not been complying over the years.

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

**ORDINANCES: PUBLIC HEARING**

**NO. 2015-02 BOND ORDINANCE  
PURCHASE OF A FIRE TRUCK**

***"BOND ORDINANCE PROVIDING FOR THE PURCHASE OF A FIRE TRUCK IN AND BY THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$478,875 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$193,875 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF"***

**ORDINANCES: PUBLIC HEARING (CONTINUED)****NO. 2015-02 BOND ORDINANCE**  
**PURCHASE OF A FIRE TRUCK**

***“BOND ORDINANCE PROVIDING FOR THE PURCHASE OF A FIRE TRUCK IN AND BY THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$478,875 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$193,875 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”***

Mayor Lensak opened the public hearing on this Bond Ordinance and seeing no hands, he closed the hearing. An ordinance of which the foregoing is the title was introduced and passed on first reading at the regular meeting of the Andover Township Committee on February 09, 2015, 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 Mr. Burke. Roll call vote:

Ms. Blackburn – yes

Mr. Burke – yes

Ms. Mc Govern – yes

Mr. Walsh – yes

Mayor Lensak – yes

**NO. 2015-03 TO AMEND CHAPTER 155 “STREETS & SIDEWALKS”**  
**SECTIONS 115-15 & 115-17**

***“AN ORDINANCE OF THE ANDOVER TOWNSHIP COMMITTEE TO AMEND CHAPTER 155 ENTITLED “STREETS AND SIDEWALKS” ARTICLE V. REMOVAL OF SNOW AND ICE “SECTION 155-15 “DUTY TO REMOVE”, & SECTION 155-17 “REMOVAL BY TOWNSHIP; COSTS TO BECOME LIEN”***

Mayor Lensak opened the public hearing on this Ordinance. Ellsworth Bensley questioned if this Ordinance covers the plowing of snow into the streets. He was advised that this is covered under a separate Ordinance. Seeing no hands, Mayor Lensak closed the public hearing.

Ms. Mc Govern raised concerns over this Ordinance asking about where are the hydrants located. If they are not cleared, is this an insurance matter because of public safety. The Committee agreed and Mayor Lensak added that because it is a public safety issue, if you have a hydrant on your property, it is your obligation to clear the path to that hydrant. This Ordinance should have been considered before now. Ms. Mc Govern stated in the past, since this is a change in the ordinance, you cleaned out the hydrants. Ms. Thompson believed it was either the DPW or the fire department. Mr. Walsh stated that the hydrants on his street are not cleared. Ms. Mc Govern stated that she does not feel that this responsibility should be in the hands of a private citizen because you cannot depend on them to do it. She stated based on these facts, she believes the responsibility belongs to the Township through the DPW to make sure it is done.

There was further discussion regarding this issue, including the ability of seniors to be able to clear out these fixtures. Mayor Lensak stated that people, including seniors have to be able to clear their driveways and sidewalks as well. The question came up as to who was cleaning out the hydrants and cisterns before now. Ms. Blackburn stated that it wasn't being done.

Attorney Semrau added that it's not just about the removal but it is saying as a concern that people shovel and throw snow in front of a hydrant. This Ordinance covers that violation as well.

**ORDINANCES: PUBLIC HEARING (CONTINUED)**

**NO. 2015-03 TO AMEND CHAPTER 155 "STREETS & SIDEWALKS"  
SECTIONS 115-15 & 115-17**

***"AN ORDINANCE OF THE ANDOVER TOWNSHIP COMMITTEE TO AMEND CHAPTER 155 ENTITLED "STREETS AND SIDEWALKS" ARTICLE V. REMOVAL OF SNOW AND ICE "SECTION 155-15 "DUTY TO REMOVE", & SECTION 155-17 "REMOVAL BY TOWNSHIP; COSTS TO BECOME LIEN"***

The Fire Chief was present and Mr. Burke asked him if there is a problem getting to hydrants in the snow. Chief Hennighan replied that firefighters come out in an emergency and if the hydrant isn't shoveled out there will be a serious problem. He explained that time is of the essence during any emergency. There was discussion regarding the possibility of empty homes with hydrants on the property. Ms. Mc Govern stated that if this Ordinance is adopted there has to be some type of public awareness as to the responsibility placed on the property owner.

Mayor Lensak opened the public hearing on this Bond Ordinance and seeing no hands, he closed the hearing. An ordinance of which the foregoing is the title was introduced and passed on first reading at the regular meeting of the Andover Township Committee on February 09, 2015, 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 Mr. Burke. Roll call vote:

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

**NEW BUSINESS**

**REVIEW REQUEST FROM THE LAND USE BOARD TO RETAIN THE SERVICES OF A PLANNER TO PROVIDE EXPERT OPINION ON ORDINANCE NO. 2015-04 AMENDING MT. LAUREL ZONE TO CLARIFY PERMITTED USES WITHIN THE ZONE**

Ms. Thompson explained that the Township Committee introduced this Ordinance on February 13<sup>th</sup> and formally referred the Ordinance to the Land Use Board for a master plan consistency plan review pursuant to NJSA 40:55D-64. She stated that the Land Use Board Administrator informed her that the Board discussed the matter and agreed that they would like an expert planning opinion. Budgetary concerns were expressed and the membership agreed to obtain a cost estimate for a planner's services relative to this mater plan consistency analysis. They also decided to ask the Township Committee for an *extension of time* through April 13 in order to prepare their referral report. They will meet again on March 3<sup>rd</sup> to discuss the planner engagement proposal.

Ms. Blackburn stated she was surprised that the Land Use Board professionals would have made a decision themselves. Attorney Semrau explained the process with a Land Use Ordinance. They were only tasked with the decision of determining consistency with the master plan and provide reasons if the decision is to override the consistency. He explained the options to the Committee.

Following this discussion the Committee decided to decline the offer of an extension of time. They also decided to reject their position to appoint a Planner to conduct an analysis. The Committee stated that they are very comfortable with this Ordinance and would like to move forward. He further stated that he and Attorney Briigliodoro discussed this matter and decided that personal notice to property owners was not required. The public hearing is scheduled for March 09<sup>th</sup>.

**COMMITTEE REPORTS**

**MR. BURKE.** He provided the monthly statistical reports for the Lakeland Emergency Squad and Andover Township Fire Department.

**MS. BLACKBURN.** She reported that Sustainable Andover held their annual Winter Market this past Sunday. Regardless of the snow, the event went on without a problem. Special thanks to the DPW and Jim Sullivan for preparing the grounds and the Barn. She reference a great article in the NJ Herald covering the event and only four vendors cancelled but 18 showed up. The article stated that Sustainable Andover donated 70 pounds of food to the Monastery and it was actually 700 pounds. She stated it was a great article. Land Use matters were addressed earlier in the meeting.

**MR. WALSH.** He reported that the Finance Committee continues to work on the budget. He then stated he spoke with the DPW and would like to sit down with Open Space and address the Lake Iliff Access property so a solution can be reached to plan the parking area to the lake.

**MS. MCGOVERN.** She also reported on the Winter Market and wanted to thank Boy Scout Troop 181 and especially Kyle and his dad who helped Sustainable Andover set up and break down the event. They also assisted the vendors.

Reporting on the school board, they met on February 17<sup>th</sup> and a Special meeting is scheduled for March 10<sup>th</sup> to address their budget. She said that there long term debt service has a \$51,000 fund balance so they will apply that money to this year's budget. Six classrooms are yet to be addressed for the roof remediation structural project. They approved their tuition contract agreement with Newton High School for year 2015-2016 and it is estimated at \$14,886 per student. They also estimate that they will be sending 245 students in that school year. Resource room charges in addition to the tuition are \$195,000. The deferred field payment, broken down into three payments, is \$86,802. There is also an adjusted tuition for the 2013-2014 school year of \$6000. There was a short discussion regarding the testing and the fact that if students and parents opt out, then we can lose part of the State Aid. There was also discussion regarding the recycling program and the services provided by the Township.

She then reported on the Seniors and they met on February 16<sup>th</sup> and the next meeting is March 2<sup>nd</sup>. On March 16<sup>th</sup> they will be going to Sheridan's for a St. Patrick's Day luncheon. Open Space did not meet this month.

The Andover Education Foundation will be hosting a Tasting of Reds and Whites at Hillside Park Barn on March 28<sup>th</sup>, \$40 a person. Silent auction and appetizers will be available.

**MAYOR LENSAK.** He stated the Municipal Court is running smoothly and he attended a presentation by JCP&L. They did a presentation on the readiness for storms. Lt. Danielson and Chief Tagliatela were also present. They demonstrated how they upgraded their systems since Sandy. He explained there is a JCP&L app for smartphones and you can see where outages are and what the status is, the location and what is being done. Reporting on the Police Department, he referenced a thank you from Pat Geffkin to Haggerty on his professionalism and kindness during a call for medical assistance.

Mayor Lensak then spoke about the solar settlement that the County entered into for \$24 million for the failed project. He stated that the Committee has been questioning the timeline of events asking questions. He stated that the taxpayers are the ones footing the bill on these actions. Seems like there will be no repercussions of those who recommended this project to the Freeholders. He stated once we receive more information and actual facts on this case we can then send a resolution to the County addressing certain action be taken by the Freeholders. Mr. Walsh spoke about an apparent hold harmless agreement and gag order on this settlement. The County Freeholders will be considering approval of the settlement this Wednesday at 5PM. Once more information is received the Committee stated they will stay on top of this topic.

**REPORT FROM THE CLERK/ADMINISTRATOR** She had nothing more to report this evening.

**REPORT FROM THE MUNICIPAL ATTORNEY** He reported that the tax maps were resubmitted for the revaluation to Trenton. Once approved the revaluation company will meet with the Township to begin to outline neighborhoods and start the public relations program through presentations. Formal explanation will take place this summer and early fall. Ultimately, the revaluation numbers will be set. Once they receive their numbers, property owners will have an opportunity to meet with the company to discuss.

**NEXT SCHEDULED MEETINGS:**            March 09 & 23, 2015  
April 10, 2015 Special Meeting 7:00PM  
April 13 & 27, 2015 6:30PM Budget Work 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:**

- 1. Rates of Compensation for Officials, Officers and Employees
- 2. DPW Staffing

**Contract Negotiations:**

- 1. Lieutenant Danielson
- 2. Appeal for Bereavement Leave Denial (Resolved – Removed)

**Attorney-Client Privilege:**

- 1. Property Located at Block 73/Lot 6
- 2. Lake Lenape Water Company
- 3. Assignment of Cell Tower Leases
- 4. Green Township Dispatching Services – Use of Antenna

**Potential Litigation:**

**Pending Litigation:**

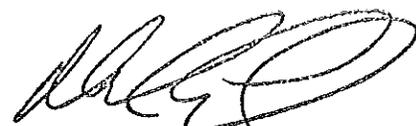
, was carried unanimously. Formal action may be taken.  
(See Insert Attached to These Minutes)

The Committee went into executive session at 8:29 P.M. Mr. Walsh moved to adjourn executive session at 9:45 P.M., seconded by Ms. Mc Govern and carried unanimously.

Ms. Blackburn left the Executive Session at 9:30 P.M. and is excused for the remainder of the meeting.

**REGULAR MEETING RESUMED**

**ADJOURNMENT** No further business appearing before the Committee at this time, Mr. Walsh moved the meeting be adjourned at 9:46 P.M., seconded by Mr. Burke and carried unanimously.



Michael Lensak, Mayor

Respectfully submitted,



Vita Thompson, R.M.C.  
Clerk/Administrator

**TOWNSHIP OF ANDOVER**

**MOTION FOR EXECUTIVE SESSION**

BE IT RESOLVED by the Township Committee of the Township of Andover on the 23<sup>rd</sup> day of February, 2015, that:

1. Following 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.

**Personnel Matters:**

- 1. ***Rates of Compensation for Officials, Officers and Employees***
- 2. ***DPW Staffing***

**Contract Negotiations:**

- 1. ***Lieutenant Danielson***
- 2. ***Appeal for Bereavement Leave Denial***

**Attorney-Client Privilege:**

- 1. ***Property Located at Block 73/Lot 6***
- 2. ***Lake Lenape Water Company***
- 3. ***Assignment of Cell Tower Leases***
- 4. ***Green Township Dispatching Services – Use of Antenna***

**Potential Litigation:**

**Pending Litigation:**

- ( ) 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: February 23, 2015

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

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