

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

MARCH 23, 2015

EXECUTIVE SESSION – 6:30 P.M.

BUDGET WORK SESSION – 6:45 P.M.

The regular meeting of the Andover Township Committee was called to order at 6:30 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 Sullivan

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

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

Personnel Matters:

1. DPW Staffing

Contract Negotiations:

1. Lieutenant Danielson

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:30 P.M. Mr. Walsh moved to adjourn executive session at 7:02 P.M., seconded by Ms. Mc Govern and carried unanimously.

A RECESS WAS CALLED AT THIS TIME

REGULAR MEETING RESUMED

Due to a scheduling conflict, the swearing in ceremony for the new police officers was held at this time. Mayor Lensak sworn in the officers as their family and friends watched and applauded.

SWEARING IN CEREMONY
ANDOVER TOWNSHIP POLICE OFFICERS

ANDREW B. MOORE
ALEXANDER R. PRICE

2015 MUNICIPAL BUDGET WORK SESSION Mayor Lensak asked if there were any updates to the budget. CFO Magura advised that this budget would be an average increase of \$88.19 per year. The average home is assessed at \$244,000. The main reason for the increase was due to the assessment error and the tax appeal settlement.

2015 MUNICIPAL BUDGET WORK SESSION There was a short discussion regarding the possible hiring of additional DPW staff and charge that appointment to the Open Space Tax. Ms. Magura explained that the Supervisor must keep track of all hours used to maintain the open space and charge accordingly. Ms. Mc Govern stated that the salary would be hourly adding that in the middle of winter, there would not be much done on Open Space. Physical hours and work can only be charged to Open Space and no benefits fees could be charged. There was a clarification to the process that would be followed if someone were to be hired for this function.

PUBLIC PORTION Lt. Danielson and Police Chief Tagliatela were present and they stated that at the last budget meeting there was a proposal made to remove \$8000 from the dispatchers' overtime budget. He advised the Committee that they are two dispatchers down and they stated it is very difficult to fill certain shifts with part time personnel. Lt. Danielson mentioned this request is similar to the request made in the letter send to the Committee requesting another full time dispatcher. This position will absorb some of those overtime costs as well as reduce the part time costs. He said we find ourselves coming to mandatory our full timers on occasions because our part timers have other full time jobs. However, they can rely on those part timers but only to a certain extent. They concluded by saying these are the reasons they are concerns with reducing this line item by \$8000.

Seeing no other hands, Mayor Lensak closed the public portion of the budget work session.

RECESS WAS CALLED AT THIS TIME.

THE REGULAR MEETING WAS CALLED TO ORDER AT 7:32 P.M.

APPROVAL OF AGENDA Mr. Walsh 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 Consent Agenda be amended to include under Resolution #R2015-58, Authorizing the Execution of an Employment Agreement with Eric Danielson to Serve as Chief of Police. Ms. Mc Govern questioned an item on the Board of Health Correspondence, specifically AG Choice and complaints made on three separate occasions. Ms. Thompson stated that it is her belief that it is the same complainant for all. She then referenced a recent letter from a neighbor regarding AG Choice. Mr. Walsh moved the following consent items be approved, as amended, seconded by Ms. Mc Govern and carried unanimously, except for Mr. Walsh who abstained on Bill #18450.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

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

***RESOLUTIONS:**

#R2015-52 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF THE INTERLOCAL AGREEMENT BETWEEN THE TOWNSHIP OF ANDOVER AND SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY FOR CERTIFIED RECYCLING PROFESSIONAL (CRP) TO PREPARE ANNUAL RECYCLING TONNAGE REPORT

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

#R2015-53 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 IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE #12-00015 SOLD FOR DELINQUENT TAXES FOR BLOCK 153 LOT 21 IN THE AMOUNT OF \$61,341.89

#R2015-54 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE SPECIAL EMERGENCY APPROPRIATION FOR PROPERTY ASSESSMENT REVALUATION

#R2015-55 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ACCEPT THE LETTER OF RESIGNATION FROM SUSAN FLEMING, DEPUTY COURT ADMINISTRATOR EFFECTIVE APRIL 03, 2015

#R2015-58 A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN EMPLOYMENT AGREEMENT WITH ERIC DANIELSON TO SERVE AS CHIEF OF POLICE

(See Inserts Attached to These Minutes)

***BOARD OF HEALTH CORRESPONDENCE**

OCTOBER 01, 2014 THROUGH JANUARY 31, 2015

PUBLIC PORTION Mayor Lensak opened the public portion of the regular meeting, Mr. Woodstrom asked about the hiring of two officers and the promotion of the lieutenant. He asked if these were new positions or if they replaced outgoing officers. Mayor Lensak stated that the new officers are not additional only replacing those who left, keeping the department at the same number, which is 12, including the Chief.

Jackie Espinoza of JCP&L was present and reported that when their engineers conduct their study of all circuits in our territory, none of the circuits observed in Andover Township fell on their list of concern. Trees are still being trimmed in this area and this has made a significant improvement.

She then reported on Sussex County Day that will be held on May 3rd at the college. There is a reception this Monday at St. Moritz at 6PM. This reception will be held to kick off the event in May. Each town will get a complimentary booth at the event.

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

ORDINANCES: INTRODUCTION**NO. 2015-06 2015 CAP BANK ORDINANCE**

“CALENDAR YEAR 2015 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)”

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2015-06, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on April 13, 2015 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. Burke – abstain
Ms. Mc Govern – yes	Mr. Walsh – yes
Mayor Lensak – yes	

NO. 2015-07 FOREST LAKES DAM REHABILITATION AUTHORIZING SPECIAL ASSESSMENT

“AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING A SPECIAL ASSESSMENT TO ENSURE THE COLLECTION, PROPER ADMINISTRATION AND REPAYMENT OF LOAN MONIES FOR THE FOREST LAKES DAM REHABILITATION TO THE 2003 DAM, LAKE AND STREAM REVOLVING LOAN FUND AND/OR NJDEP PURSUANT TO DAM REHABILITATION LOAN”

BE IT RESOLVED by the Mayor and Committee of the Township of Andover, that Ordinance #2015-07, entitled as above, be passed on first reading, to be published in the New Jersey Herald and the public hearing to be held on April 27, 2015 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. Burke – yes
Ms. Mc Govern – yes	Mr. Walsh – yes
Mayor Lensak – yes	

RESOLUTIONS**#R2015-56 RESOLUTION TO APPROVE AND INTRODUCE THE 2015 MUNICIPAL BUDGET - PUBLIC HEARING APRIL 27, 2015 AT 7:30 P.M.**

Mr. Walsh moved to introduce the 2015 Municipal Budget as presented, seconded by Ms. Blackburn and carried unanimously.

#R2015-57 SELF-EXAMINATION OF BUDGET RESOLUTION

Mr. Walsh moved to approve the foregoing resolution as presented, seconded by Ms. Blackburn and carried unanimously.

(See Inserts Attached to These Minutes)

NEW BUSINESS**SUSSEX COUNTY FREEHOLDER DIRECTOR CRABB CORRESPONDENCE REGARDING THE SOLAR PROJECT SETTLEMENT**

Mayor Lensak referenced a letter received from Freeholder Director Phil Crabb who offered to come to any municipality to speak with representatives regarding the solar project. Mayor Lensak asked for a motion to invite Mr. Crabb to a public meeting to discuss these issues before the entire Committee. Mr. Burke asked that the invitation include Mr. Eskilson and Attorney McConnell as well. He feels that by inviting all three, together they will be able to answer all questions of the governing body and the public. The Committee discussed the project settlement timeline, which they feel needs clarification.

Mayor Lensak stated he read all the resolutions adopted by the other municipalities, they are requesting an investigation into this matter. He stated Andover Township is asking for the resignations not because of the settlement, but because of the contract that got us to the point that we needed the settlement. He added that in the private sector, if you lose faith and confidence in an employee or professional you remove them from their position. You do not wait to determine if there was criminal intent. He further stated that there was no concern for the Sussex County taxpayer when this decision was made. Mr. Walsh agreed. He said he attended a Byram Council meeting and had a lengthy conversation with them. He said the investigation is with regard to criminality, he said we are talking about accountability. Citizens are calling handing over volumes of information on the solar project but there is nothing with regard to the settlement.

Mr. Walsh moved for a special meeting on Monday, March Mr. Walsh moved for a special meeting on Monday, March 31 at 7PM and invite Mr. Crabb, Mr. Eskilson and Mr. Mc Connell. Ms. Mc Govern stated she is not necessarily in favor of that. She stated that she believes that if anyone is interested in learning more about this they can go to the Freeholder meetings. She said she would be happy to invite the Director come here, but she does not think it necessary at this point for all three to attend. She added that after we did our resolution, no other municipality followed our format. She also stated that she hopes we did not act too quickly in adopting such a resolution. Mr. Walsh stated his disagreement to these statements.

Mr. Burke stated he feels he has done his due diligence on this matter and when we attended the Freeholder meetings, we asked them to table the decision on the settlement because we did not have all the facts. We asked that the facts be made clear and table the decision before acting on this matter. He added that they chose to go in a different direction, appearing to become defensive. The Committee continued to discuss this issue for several minutes, focusing on the details of the contract and the settlement.

Ms. Thompson was asked to reach out to Mr. Crabb, Mr. Eskilson, and Mr. Mc Connell to attend the Monday, March 31st Special Meeting at 7:30 in response to his offer to speak before representatives of the governing body.

RESOLUTIONS**#R2015-59 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY IN SUPPORT OF SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY'S OPPOSITION TO A PROPOSED AMENDMENT TO THE SUSSEX COUNTY SOLID WASTE MANAGEMENT PLAN**

Mayor Lensak informed the Committee and the public that at the February 10th SWAC meeting, Grinnell and Cavalier Environmental Compliance Services proposed an amendment to the Solid Waste Management Plan. This amendment seeks to permit Grinnell to accept ID13 Bulky Waste in addition to ID13C waste, which is permitted. SWAC had requested that SCMUA submit a positional response to this amendment. SCMUA responded that under its agreement it is obligated to the County and the solid waste facility bondholders that the waste system operated must be financially self-sufficient.

RESOLUTIONS (CONTINUED)**#R2015-59 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX
AND STATE OF NEW JERSEY IN SUPPORT OF SUSSEX COUNTY
MUNICIPAL UTILITIES AUTHORITY'S OPPOSITION TO A PROPOSED
AMENDMENT TO THE SUSSEX COUNTY SOLID WASTE MANAGEMENT**

If allowed the Grinnell amendment would negatively impact SCMUA's future revenue stream with upward pressure on future tipping fees, including ID10 household waste. Any reduction in SCMUA's revenue stream will negatively affect its budget, possibly resulting in significant increases in tipping fees especially impacting those municipalities that provide for the collection and disposal of household waste by their residents. Therefore, SCMUA has formally opposed the proposed amendment to the SWMP.

Ms. Blackburn expanded on the facts in this matter and based on these facts, Mr. Walsh moved to approve this resolution, seconded by Mr. Burke and carried unanimously.
(See Insert Attached to These Minutes)

COMMITTEE REPORTS

MS. MCGOVERN. She reported that the Seniors had their St. Patrick's Day luncheon at Sheridan's and the food was great. Their next meeting is April 6th at 1PM in the Borough. Some Seniors attended the dress rehearsal of Alice In Wonderland at Long Pond School. Reporting on the Open Space meeting, she stated they did not have enough members for a quorum. The next meeting is April 8th at 7PM. She stressed the need for membership, asking if anyone knows anyone who is interested to please let him or her know.

She then reported on the recent School Board meeting. March is School Art Month and the Sussex County Arts and Heritage Council in Newton exhibited some of the youth art. Andover Township had three students from our schools in the exhibit. Long Pond School also had a youth art month State winner who is Emily Grenades. Her artwork will be displayed in Trenton. The school budget will be advertised on May 1st with a meeting on May 5th. She asked if the DPW could clean the school parking lots of grit in preparation of spring sports.

MS. BLACKBURN. Reporting on the Lenape Water Company, she stated that a resident on Hemlock Avenue has been without water for 20 days. He contacted 11 government officials asking for assistance and he has yet to receive a call from the County Board of Health. She added that the DEP has been to his home and he has been contacted by the State's Fire Marshal regarding the condition of the fire hydrants. Ms. Blackburn stated that we received an email from Mr. Fuller, which indicated that the last property without water has been taken care of. That is not the case at all.

She reported that the Environmental Commission has not met since the last Committee meeting and Sustainable Andover meets this Thursday at 7PM at the Hillside House. The Land Use Board met briefly because the two hearings were adjourned for the next meeting.

MR. BURKE. He reported that the Fire Department's venison dinner will be held this Saturday. He had nothing more to add at this time.

MR. WALSH. He reported on attending the Byram Council meeting to discuss the solar project settlement. He said he was well received and commented that it is a good idea to see how other towns run their meetings. He reported on Recreation stating the Easter Egg Hunt is this Saturday at the park. There is a meeting tomorrow with DPW and representatives from soccer and baseball to review the field scheduling procedures.

TOWNSHIP OF ANDOVER "A"

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Andover on the 23rd day of March, 2015, 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.

Personnel Matters:

1. DPW Staffing

Contract Negotiations:

1. Lieutenant Danielson

Attorney-Client Privilege:

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: March 23, 2015

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

TOWNSHIP OF ANDOVER "B"

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Andover on the 23rd day of March, 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. *Municipal Court Staffing***

Contract Negotiations:

Attorney-Client Privilege:

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

Potential Litigation:

Pending Litigation:

- () 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: March 23, 2015

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