

**ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES**

**PHIL BOYCE, MAYOR  
MICHAEL LENSAK, DEPUTY MAYOR  
GAIL PHOEBUS  
BOB SMITH  
TOM WALSH**

**AUGUST 08, 2011**

**6:30 P.M.**

**REGULAR MEETING – 7:30 P.M.**

The regular meeting of the Andover Township Committee was called to order at 6:36 P.M. by Mayor Boyce, followed by a salute to the flag.

**ROLL CALL:** Present: Mr. Lensak, Ms. Phoebus, Mr. Smith  
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 Mr. Smith, seconded by Mr. Walsh, the resolution to go into executive session to discuss

**Personnel Matters:**

**Contract Negotiations:**

1. ***St. Paul's Abbey Due Diligence***
2. ***Police Dispatcher's & DPW Union Contracts Status Reports***
3. ***Staffing & Overtime***
4. ***Shared Services – Construction Code Enforcement Services***

**Attorney-Client Privilege:**

1. ***Solar Project Status Report***
2. ***Rolling Hills Condominiums Proposed Municipal Services Agreement***
3. ***Sussex Properties - Preservation of the Francisco Farm Property***
4. ***Highland Farms Soil Erosion/Sediment Control Compliance***

**Potential Litigation:**

**Pending Litigation:**

1. ***Township of Andover vs. Sussex & Warren Holding Corp., etal.  
(Life Care Mews)***
2. ***Krueger vs. Andover Township***

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

The Committee went into executive session at 6:37 P.M. Mr. Smith moved to adjourn executive session at 7:52 P.M., seconded by Mr. Walsh and carried unanimously.

**REGULAR MEETING**

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

**APPROVAL OF CONSENT AGENDA ITEMS** Mayor Boyce asked that Resolution #R2011-107 be added to the Consent Agenda. Ms. Phoebus moved the following consent items be approved, seconded by Mr. Walsh and carried unanimously. Mr. Walsh abstained on Bill No. 13004.

**\*CONSENT AGENDA:**

**\*OTHER BUSINESS:**

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

**ACCEPTANCE OF TAX COLLECTOR'S REPORTS**  
**JUNE - \$118,184.85 & JULY - \$72,294.44**

**\*RESOLUTIONS:**

**#R2011-104 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY SUPPORTING A-3412 SHARING THE BURDEN OF PROPERTY ASSESSMENT APPEAL REFUNDS**

**#R2011-105 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ISSUANCE OF A FIREWORKS DISPLAY PERMIT TO APPLICANT "CELEBRATION FIREWORKS" ON THE PERONA FARMS PROPERTY FOR SATURDAY, AUGUST 27, 2011**

**#R2011-106 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO CONTINUE TO DESIGNATE THE SERVICES OF THE LAKELAND EMERGENCY SQUAD AS THE TOWNSHIP'S AMBULANCE/RESCUE SQUAD**

**#R2011-107 TO ACCEPT THE LETTER OF RESIGNATION FROM AARON OBERSTEIN, PART-TIME PUBLIC SAFETY TELECOMMUNICATOR**

(See Inserts Attached to These Minutes)

**\*APPROVAL OF MINUTES:**

**JUNE 27, 2011 EXECUTIVE SESSION**

**APPROVAL OF MINUTES**

**JULY 11, 2011 REGULAR MEETING**  
**JULY 11, 2011 EXECUTIVE SESSION**

Mr. Walsh moved to approve these minutes as presented, seconded by Mr. Lensak. Roll call vote:

- |                   |                       |
|-------------------|-----------------------|
| Mr. Lensak – yes  | Ms. Phoebus – abstain |
| Mr. Smith – yes   | Mr. Walsh – yes       |
| Mayor Boyce – yes |                       |

**PRESENTATION****SAM BURLUM, CEO/PRESIDENT OF EXTREME ENERGY SOLUTIONS**

Mr. Burlum stated that this presentation is a review of the free trial program offered to Andover Township to test the validity of the Intercharger/SMART Emissions Reducer's form and functionality. The parties agreed to a 60 trial. On March 2, 2011 Extreme Energy technicians reported to the Township DPW facility to begin installing the devices on two police cars, three DPW trucks and the street sweeper.

At the end of the 60 days Extreme Solutions met with Andover Township Deputy Mayor Lensak, DPW Supervisor Dickinson and mechanics from the department. Data was reviewed and it was agreed by both parties to continue the testing for another 90 days until July 31, 2011.

On August 2, 2011 the final fuel economy test results were reported and reviewed by the Deputy Mayor, Mr. Walsh, Ms. Thompson and Mr. Dickinson. A report was prepared to present before the governing body this evening. The report breaks down each vehicle into its own performer chart for both fuel economy and emissions.

Mayor Boyce asked if DEP Director of Local Government Assistance wanted to speak regarding these devices. She stated although they are not endorsing this or any other such product they are very interested in this dialogue. She also stated that she would like everyone to know that the DEP is available to all municipalities and she informed the Township Committee that if there is any way that she can be of any assistance she asked that they reach out to her. Mayor Boyce then asked Chief Tagliatela if any performance issues were noticed as a result of using these devices. He replied there were no adverse effects reported. There was proof shown of increased miles per gallon in addition to cleaner emissions. Chief Tagliatela stated from the reports he has seen and what he has heard he fully endorses this product for the police vehicles.

Mr. Smith asked if there are any effects on the manufacturer's warranty if we install such a device. Mr. Burlum replied that the product has a card vo number which states the executive order number D-671, will not void warranty, does not hamper with any vehicle equipment stocked from factory, does not tamper with any electronics on the vehicle and that the warranty cannot be voided due to that product on the vehicle. There is no tampering with the existing emissions equipment on the vehicle from factory. Mr. Smith added that in calculating the ROI, are they taking into consideration maintenance of the device and possible replacements. Mr. Burlum stated that the device so far, has a life span of seven years and the majority of maintenance is done in the first 30 to 60 days once it is applied. It takes less than five minutes to clean the unit. That is done once a year after the initial cleaning. There is a three year warranty on this part.

Ms. Phoebus stated what she has heard sounds quite impressive, and even with the endorsement from the Chief of Police, she said she would like to have in writing from the FOP Lodge members their endorsement on this device. She said that 13 years ago there was a fatality involving a police officer and it would make her more comfortable knowing that the membership endorses this product.

Mr. Lensak stated that when Mr. Burlum came to the township with this device and offered the trial period and let the results speak for itself he was impressed. He said he spoke with the Township's mechanic about this product because one of his concerns was performance of the vehicles. That was why they only tested two vehicles. There was one report that they felt there was a performance issue and following review of this issue, the mechanic found that performance is not affected. In his professional opinion this device cannot affect the performance of a vehicle. Mr. Lensak stated he is comfortable with the fact that this will not affect the vehicles in any way. He said that we went from 10 miles per gallon to 15-16 miles per gallon on police vehicles. They could not find any flaws in the report. With more miles being used, we saved over 286 gallons of gas. That equates to less emissions as well.

He said the units we have to buy to retrofit the diesel trucks due to new State mandates are about \$10,000 which the State pays for. He said there is a downside to these devices the State wants us to use. These Interchargers from Extreme Energy are about \$1000 each and the results are the same.

**PRESENTATION (CONTINUED)****SAM BURLUM, CEO/PRESIDENT OF EXTREME ENERGY SOLUTIONS**

He said if we could lower our emissions using an instrument that costs \$1000 rather than \$10,000 each, a \$9000 per truck savings, this is something that the State has to take a serious look at. He said he would endorse moving forward and placing these devices on the police vehicles and we can discuss with the Chief which cars should receive the unit, if not all of them.

With the diesel trucks, Mr. Lensak stated that based on the recommendation of Mr. Burlum, continue with the testing of the three DPW trucks, put more miles on these vehicles and review those results down the road. He suggested that the Committee agree to draft a letter to the State and have them review these devices as a savings to the \$10,000 units.

Attorney Semrau asked if the cost per unit \$1200. He replied that cost includes installation. The heavy duty diesel unit is \$899, the light diesel unit is \$549 and the average gas vehicles are \$329 which is a onetime fee installed with a three year warranty. The emission testing before and after installation is also included.

Attorney Semrau then asked how long this product has been in use. He replied the product originally started in the logging industry about 11 years ago and only in the past three to five years it was put into diesel application. In many California cities, San Bernardino for one, American Passenger which handles the busing arrangements was one of the first to test it. He mentioned the school board in Boone County in West Virginia tested the device. There are police departments in Florida that are also testing the product. Andover Township is the first in NJ to test the device.

Attorney Semrau asked if he was aware of any litigation that is ongoing regarding this product and he replied absolutely not.

Mr. Lensak suggested we forward on the gas units for the police vehicles and ask the Committee to write a letter to the DEP to ask them if we can use this device as a test in answer to the Stop the Soot mandate. The Township will monitor the emissions according to the State's standards.

Ms. Phoebus reiterated that she would like to hear from those who are driving these vehicles and if they are fine with it so is she.

Attorney Semrau stated that ultimately we will need a resolution and certification of funds for this purchase. Mayor Boyce suggested authorizing the continuation of the project on the vehicles and draw up a resolution for the next meeting in which we will know at that point how many devices we intend to purchase. Mr. Lensak moved and Mr. Walsh seconded this motion which was carried unanimously.

**MAYORAL APPOINTMENT – ENVIRONMENTAL COMMISSION  
DAVID KOLSTAD – REGULAR MEMBER - TERM TO EXPIRE 12/31/2011**

Mayor Boyce appointed Mr. Kolstad to fill the vacancy on the Environmental Commission. Chair Christine Kretzmer has recommended this member to Mayor Boyce. Mr. Kolstad who was present has been attending Committee meetings for several years for the sole purpose of learning more about how the town works. Mayor Boyce knows he will be a great addition to this Commission.

Mayor Boyce then stated if anyone else wants to serve to fill vacancies on any of the boards or commissions we are always willing to consider applications.

**REGULAR AGENDA**

**REPORT FROM THE FIRE CHIEF** Assistant Chief Joe Steinwand reported for the month of July there were five activated fire alarms, two liquid propane, three firematic drills, one regular monthly meeting, one mutual aid drill, four motor vehicle accidents, one public assist, one special work drill, one search for lost individual, three smoke conditions and one vehicle fire. There were 25 calls for a total of 198 calls for the year.

**REPORT FROM THE RESCUE SQUAD CHIEF** There was no report this evening.

**REPORT FROM THE CHIEF OF POLICE** Calls for service for July totaled 773 for Andover Township, 19 for Andover Borough, Hamburg Borough had 463, Green Township had 19 for a total of 1,134 calls, 9,038 calls year to date. He stated his officers did a fine job during the raid at the EconoLodge following a bomb threat. He said the raid was a smooth operation and it led to an arrest of an individual on child pornography and other related issues. He spoke about the case involving the beer keg ring that led to the arrest of several individuals. He also reported on a burglary of \$25,000 in jewelry which was solved in a matter of a few days.

### **PUBLIC PORTION**

Jim Flattery identified himself as an engineer and contractor from Lafayette and he works in Andover Township as well as other municipalities. He asked the governing body to consider not repealing the construction department. The contractors use this department and from his perspective he knows a well run department. He stated he knows the township is looking to save money but he thinks the residents of Andover Township will suffer by having the Department of Community Affairs as their construction department. He said it is similar to having a State Police versus local police. There is a different connection to the community when it's your department versus the State's.

Mayor Boyce thanked him for his comments and asked if anyone else wishes to speak on this matter, the Ordinance public hearing is listed later in the agenda.

Tony Massaro of Current Drive commented on the structure of the Land Use Board and he suggested that there be a member of the Township Committee sit on that board. Attorney Semrau commented on the last meeting of the Land Use Board adding that the board convened as a zoning board and that board does not have any Township Committee members sit on that board.

Mr. Massaro stated that the way the board sits now there are very few questions asked of the applicants. He said he asked to speak and he had to be sworn in when others did not have to when they spoke. He did not want to be sworn because he wasn't giving testimony only asking questions. He said the following meeting someone else spoke and he did not have to be sworn. Some speak for unlimited amount of time and others are held to five minutes.

Attorney Semrau stated that the Committee is aware of the amount of work that goes into the Land Use Board but they are not at liberty to comment in anyway because of pending applications. Members of the public are always entitled to express how they feel here and they can do so at the Land Use Board. For the Committee to say anything that would overstep your authority and he then asked the Committee from responding.

Mayor Boyce added that Land Use Board Chair John O'Connell was present and he said generally speaking, that this town is blessed to have him serve, he does a fine job, has a great deal of experience. It is a difficult job.

**ORDINANCES: PUBLIC HEARING****NO. 2011-10 TO AMEND CHAPTER 30 "BUILDING, CONSTRUCTION"  
TRANSFER JURISDICTION TO THE STATE OF NEW JERSEY*****"AN ORDINANCE AMENDING CHAPTER 30 "BUILDING, CONSTRUCTION" OF THE CODE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AND TRANSFERRING JURISDICTION FOR THE ADMINISTRATION AND ENFORCEMENT OF THE UNIFORM CONSTRUCTION CODE TO THE STATE OF NEW JERSEY, DEPARTMENT OF COMMUNITY AFFAIRS"***

Mayor Boyce explained this Ordinance to the public and then asked for Committee input before opening the public hearing.

Mayor Boyce stated there was an article in the Sunday NJ Herald which Ms. Phoebus made reference to it earlier this evening. She said it reported on the construction offices throughout Sussex County and these numbers compared to the State. The article shows that there has been steady decline in building and in Andover Township there hasn't been a building permit for a new home in two years. The State's numbers have declined and Sussex County has seen a more drastic decline than other Counties.

Ms. Thompson then explained the process that the DCA will put in place for our residents to apply and receive their permits and inspections. Coverage in the construction office will depend on the permit activity of the Township. More permit applications will allow for more face to face time in the office. Mr. Walsh asked if there will be a recharge for permits that have been already issued. She replied no. Whatever fees were collected prior to the takeover will remain the Township's. The residents will not be charged again for an open permit.

Mr. Smith added that he believes the State has guaranteed daily inspections. Ms. Thompson confirmed. She was informed that if there is an emergency situation, a phone number is available to contact an official. They will meet any resident or contractor in the office or at the job site. Mr. Smith asked if the Township was not satisfied with the DCA covering the office, what our options are. Ms. Thompson explained that an ordinance to reverse the responsibility back to the municipality and this can happen at any time. She explained there is a municipality that goes back and forth depending on the economy. When there appears to be an influx of construction activity they repeal their ordinance and conduct their own inspections.

Mayor Boyce stated there was a time when the construction office was a profit center for the time but that hasn't been the case in the past several years. There hasn't been a new home built in our town in two years. We were able to pass the budget this year with a very small increase in taxes but we are always looking toward next year, trying to find ways to carve out more cost savings. As painful as this decision is tonight it is one we have to consider. Mr. Smith wanted to reconfirm there is no cost or charge to the township. That is correct. We collect no revenues but we have no expenses. Mr. Smith added even the revenue we receive now is only partial because the State does receive a portion of the fees collected.

Attorney Semrau added that this process is a series of steps. This ordinance if adopted gives the Committee the option to consider the program with the State. The next step would be personnel action which would emanate from a request that's been made to the State for a potential reduction in staffing but that function does not take place this evening. At a future meeting there will be an opportunity for the Township to consider how it will proceed.

The State does not have jurisdiction for at least 120 days so during that time period there will be more final, definitive action. Certain steps need to be taken and more decisions for the Committee to make with respect to the personnel restricting.

**ORDINANCES: PUBLIC HEARING (CONTINUED)****NO. 2011-10 TO AMEND CHAPTER 30 "BUILDING, CONSTRUCTION"  
TRANSFER JURISDICTION TO THE STATE OF NEW JERSEY**

Mr. Lensak commented that we do have some projects coming into town and we would lose this revenue. He asked that the Township Committee take this into consideration. Mayor Boyce asked how quick does it take to turn the ordinance around if we saw a potential for revenue. Ms. Thompson stated it could take anywhere from 60 to 120 days, about the same time frame as switching to the State. Mr. Lensak asked if we could determine how much would we lose on the two projects that are currently being worked on.

Jim Woodstrom of Limecrest Road stated he gives static when he isn't happy with something and he complimented the Committee for looking in this direction. He said he brought this up about a year ago to have the State look into servicing the construction code enforcement unit. Mr. Woodstrom reminded everyone that he provided a report of Sussex County construction offices and the number of employees and hours. Most were only open one day a week and inspected two days a week. He said if the State will inspect whenever we needed them that would be a plus. He commented on Mr. Lensak's statement and said we can't be worried about what may occur, but should look into what is going on at this moment. He also commented on the NJ Herald article saying that there was no new housing in Andover Township from February 2010 to now. He stated he fully supports that this Ordinance be adopted this evening.

Stan Christdlous of Wisteria Road stated that Mayor Boyce referred to the construction office as a profit center and it is not that and by law that department is not allowed to show a profit. The Committee agreed that the department is supposed to sustain itself. Attorney Semrau said he understands but feels the context is more about the amount of revenue coming in and meant to call it profit. Mayor Boyce restated the comment made earlier by saying there was a time when there was enough building activity where the fees from permits offset the costs of construction office. Mr. Smith added that the intention is to break even.

He then stated that everyone has been referring to the Cambridge Pavers project and they are no longer an applicant. The application should be stated as Limestone Quarry. Attorney Semrau added that no one should refer to it at all.

Anthony Massaro of Current Drive stated he likes home rule and supports the construction office staying on the municipal level. He stated his concerns regarding what the State will charge us for this service. Mayor Boyce explained that this service is already provided by the DCA and funded through taxpayers dollars. If at some point in the future they change their fee structure and decide they want to begin charging, then we will have the option of getting out of the program. He voiced his opinion that the Township should keep its construction office.

Rick Melfi of Park View Lane and speaking of Chair of the Economic Advisory Committee his concern is how it affects us. He said local businesses have the need to talk to the zoning official for approvals. He knows that it has been bad but he hopes we will turn the corner soon. He added he wants to stay positive when it comes to potential growth coming to Andover Township and he doesn't want the Committee to do anything that will hurt us. Mayor Boyce replied he also had the same concern because the last thing we want to do is make things more difficult for residents and business owners. That is why he called the Committeeman from Blairstown and he spoke very highly of this program which they had in effect for over a year. He said their residents have not complained. They are receiving the same level of service as before but they are saving money.

Ms. Thompson explained that in speaking with the DCA she made it clear that the residents received a certain level of assistance from the construction office and they will continue to look for that assistance. She said she was told they provide assistance to the public, such as if their application is not consistent with the code they will inform the resident of the issue and guide them accordingly.

**ORDINANCES: PUBLIC HEARING (CONTINUED)****NO. 2011-10 TO AMEND CHAPTER 30 "BUILDING, CONSTRUCTION"  
TRANSFER JURISDICTION TO THE STATE OF NEW JERSEY**

Mr. Melfi then mentioned the issue of the property maintenance ordinance which calls for the enforcement officer to be the building inspector. Ms. Thompson stated that position will be amended to the zoning officer.

John O'Connell of Park View Lane stated he did sit on the governing board years ago and in 1994 there was a cost savings initiative to abolish the police department in Andover Township. At that time there was one person who stood up and we still have the police department. He said Mr. Melfi brought up issues that he too is concerned with. He stated that this change will also affect the Land Use Board. He is also concerned with the loss of home rule. There are applications that are nearing completion that require permits. He proposed to the Committee to table this ordinance for two months and have the Mayor with the Committee's support appoint a Blue Ribbon Panel and let the citizens do the investigation and come back with their results to see if this move is truly viable. The ultimate decision will still lie with the Township Committee.

Mayor Boyce stated a great deal of time was already spent investigating this possible move. Mayor Boyce asked what will happen if the ordinance is adopted this evening. Attorney Semrau explained everything stays the same in the morning at this point in time. There needs to be subsequent action by the Committee. Mr. Lensak spoke about certain issues raised tonight where he seems to have some reservation. He said we have had instances where the County was giving one of our new business owners a difficult time regarding flooring and the construction office stepped in to argue the business was not a restaurant.

Mr. Smith commented on what Mr. Lensak mentioned and argued that the function of the department is to support the code and the local department is only an agent for the State. The local department is reporting to the State compliance. The Township has very little to say how they do that. Mr. Lensak stated the code is like the law with a variety of interpretations. Mayor Boyce stated the conflict mentioned in this discussion was with regard to the Board of Health, under the present system. Changing to this system isn't necessarily going to make it worse.

Cliff Storms, electrical inspector for the Township spoke regarding this matter. He provided a history of how he came to work for Andover Township, when a third party inspection service filed for bankruptcy. He said the problem we will have here with the DCA is that they are hurting like everyone else for work. They had a huge layoff about six months ago and now they are trying to get work. The State itself is now jumping into the position of a third party, a position they objected to years ago. Mr. Storms also said that we will give up home rule and once you do you give up an awful lot. The State takes over and they set their fees, almost a conflict of interest. They set the rules, guidelines and fees. As far as the code goes, the DCA doesn't write the code, they adopt the national code. The municipal inspectors work and are licensed under the DCA enforcing the code. Mr. Storms stated when you get involved with the DCA you get involved with an agency that has total control and they are taking the control out of the town.

Seeing no hands, Mayor Boyce closed the public 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 July 11, 2011, 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. Smith. Roll call vote:

Mr. Lensak – yes

Ms. Phoebus – yes

Mr. Smith – yes

Mr. Walsh – yes

Mayor Boyce – yes

**OLD BUSINESS****CONTINUED DISCUSSION REGARDING THE DRAFT PROPERTY MAINTENANCE ORDINANCE PREPARED BY THE LAND USE BOARD ORDINANCE SUBCOMMITTEE FOR REVIEW AND CONSIDERATION**

Mr. Walsh asked that this item be tabled until the next meeting in order for the Committee to review the letter from Attorney Semrau. All agreed.

Ms. Phoebus mentioned the Steep Slopes Ordinance amendment being worked on by the Land Use Board. Mayor Boyce asked the Committee if he could recognize the Land Use Chair O'Connell about this topic. All agreed. Ms. Phoebus asked Mr. O'Connell when the ordinance will be ready to come before the Township Committee. He said they will be discussing this matter at the August 16<sup>th</sup> meeting. Ms. Phoebus stated that we should have both Ordinance drafts available for the next Committee meeting on September 12<sup>th</sup>. It was decided that the Ordinance drafts will be available to the Committee for the September 26<sup>th</sup> meeting.

Attorney Semrau stated in 2006 we adopted the Steep Slopes Ordinance and six separate entities sued the Township. Mr. O'Connell said Engineer Golden has been working on the amendment to simplify the process.

**NEW BUSINESS****DISCUSSION REGARDING THE STATUS OF THE BID FOR THE GOODALE ROAD RECONSTRUCTION PROJECT – PHASE I**

Mayor Boyce stated that the Township went out for bid on this project, noticing in the NJ Herald on July 23<sup>rd</sup>. The bid opening was held on August 4<sup>th</sup>. There were no bids received. We will have to go for bid again, delaying the project. Mr. Walsh recommended that due to the delay he feels that the project should be done in two phases. The drainage would be done in the fall and in the Spring we can finish with the blacktop. Too many road projects have been done in the cooler weather and we get a better finished product when the weather is warmer. Doing the paving in the Fall doesn't give the pavement time to bake before the plows hit the surface. In the Spring we can finish Goodale Road and then work on Stickles Pond Road at that time also.

Mr. Walsh recommended the re-bid on this project, separating the project into two separate phases, the drainage in 2011 and the paving in the early 2012. The current bid packets will be used substituting the pages with regard to the rewording.

**DISCUSSION REGARDING THE 2011 BEST PRACTICES WORKSHEET**

Mayor Boyce stated that the completed Best Practices Notice and worksheet was prepared by CFO Gail Magura and Clerk/Administrator Vita Thompson. The Committee had an opportunity to review the worksheet. Ms. Thompson explained the Township did very well and score high at 94%. She mentioned she completed the worksheet this morning discussing the public safety section with Chief Tagliatela. As a result of this scoring, there will be no State Aid withheld this year. The 50 questions were answered, 44 were yes, three were no, two did not apply and one was answered with prospective. This question was in regard to the Township's five year plan which we are in the process of completing. Ms. Thompson stated there needs to be action from the governing body accepting this worksheet. It will be certified to that affect and sent to the State.

Mr. Smith explained that this worksheet is basically the Township's report card. He said that this is an exceptional report card. That attributes to how well this town is being managed and organized. He added that credit should go to Ms. Thompson and the Township Committee for receiving such a good report. This is an excellent job.

**NEW BUSINESS (CONTINUED)****DISCUSSION REGARDING THE 2011 BEST PRACTICES WORKSHEET (CONTINUED)**

Mr. Lensak questioned under Health Insurance, item #2, asking the difference between Chapter 88 and Chapter 48. Ms. Thompson said she and Ms. Magura discussed this and neither of them were familiar with Chapter 48 so Ms. Magura is looking into it and she will let her know.

Attorney Semrau stated if the Committee were to make a motion commit as elected officials this year would attain some basic course, such budget policy or OPRA, he could give a seminar to the Committee prior to a meeting one evening, we could change that No to a Yes. All agreed.

Ms. Phoebus questioned the item addressing annual heart screening for the fire department under Health Insurance. We have a volunteer department so this item doesn't apply to us. She asked if we could supply this screening through a grant program. Attorney Semrau stated we could look into this.

**RESOLUTION****#R2011-108 RESOLUTION ACCEPTING THE 2011 BEST PRACTICES WORKSHEET**

Mr. Smith moved to adopt this resolution with the amendment that the Committee will schedule training this year. The motion was seconded by Mr. Walsh and carried unanimously.  
(See Insert Attached to These Minutes)

**OTHER BUSINESS****APPROVAL OF RAFFLE LICENSES**

**A. NORTHWEST JERSEY READING COUNCIL  
RL #973 ON PREMISE 50/50  
RL #974 ON PREMISE MERCHANDISE  
TO BE HELD ON NOVEMBER 29, 2011 AT FARMSTEAD GOLF & COUNTRY CLUB**

Mr. Walsh moved to approve the foregoing raffle licenses as submitted, seconded by Mr. Lensak. Roll call vote:

Mr. Lensak – yes	Ms. Phoebus – abstain
Mr. Smith – yes	Mr. Walsh – yes
Mayor Boyce – yes	

**B. SUSSEX COUNTY ARC  
RL #975 ON PREMISE 50/50  
RL #976 ON PREMISE MERCHANDISE  
TO BE HELD ON SEPTEMBER 21, 2011 AT PERONA FARMS**

Mr. Walsh moved to approve the foregoing raffle licenses as submitted, seconded by Mr. Smith. Roll call vote:

Mr. Lensak – yes	Ms. Phoebus – yes
Mr. Smith – yes	Mr. Walsh – yes
Mayor Boyce – yes	

**COMMITTEE REPORTS**

**MR. SMITH.** He reported on Monday, August 15<sup>th</sup> is the annual Senior Citizens' picnic beginning at noon. There will be an old fashioned barbeque and entertainment provided. Thursday is Senior Citizens' Day at the Fair and the hours are 9AM until 1PM and entertainment will be big band music.

**COMMITTEE REPORTS (CONTINUED)**

**MR. SMITH.** Regarding SWAC, he mentioned a presentation by a company that converts solid waste into diesel fuels. The Commission had questions and they came back with answers that were extremely vague and nonspecific. The answers were rejected and they are going back again. Tomorrow night's meeting has been canceled for summer schedule. Mr. Smith reiterated that the landfill will be closing in 2017 and we have to have an alternative.

Reporting on Blue Diamond the complaint log, in July there were 14 complaints received and four compliments. These figures match June when there were 14 complaints and five compliments. The average number of complaints has been 18, so we are a bit below the average. There are particular issues we work on but all complaints that come in are addressed. Recycling Coordinator Robyn Hattersley deals with these complaints and they are taken very seriously.

Mr. Smith stated that at the last meeting there were questions regarding the tonnage reports and the grants received from the State. In 2007 we recycled 5.8 thousand tons, 2008 was 5.3, 2009 there was 5.9 and in 2010 we hit a record of 6.2 thousand tons. In those four years we received \$47,000 in grant money. The last check received totaled \$13,571. He credited Ms. Hattersley for these results. Mr. Smith stated he spoke to the County with concerns on the job the Township is doing in this area. They replied to him that we have one of the best recycling programs and coordinator in the County. He quoted them saying "You are getting more than your fair share." He stated he is very pleased with the job that Ms. Hattersley does. This responsibility is only one of many hats she wears.

Board of Health is in summer recess and there is nothing to report at this time.

**MR. LENSAK.** Reporting on the police department they received a letter from Pennsylvania residents thanking the police in assisting when they locked their keys in the car. The officer was Officer Kithcart. There was another letter complimenting the assist from Officer Kithcart and Officer Kern when they worked with the COPS foundation during their outing in the park. Mr. Lensak reported the several officers have completed a variety of training courses.

He then reported on the Charity Softball Tournament stating we have a full slate of teams. The Recreation Committee meets tomorrow night to decide what they will be doing that day. Sign in will begin at 8AM with games starting at 9AM. He stated that this year the tournament will be more family oriented.

**MR. WALSH.** He reported on Sustainable NJ, the Green Team will hold their first meeting on August 11<sup>th</sup> at the Hillside House the public is invited. The Environmental Commission held their meeting this week and there was discussion regarding the bat houses. He said there are boy scouts that will be building these houses. The State has offered to donate certain shag bark seedlings that will attract bats to the area. There will be continued discussion this Thursday night.

Regarding the dispatchers contract, there is a tentative agreement. We are waiting for the contract draft for attorney review. The DPW contract is near a final offer with a tentative agreement due by the end of the week.

Reporting on the DPW we will be speaking with the school for a variety of shared services, including lawn maintenance. This is being done in an attempt to bring in more revenue. This may prove a savings for the school and well as a benefit.

Mr. Walsh stated that a little more than half way through the year everyone is within budget.

**MS. PHOEBUS.** She complimented our Fire Official Joe Inga for doing a fantastic job the past several months. He also straightened out the Lake Lenape Water Company situation.

**COMMITTEE REPORTS (CONTINUED)**

**MS. PHOEBUS.** She reported on the status of the affordable housing project. She stated that the Testa lawsuit is over and the Township prevailed. Mr. Rannou now has the ability to move with his project. She stated that Attorney Semrau has been working very hard with RPM and the Abbey representatives on this project. We are very close to having the details resolved.

The Open Space Committee will be meeting tomorrow night. They will be discussing the bike trail status along with the Lake Iliff Access property.

**MAYOR BOYCE.** He stated he has a letter to forward to Economic Development Chair Melfi from an individual interested in relocating to Andover Township.

**REPORT FROM THE CLERK/ADMINISTRATOR** She reported that the situation with the Lake Lenape Water Company hydrants are now all in compliance. Fire Official Inga reported he toured the entire system and looked at each and every fire hydrant. Mr. Fuller has complied with the requests he made concerning the hydrants in the development. Mr. Mueller will be forwarding him a drawing of the area indicating the fire hydrant locations after which he will forward to the Fire Chief Dan Crater for his use. He mentioned that the system is 60+ years old and there are no maps or drawings indicating water main sizes and/or exact locations of these mains. There is no rhyme or reason as to the location of the hydrants in the Lake Lenape area. There are apparently no water main shut off switches other than at the water tower in the event of a water main break as they do not know where the mains are installed. Mr. Mueller stated that the water main throughout most of the development is only 2" in size. All of the hydrants can only produce anywhere from 250-450 gallons per minute.

This system is supplied from an above ground 50,000 gallon water tower which gravity feeds the entire system. All of the bonnets of the hydrants have been painted the color RED to conform to the NFPA required indicating flows. Red being under 500 gallons per minute. It is the responsibility of the Lake Lenape Water Works to maintain the system is so far as keeping all hydrants clear and freely accessible for the fire department. This also mean keeping the weeds and growth clear around the hydrants unless other arrangements are made with Andover township. The fire department should not rely this system in the event of a fire because of the age and size of the mains and should have alternative pre-plans in the event of a fire in this development. It's important that Mr. Fuller conducts annual maintenance of these hydrants to assure their functionality when needed.

She discussed her meeting with the Acting County Clerk Jeff Parrott today. He asked Ms. Thompson to report that the Veterans County ID cards are available. Details are available on the clerk's website. The office is grateful to the men and women who served and continue to serve our great nation through its Armed Forces. This is a small token of appreciation. He in collaboration with Sherriff Strada and Senator Oroho is pleased to be able to offer the local Veterans this card. The card will offer participating businesses in the County an opportunity to say thank you by providing a discount of goods and services when showing their cards. A list of those businesses will be available soon on the County website.

In addition to meeting with the school she will meet with Byram Manager next week to continue discussions regarding shared services. She and CFO Magura are looking at a variety of options in order to revamp our website.

**REPORT FROM THE MUNICIPAL ATTORNEY** He stated at the last meeting there is a resident asking about a group home being constructed in an area where there is a presence of bear. She asked Ms. Randazzo what options are available to educate residents; one avenue was to contact the DEP. Ms. Randazzo stated she sends out email blasts to area municipalities to alert them to activities in their area, such as bear population. She mentioned a video that is available that is used. Mr. Lensak asked if that could be placed on our website.

**REPORT FROM THE MUNICIPAL ATTORNEY (CONTINUED)** He then mentioned the litigation near the Limecrest Quarry entitled Krueger vs. Andover Township, we are scheduled to go to trial October 12<sup>th</sup>. Chuck McGroarty is the township's expert. The property owner has intervened in that case and will be defending the Township's zoning decision.

The St. Paul's Abbey discussions continue to narrow down and finalize the lease agreement for the affordable housing site and construction/development of that property.

**NEXT SCHEDULED MEETINGS:**    **Regular Meeting August 22, 2011 (Canceled)**  
   **Regular Meeting September 12, 2011**  
   **Regular Meeting September 26, 2011**  
  
   **Executive Session - 6:30 p.m.**  
   **Regular Meeting - 7:30 p.m.**

**ADJOURNMENT**    No further business appearing before the Committee at this time, Mr. Smith moved the meeting be adjourned at 10:03 P.M., seconded by Ms. Phoebus and carried unanimously.

Respectfully submitted,

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**Phil Boyce, Mayor**

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**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 08<sup>th</sup> day of August 2011, 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. 10:4-12, sub-section (s):**

- (x) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
- ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
- ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
- (x) b. (4) A collective bargaining agreement including negotiations.
- (x) b. (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.
- ( ) b. (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) b. (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. St. Paul's Abbey Due Diligence**
- 2. Police Dispatcher's & DPW Union Contracts Status Reports**
- 3. Staffing & Overtime**
- 4. Shared Services – Construction Code Enforcement Services**

**Attorney-Client Privilege:**

- 1. Solar Project Status Report**
- 2. Rolling Hills Condominiums Proposed Municipal Services Agreement**
- 3. Sussex Properties - Preservation of the Francisco Farm Property**
- 4. Highland Farms Soil Erosion/Sediment Control Compliance**

**Potential Litigation:**

**Pending Litigation:**

- 1. Township of Andover vs. Sussex & Warren Holding Corp., etal.  
(Life Care Mews)**
- 2. Krueger vs. Andover Township**

(x) a. (8) Personnel 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: August 08, 2011

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Moved: Smith      Seconded: Walsh  
Voted Aye: Lensak, Phoebus, Smith, Walsh, Boyce  
Voted Nay: None  
Abstained: None  
Resolution adopted. August 08, 2011

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