

A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON MONDAY, FEBRUARY 11TH, 2019 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.

PRESENT: Mayor Morgan, Council Members: Dennison, Hoag, Smith, Figueiredo, Pearson and Delfing.

ABSENT: None.

Mayor Morgan called the meeting to order with a salute to the flag and in accordance with the Open Public Meetings Act by advertising notice of meeting in the N.J. Herald and posting copy of notice in the Borough Hall.

OATH OF OFFICE:

The Municipal Clerk administered the oath of office to Councilman Mel Dennison.

MINUTES:

A MOTION was made by Mr. Smith seconded by, Mrs. Delfing to approve the minutes of the meeting held on January 14, 2019. There was some discussion to clarify the meaning of the action of Parks and Playgrounds. No change was made to the minutes. Upon roll call the following votes were cast: YES: Hoag, Smith, Pearson and Delfing. NAYS: None. ABSTAIN: Dennison and Figueiredo. Motion carried.

A MOTION was made by Mr. Smith seconded by Mrs. Delfing to approve the minutes of the workshop/regular meeting held on January 23, 2019. Upon roll call the following votes were cast: YES: Smith, Figueiredo, Pearson and Delfing. NAYS: None. ABSTAIN: Dennison and Hoag. Motion carried.

OFFICIALS REPORTS: *There was no Treasurer's report.*

A MOTION was made by Mr. Dennison, seconded by Mr. Smith to accept the following reports and place on file: Joint Court Report for December 2018, ABFD report for January 2019, Lakeland Emergency Squad Report for January 2019. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Pearson, Figueiredo and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

CFO: 2019 BUDGET DISCUSSION. Mr. Hoag discussed that the fire truck will need new tires. Authorization will need to be done when the costs are provided. There was no other information to review for the 2019 budget.

CORRESPONDENCE: **The following reports were presented to the governing body and placed on file:**

NJ Dept. of Health re: Right to Know 2019 submission. Mr. Hoag will submit report as RTK coordinator.

Sussex County Sheriff's Office of Fire Prevention re: NOV order to correct. The Mayor replaced the lights in the exit signs and we are now in compliance.

NJDEP Div. of Water Supply re: Synthetic Organic Compound (SOC) Waiver – Compliance Period 2017-2019. Waiver granted.

H.E. Pellow & Associates re: Various Surveys in Andover Borough was reviewed.

NJ DEP Div. of Water Supply & Geoscience re: Lead Service Line Inventory. The clerk will ask Mr. Olivo if this has been submitted as of yet. Due date is March 1, 2019.

AUDIENCE PARTICIPATION: None.

REPORTS OF SPECIAL COMMITTEES: The governing body reviewed the planned improvements for septic management as provided by Jim Landrith.

REPORTS OF STANDING COMMITTEES:

Administrative & Executive: Mr. Pearson reported that the personnel policy and the purchasing policy are still under review. The Mayor reported that the clerk/administrator/QPA is leaving. Wantage Township supplies a QPA to the Borough through a shared service.

Celebration of Public Events: Mr. Figueiredo reported that the Easter Egg Hunt will be held on April 20th @ 11 a.m. A MOTION was made by Mrs. Delfing, seconded by Mr. Figueiredo to purchase Easter candy not to exceed \$200. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Pearson, Figueiredo and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Finance: Mr. Dennison reported that the next budget meeting will be held on 2/20/19.

Parks & Playgrounds: *Earlier in the meeting during the approval of the January 14th minutes, Mr. Figueiredo inquired about the removal of the garbage cans in the park as it states that "The park chairman will empty the garbage can when necessary." It was during this time it was confirmed that as chairman, Mr. Figueiredo would remove the garbage from the remaining can(s) by the playground until the winter season is over. The conversation continued with Mr. Smith expressing his concern regarding the pay for T. Casella for the removal of garbage during the winter. Mr. Smith was adamant that he determined Mrs. Casella no longer receive any payment for the garbage collection at all. He also expressed concern over the performance of the work done for "landscaping" during the summer. He was opposed to the pay being divided into 12 months for payroll purposes and felt that it should be paid as each of the services are done. Specifically concerning garbage and Mrs. Casella, his understanding was \$50 per month for a total of \$300 for 6 months for garbage. As this exchange was during the minutes approval portion of the meeting, the Mayor did clarify that the minutes themselves for January 14th do reflect that Mrs. Casella would no longer remove the garbage. The Clerk expressed concern over the recording of this information and requested that the remaining take place during a portion of the meeting where it can be properly documented. The following is the continuation of that conversation:*

Mr. Figueiredo took this opportunity to clarify with the governing body that he will be emptying the one garbage can which is still remaining in the park for the next two months. That was confirmed by Mayor Morgan and Mr. Smith. The discussion continued with Mr. Figueiredo reporting that he was intending on putting the other cans back out in the summer. Mr. Smith proposed that the park should be a carry in – carry out park so that there is no need to put the cans back out. When the weather permits the other remaining cans will be removed completely. Mr. Smith continued the discussion stating there is a need for three signs indicating that there are no pets allowed in the park, signs indicating a carry in – carry out policy, no overnight parking and the rules & regulations of the park. All of these signs are the responsibility of the park chairman to determine cost and placement. It was mentioned that the down wire from the top of the pole to the pond is not active and would be removed once the weather clears up. There was further discussion that a fence is still needed along the eastern side of the ball field. An estimate for a 4-foot chain-link fence will be sought once the area is marked out where the fence is to be placed.

Public Bldgs. & Grounds: Mr. Smith reported that both buildings are working on 100% natural gas and all work is completed. He also stated that there is still "a lot of cardboard that needs to be removed from the basement" in the borough hall and that the lights in the park building stairwell need to be replaced. The Mayor reported that the water damage discovered in the basement several weeks ago and believed to be a result of the upstairs leak in December of 2017 was inspected by the insurance company. The insurance company is waiting for estimates to be provided by the municipality. Mr. Smith and Mayor Morgan discussed obtaining those estimates. With that repair work in consideration, Mr. Smith mentioned that the oil tank in the basement, which needs to be removed as we converted to natural gas, is in a precarious location. He stated that if the work to repair the water damage in the basement is to commence, it would be a good time to remove that tank.

Public Safety: Mrs. Delfing reported that the fire chief sent an email to her and reported that Engine 61 and 62 need some repairs. There were a number of repairs needed to include muffler work, breaks, exhaust system and new tires. Mr. Hoag confirmed that these repairs were necessary and that estimates for such work would be submitted for authorization prior to any work being done. Mrs. Delfing also stated that the Fire Chief has requested a meeting with her.

Streets & Roads: Mr. Hoag reported that a catch basin estimate has been obtained and that it will be further discussed at the budget meeting on 2/20/19. There was also discussion regarding the tree work done on Prospect Avenue. It was reported that only two trees were removed, but three were discussed for removal. The clerk explained that two were marked and one was not, the estimate provided by tree king only provided for the two that were marked. Another estimate will be sought from Tree King for the 3rd tree. A MOTION was made by Mr. Hoag, seconded by Mr. Smith to approve an amount not to exceed \$1000 for the removal of the final tree. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Pearson, Figueiredo and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Water Utility: Mr. Smith reported that proposals for the water maintenance & repair contract comes due again on March 1st. In the meantime, we had another water main break repair on the line just outside of the pump house. We contacted Marksmen Enterprises to perform the repair for us. They spent 9 hours on location and during a snow storm. The work was difficult and they did a very good job. The total invoice was just under \$1500. Marksmen has since submitted a proposal for review. The conversation continued to include a discussion about the need to updated the Copper & Lead Sample Plan which was brought to our attention by Mr. Olivo, the water operator. Mr. Olivo had indicated that he wanted the water department to have the plan updated by our engineer. There were still questions at this meeting as to why we would need an engineer to help with this requirement. Mayor Morgan will review the requirement and the discussion will continue at the next meeting as to how to proceed.

OLD BUSINESS:

Lindley Court: The documents submitted by H.E. Pellow & Assoc., Inc. re: Final Paperwork for Proposed Resurfacing of Lindley Court and vouchers for release of retainage were reviewed by the governing body.

Mr. Smith reported that he felt that it is necessary for the department heads to review the timesheets submitted by personnel and determine if the jobs are getting done. He stated that perhaps it is necessary for the department heads to change the submission date for timesheets so that there is enough time to get them reviewed prior to payroll being done. Mr. Pearson and Mrs. Delfing agreed that it could be made part of the personnel policy.

Mr. Dennison asked about the anticipated road work by the NJDOT on route 206. A notice was sent to us a few months ago that the NJDOT will be repaving 206 this summer and that no road openings would be permitted for 5 years unless it was an emergency. Mr. Dennison suggested that the public be notified of this in case they wanted to have natural gas hook ups done. The municipal clerk will contact the NJDOT liaison, Mr. Korb about this to get a better understanding so that the wording in the newsletter reflects the regulation.

There was a brief discussion regarding the properties owned by Andover Borough. Mr. Smith asked if the property on the south side of the tunnel on route 517, which is owned by the borough should be put up for "sale by owner". He asked if that would be something that should be considered as we review some of the other properties recently acquired by the borough through In-Rem. The In-Rem properties still need to be surveyed, but one estimate was submitted by H.E. Pellow. The municipal clerk will continue to gather information on surveying those other parcels. In conjunction with the discussion of the In-Rem properties, Mr. Smith mentioned that there are a number of vehicles on one of them that are said to belong to Newton Salvage. The municipal clerk will notify the Code Enforcement Officer to address this violation.

There was a brief discussion about installing a pavilion at Sunset Vista Park. Mayor Morgan provided Mr. Figueiredo with a "kit" he found online that best suits the kind of pavilion which had

been discussed. Mr. Figueiredo was tasked with seeking a grant through Open Space which might provide this work. The municipal clerk will get the link to the grant program and a contact name / email from the county for Mr. Figueiredo to reach out to with questions.

NEW BUSINESS:

Change of Contractor:

A MOTION was made by Mr. Dennison, seconded by Mr. Figueiredo to approve change of contractor for work performed on the natural gas conversion of heating systems from Trap Aire LLC to RP Heating and Cooling Services LLC. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Pearson, Figueiredo and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

The Mayor reported that the location of 141 Main Street which had been vacant for many years was recently purchased. He also reported on the removal of some clothing bins at 2 Lenape Road which were placed there without approval of the owner of the property. There was also some discussion about the old A&P location getting two new tenants, both have applied to the Planning Board for approval. Mr. Hoag mentioned the staircase on the side of 129 Main Street was a tight fit for some firemen who were responding to a fire call. The municipal clerk reported that she had looked into the matter and it was repaired/replaced under the same dimensions as what had previously been at that location and that there were some side yard setback requirements that had to be met, but all construction was done with the plan approval by the construction official.

RESOLUTIONS:

Recycling Tonnage:

A MOTION was made by Mrs. Delfing, seconded by Mr. Figueiredo to adopt a Resolution to approve an agreement between SCMUA and Andover Borough for the services of a Certified Recycling Professional for the purpose of certifying 2018 tonnage report to be prepared by Beth Brothman. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Pearson, Figueiredo and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Tax Appeals:

A MOTION was made by Mr. Figueiredo, seconded by Mr. Smith to approve a Resolution authorizing the municipal assessor and municipal attorney to represent the Borough before the Sussex County Board of Taxation for the purpose of defending tax appeals, rollbacks, etc. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Pearson, Figueiredo and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Tax Collector:

A MOTION was made by Mr. Pearson, seconded by Mr. Figueiredo to approve a Resolution to Refund Lienholder for Redemption of Tax Sale Certificate #2017-006 for block 24 lot 24 in the amount of \$9897.47. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Pearson, Figueiredo and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mr. Smith, seconded by Mr. Pearson to approve a Resolution to Refund Lienholder for Redemption of Tax Sale Certificate #2018-007 for block 23 lot 2 in the amount of \$46526.08. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Pearson, Figueiredo and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

ORDINANCE:

A MOTION was made by Mrs. Delfing, seconded by Mr. Figueiredo to approve the first reading and publication of "AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK". Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Pearson, Figueiredo and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK FOR CALENDAR YEAR 2019
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Andover in the County of Sussex finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$3,359.87 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Andover, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Borough of Andover shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$3,359.87, and that the CY 2019 municipal budget for the Borough of Andover be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

A MOTION was made by Mr. Pearson, seconded by Mr. Figueiredo to approve the second reading and adoption of "AN ORDINANCE TO AMEND CHAPTER 117, ENTITLED "STREETS AND SIDEWALKS", OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO ADD NEW ARTICLE III, ENTITLED "ROAD EXCAVATIONS". Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Pearson, Figueiredo and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mrs. Delfing, seconded by Mr. Figueiredo to approve the second reading and adoption of "AN ORDINANCE TO AMEND CHAPTER 66, ENTITLED "FEES", OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW

JERSEY". Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Pearson, Figueiredo and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

AUDIENCE PARTICIPATION: None.

MOTION TO PAY THE BILLS:

A MOTION was made by Mr. Hoag, seconded by Mr. Figueiredo to pass the following Resolution: BE IT RESOLVED by the Governing Body to approve the payment of all vouchers on the bill listed February 11th, 2019, submitted by the Chief Financial Officer for payment. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Pearson, Figueiredo and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

MOTION TO ADJOURN:

A MOTION was made by Mr. Pearson, seconded by Mr. Figueiredo to adjourn the meeting. AYES: All in favor. NAYS: None. Motion carried.

REMINDER:

The next regular/workshop meeting is scheduled for Wednesday, February 20th, 2019 at 7 p.m.
The March regular meeting is scheduled for Monday, March 11, 2019 at 7 p.m.
The March regular/workshop meeting is scheduled for Wednesday, March 13, 2019 at 7 p.m.