

A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON TUESDAY, OCTOBER 15, 2019 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.

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

ABSENT: Council Members Smith, Dennison and Delfing.

The Mayor 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.

MINUTES:

A MOTION was made by Mr. Figueiredo, seconded by Mr. Pearson to approve the minutes of the meeting held on September 9th, 2019. Upon roll call the following votes were cast: AYES: Hoag, Pearson, Figueiredo. NAYS: None. Motion carried.

OFFICIALS REPORTS:

A MOTION was made by Mr. Hoag, seconded by Mr. Figueiredo to approve the Treasurer's report for May through September as presented. Upon roll call the following votes were cast: AYES: Hoag, Pearson, Figueiredo. NAYS: None. Motion carried.

A MOTION was made by Mr. Figueiredo, seconded by Mr. Hoag to accept the following reports and place on file: Lakeland Emergency Squad August & September and YTD reports, Joint Court report for August & September, ABFD report for September, SCMUA Rate Schedule Effective 12/1/19. Upon roll call the following votes were cast: AYES: Hoag, Pearson, Figueiredo. NAYS: None. Motion carried.

CORRESPONDENCE: The following was presented to the governing body and placed on file:

A letter from Anthony Pio Costa, III re: Request to allow temporary Helistop on property was presented. The clerk has sent response that site plan submission is required.

A letter from State Office of Planning re: Plan Endorsement for Center of Place was presented. Extension of center of place designation expires June 2020. The governing body had earlier in the year determined that they would not seek plan endorsement at this time.

AUDIENCE PARTICIPATION: None. It was noted that Mr. Richard Mooney is celebrating his 88th birthday today.

REPORTS OF SPECIAL COMMITTEES: Mr. Landrith was absent. No report.

Grant Update Discussions:

Fire Department Equipment Report – Mr. Pearson reported that the application opens in early to mid-December.

Open Space Report – No report.

Borough Land Report – No report

REPORTS OF STANDING COMMITTEES:

Administrative & Executive: Mr. Pearson reported that we will consider budgeting for a new copier starting in 2020.

Celebration of Public Events: Mr. Figueiredo reported on that he was curious where the celebrations budget is for the year. There is still one more event to take place, the holiday breakfast so we may go over budget. He also reported that the Halloween Party held on 10/25 was a big success with 35 kids.

Finance: Mr. Dennison was absent. No report.

Parks & Playgrounds: Mr. Figueiredo reported the fencing in the park has been installed. The invoice should be coming in. There was also a brief discussion regarding the need for mulch in the playground. A list of work for Spring will be compiled.

Public Bldgs. & Grounds: Mr. Smith was absent. The Mayor reported that he and Mr. Smith installed the belt on the heating unit in the park building. The heat is on there – there was air in the system. It was also reported that the fire department needs a new meter for the hydrant flushing that measures psi. The one in pump house does not work.

Public Safety: Mrs. Delfing was absent. It also reported that the fire department needs a new meter for the hydrant flushing that measures psi. The one in pump house does not work.

Streets & Roads: Mr. Hoag reported that the catch basin on lower Maple Avenue is in dire need of repair. An estimate was sought from Marksmen for the work and a copy of which has been provided for this meeting. The amount is \$1135. Since this estimate was requested the catch basin damage increased and emergency repair authorized.

A MOTION was made by Mr. Hoag, seconded by Mr. Figueiredo to approve this repair cost. Upon roll call the following votes were cast: AYES: Hoag, Pearson, Figueiredo. NAYS: None. Motion carried.

Mr. Hoag continued to report that he has not had any word from the County for the road repair on 517. There was a brief conversation regarding the need for no parking signs on Smith Street. Another sign order will need to be placed. Mr. Hoag reported that he continues to prepare for the catch basin clean-out project. While reviewing the proposal provided earlier this year by National Water Main Cleaning he noticed that under the Borough responsibility it required “Fall protection safety equipment and plan”, but wasn’t sure what that requirement entailed. The Clerk will seek clarity on that requirement. The cost of this project could be in the area of \$10,000 and will be budgeted for Spring 2020.

Water Utility: Mr. Smith was absent. The clerk reported that Byram Township fire had contacted her on the weekend requesting authorization to access the borough hydrant near the Cycle Exchange on the South end of 206 for use while fighting a car fire. After a quick confirmation with the water department, authorization was granted.

OLD BUSINESS:

The Council reviewed submitted snow plowing estimates for Memorial Park from various sources:

Cahill’s Farm:	one to six inches \$350	each additional \$40	salting \$125
JD Landscaping:	.1 to 5 inches \$300	over 5.1 \$55	salting \$150
Moynihan Co.:	1-4 inches \$325	per inch over \$50	salting \$175
Northern Rain:	1-4 inches \$165	per inch over 4 \$85	salting \$100

A MOTION was made by Mr. Figueiredo, seconded by Mr. Hoag to approve the agreement with Northern Rain. Upon roll call the following votes were cast: AYES: Hoag, Pearson, Figueiredo. NAYS: None. Motion carried.

The matter of catch basin clean-out was discussed under the Streets and Road Committee report.

NEW BUSINESS: It was reported that the services of Laddey, Clark and Ryan for Planning Board professional attorney services will end on 12/31/19. Proposals are being sought and should be in place for January 1, 2020 or prior.

PROCLAMATION: Eagle Scout Sean Michael Sullivan

PROCLAMATION

WHEREAS, on April 9 2019, Boy Scout Sean Michael Sullivan from Troop 81, was recognized by the Boy Scouts of America for successfully completing all requirements for Scouting's highest rank; and,

WHEREAS, we are gathered here on this occasion, as friends, family and neighbors of Sean to support him on his attainment of the rank of Eagle Scout and to recognize the faithful and steady path taken within the Scouting organization; and

WHEREAS, scouting, for both boys and girls, has been an integral part of our community for many years, and we note that the Boy Scouts of America has been teaching patriotism, courage and self-reliance for more than 100 years within the United States of America; and

WHEREAS, we commend Sean on his Eagle project, which built and installed a learning garden at Andover Regional's Florence M. Burd Grammar School and which is just one example of the many contributions he has made to the community; and

NOW, THEREFORE, I, JOHN MORGAN, MAYOR OF THE BOROUGH OF ANDOVER, SUSSEX COUNTY, NEW JERSEY, AND REPRESENTING THE MEMBERS OF THE BOROUGH COUNCIL, DO HEREBY RECOGNIZE AND CONGRATULATE:

Sean Michael Sullivan, Eagle Scout

for this outstanding accomplishment and extending to him our deepest appreciation for all of his dedicated work and wishing him the best in all of his future endeavors.

John A. Morgan, Mayor

Animal Control:

A MOTION was made by Mr. Figueiredo, seconded by Mr. Hoag to approve the first reading and publication of **“AN ORDINANCE AMENDING CHAPTER 60, ENTITLED “DOMESTIC ANIMALS”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, NEW JERSEY, TO ADDRESS LIVESTOCK.”** Upon roll call the following votes were cast: AYES: Hoag, Pearson, Figueiredo. NAYS: None. Motion carried.

Zoning Permits:

A MOTION was made by Mr. Figueiredo, seconded by Mr. Hoag to approve the introduction and publication of **“AN ORDINANCE TO AMEND SUBSECTION 134-4(E), ENTITLED “ZONING PERMITS AND CERTIFICATES OF OCCUPANCY”, OF CHAPTER 134, ENTITLED “ZONING”, OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, NEW JERSEY.** Upon roll call the following votes were cast: AYES: Hoag, Pearson, Figueiredo. NAYS: None. Motion carried.

AN ORDINANCE TO AMEND SUBSECTION 134-4(E), ENTITLED “ZONING PERMITS AND CERTIFICATES OF OCCUPANCY”, OF CHAPTER 134, ENTITLED “ZONING”, OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, NEW JERSEY.

BE IT ORDAINED by the Mayor and Council of the Borough of Andover, County of Sussex, State of New Jersey, that Subsection E, entitled “Zoning permits and certificates of occupancy”, of Section 134-4, entitled “Applicability; enforcement and administration”, of Chapter 134, entitled “Zoning”, of the Code of the Borough of Andover, be and is hereby amended as follows:

Section 1. Subparagraph (1) of Subsection E, entitled “Zoning permits and certificates of occupancy”, of Section 134-4, entitled “Applicability; enforcement and administration”, of Chapter 134, entitled “Zoning”, of the Code of the Borough of Andover, be and is hereby amended to read as follows:

- (1) No land shall be occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, structurally altered or moved until a zoning permit has been issued by the Zoning Officer. Applications for zoning permits shall be made in writing by the owner or his authorized agent; shall include a statement of the uses or intended uses; shall be accompanied by a plan of the plot showing thereon the size, shape and location of all proposed structures and such other information as deemed necessary by the Zoning Officer to make a determination regarding compliance with this chapter; and shall be submitted to the Zoning Officer with an application fee as prescribed by Chapter 66 hereof. No zoning permit shall be issued for the erection, construction, reconstruction, structural alteration or moving of any building or structure or part thereof unless the plans and intended use for the same indicate that such building or structure is designed and intended to conform in all respects to the provisions of this chapter. The zoning permit shall specify the use of land or a building in any circumstances or conditions imposed by any public agency, code, or regulations. Any change in use, including a change from one permitted use to another kind of permitted use in the same zone, or any additional use, shall be treated as a new use, and a new zoning permit shall be required. Before issuance of a zoning permit for said change in use, all provisions of this chapter shall be satisfied in the same manner as if the proposed use were a new structure or a new use of land.

Section 2. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

Section 3. Repealer. All ordinances or parts of ordinances or resolutions inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or contrariness. All provisions of Chapter 134 of the Code of the Borough of Andover, entitled "Zoning", not amended hereby shall remain in full force and effect.

Section 4. This Ordinance shall take effect immediately on its final passage and publication as required by law.

A MOTION was made by Mr. Hoag, seconded by Mr. Figueiredo to approve the introduction and publication of **"AN ORDINANCE TO AMEND CHAPTER 66, ENTITLED "FEES", OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY, ESTABLISHING FEE FOR ZONING PERMIT APPLICATIONS.** Upon roll call the following votes were cast: AYES: Hoag, Pearson, Figueiredo. NAYS: None. Motion carried.

AN ORDINANCE TO AMEND CHAPTER 66, ENTITLED "FEES", OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY, ESTABLISHING FEE FOR ZONING PERMIT APPLICATIONS

BE IT ORDAINED by the Borough Council of the Borough of Andover, County of Sussex, State of New Jersey, that Chapter 66 of the Code of the Borough of Andover, entitled "Fees", be and is hereby amended as follows:

Section 1. The subsection pertaining to "Chapter 134, Zoning" of Section 66-1, entitled "Fees" of Chapter 66 of the Code of the Borough of Andover, entitled "Fees", be and is hereby amended to add the following:

"Zoning permit application fee \$20.00"

Section 2. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

Section 3. Repealer. All ordinances or parts of ordinances or resolutions inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or contrariness. All provisions of Chapter 66 of the Code of the Borough of Andover, entitled "Fees", not amended hereby shall remain in full force and effect.

Section 4. This Ordinance shall take effect immediately on its final passage and publication as required by law.

A MOTION was made by Mr. Figueiredo, seconded by Mr. Hoag to approve a Resolution to **RESOLUTION REFERRING PROPOSED ZONING ORDINANCE FOR REVIEW BY ANDOVER BOROUGH PLANNING/ZONING BOARD PER N.J.S.A. 40:55D-26**. Upon roll call the following votes were cast: AYES: Hoag, Pearson, Figueiredo. NAYS: None. Motion carried.

RESOLUTION REFERRING PROPOSED ZONING ORDINANCE FOR REVIEW BY ANDOVER BOROUGH PLANNING/ZONING BOARD PER N.J.S.A. 40:55D-26.

BE IT RESOLVED by the Governing Body of the Borough of Andover, Sussex County, New Jersey, that proposed Ordinance entitled "AN ORDINANCE TO AMEND SUBSECTION 134-4(E), ENTITLED 'ZONING PERMITS AND CERTIFICATES OF OCCUPANCY', OF CHAPTER 134, ENTITLED 'ZONING', OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, NEW JERSEY", as introduced by the Governing Body on October 14, 2019, shall be referred to the Andover Borough Planning/Zoning Board for review and that the Andover Borough Planning/Zoning Board shall make and transmit to the Governing Body, within 35 days after this referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan, recommendations concerning such inconsistencies and any other matters as the Board deems appropriate.

RESOLUTIONS:

Statewide Insurance Fund Renewal:

A MOTION was made by Mr. Hoag, seconded by Mr. Figueiredo to approve Resolution to appoint a Fund Commissioner. Upon roll call the following votes were cast: AYES: Hoag, Pearson, Figueiredo. NAYS: None. Motion carried.

A MOTION was made by Mr. Figueiredo, seconded by Mr. Pearson to approve Resolution to appoint a Risk Management Consultant. Upon roll call the following votes were cast: AYES: Hoag, Pearson, Figueiredo. NAYS: None. Motion carried.

A MOTION was made by Mr. Pearson, seconded by Mr. Figueiredo to approve a Resolution to renew membership in the Statewide Joint Insurance Fund for a period of three years effective 1/1/2020 to 1/1/2023 and authorize execution of the indemnity and trust agreement. Upon roll call the following votes were cast: AYES: Hoag, Pearson, Figueiredo. NAYS: None. Motion carried.

Tax Cancellation:

A MOTION was made by Mr. Figueiredo, seconded by Mr. Pearson to approve a Resolution to cancel 2014 & 2015 taxes on properties that are now tax exempt or have been deleted. Upon roll call the following votes were cast: AYES: Hoag, Pearson, Figueiredo. NAYS: None. Motion carried.

WHEREAS, a review of the prior year tax records show open balances on properties that were made tax exempt or deleted.

WHEREAS, the Tax Collector recommends the Mayor and Council of the Borough of Andover authorize the cancellation of taxes for 2014 & 2015 on the properties listed below.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Andover, County of Sussex, State of New Jersey does hereby authorize the cancellation of the following:

Properties purchased by Andover Borough in 2014
2014 Taxes on Block 1 Lot 1 Qual QFARM in the amount of \$151.52
2014 Taxes on Block 12 Lot 4 in the amount of \$98.61
2014 Taxes on Block 12 Lot 6 Qual QFARM in the amount of \$10.98

Properties purchased by State of NJ DEP in 2014
2014 Taxes on Block 30 Lot 1 Qual QFARM in the amount of \$28.54
2014 Taxes on Block 31 Lot 1 Qual QFARM in the amount of \$21.96

Property that was billed in error in 2015 for a billboard
2015 Taxes on Block 24 Lot 47 Qual B01 in the amount of \$1,357.71

Tax Refund:

A MOTION was made by Mr. Figueiredo, seconded by Mr. Pearson to approve a Resolution to refund block 24 lot 19 for overpayment of water utility account in the amount of \$1335. Upon roll call the following votes were cast: AYES: Hoag, Pearson, Figueiredo. NAYS: None. Motion carried.

WHEREAS, the Tax Collector recommends the Mayor and Council of the Borough of Andover reimburse overpayment of 2019 water utility taxes by property owner.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Andover, County of Sussex, State of New Jersey does hereby authorize the refund of

\$1335.00 to 196 Main Street, LLC

Escrow Reimbursement:

A MOTION was made by Mr. Figueiredo, seconded by Mr. Hoag to approve a Resolution to refund escrow rental deposit to Jay Breitz. Upon roll call the following votes were cast: AYES: Hoag, Pearson, Figueiredo. NAYS: None. Motion carried.

A MOTION was made by Mr. Figueiredo, seconded by Mr. Hoag to approve a Resolution to refund escrow rental deposit to Donna Bigley. Upon roll call the following votes were cast: AYES: Hoag, Pearson, Figueiredo. NAYS: 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 October 15th, 2019, submitted by the Chief Financial Officer for payment. Upon roll call the following votes were cast: AYES: Hoag, Pearson, Figueiredo. NAYS: None. Motion carried.

MOTION TO ADJOURN:

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

Beth Brothman
Municipal Clerk