

A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON MONDAY, JUNE 14th, 2021 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.

PRESENT: Mayor Morgan, Council Members: Dennison (7:04 p.m.), Hoag, Smith, Walter, and Delfing.

ABSENT: Pearson

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.

Prince & Princess of Andover Borough:

Abigail Lewis
Princess of Andover Borough

Benjamin Lewis
Prince of Andover Borough

The Council congratulated Abigail and Benjamin and expressed their well wishes for their time at the Fair.

*****Mr. Dennison present 7:04 p.m.*****

OFFICIALS REPORTS:

A Motion was made by Mrs. Delfing, seconded by Mr. Hoag to approve the Treasurer's Report for May as presented and waive the reading. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Delfing and Walter. NAYS: None. Motion carried.

A MOTION was made by Mr. Smith, seconded by Mrs. Delfing to accept the following reports and place on file: ABFD report for April & May, Lakeland Emergency Squad Reports for January – May and YTD, Joint Court Report for May. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Delfing and Walter. NAYS: None. Motion carried.

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

Letter from NJDOT re: NJDOT Invoicing and Record Retention Requirement Notification

AUDIENCE PARTICIPATION: None.

REPORTS OF SPECIAL COMMITTEES:

SWAC & SC Water Quality Management: Mr. Landrith was absent.

Open Space Report: No report.

Borough Land Report: The Council reviewed two drafts of ordinances pertaining to the sale of contiguous parcels in the Borough. The ordinances require a date of sale which is still pending. The Council decided on draft "II" when a date of sale is obtained.

REPORTS OF STANDING COMMITTEES:

Administrative & Executive:

Mr. Pearson was absent. There was some discussion regarding the safety of the computers used in the Borough Hall. The Mayor requested assurance we are secure from a cyber-attack.

Celebration of Public Events: Mrs. Walter reported that the Memorial Day ceremony was well attended.

Finance: Mr. Dennison had no report.

Parks & Playgrounds: Mr. Hoag reported that Clarence is working in the park and that he requested the blades to be sharpened on the mower. He continued to report that there has been more vandalism in the park with graffiti. It was reported that there was a person golfing in the park and they were asked to leave as the sign indicates "No Golf". The recreation grant worked on by Mrs. Walter has been submitted.

Public Bldgs. & Grounds: Mr. Smith reported that there has been a lot of work done in this summer. The senior building was re-roofed, the Borough Hall steps were repaired, the front steps at the park building are in process and the door lock at the park building were fixed.

Public Safety: Mrs. Delfing reported that there are a number of unexpected repairs necessary at the ABFD. Estimates came in to repair engine 62 from continental for \$1015 and DE Service for \$1892. A MOTION was made by Mrs. Delfing, seconded by Mr. Smith to approve these repairs. Upon roll call the following votes were cast: AYES: Dennison, Smith, Delfing and Walter. NAYS: None. ABSTAIN: Hoag. Motion carried.

It was also mentioned that the ABFD will be holding a BBQ cook off at their anniversary celebration on 8/14/21.

Streets & Roads: Mr. Hoag had no report. He is waiting on information for the Railroad Avenue project.

Water Utility: Mr. Smith reported that Mr. Mooney is set up as an employee. He continued to state that for the Water Tower project we need to watch our water pressure and use. Some parts of the Water Tower project were discussed as to managing water pressure, water use and start time. The project is expected to be bid in July.

OLD BUSINESS: None.

NEW BUSINESS: None.

RESOLUTIONS:

Tax Collector:

A MOTION was made by Mr. Dennison, seconded by Mrs. Delfing to approve a Resolution Authorizing a Disabled Veteran Exemption on block 23 lot 4. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Delfing and Walter. NAYS: None. Motion carried.

RESOLUTION AUTHORIZING A DISABLED VETERAN EXEMPTION ON BLOCK 23 LOT 4

WHEREAS, The Department of Veteran Affairs determined that Richard Scibetta at 147 Main St, Block 23 Lot 4 had a service connected disability that was totally disabling effective October 9, 2020.

WHEREAS, the Tax Assessor has received a Claim for a 100% property tax exemption on dwelling house of Disabled Veteran, which was approved by the Tax Assessor on March 23, 2021.

WHEREAS, as per N.J.S.A.54: 4-3.30et seq, Mr. Scibetta is entitled to a 100% tax exemption on his property located at 147 Main St from January 1, 2021.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Tax Collector is authorized to cancel taxes billed from January 1, 2021 to June 30, 2021 in the amount of \$2,991.46.
2. The Tax Collector is authorized to cancel taxes billed from July 1, 2021 to December 31, 2021 at the time of billing.
3. This property will be marked as Exempt in the 2022 Tax Duplicate.

This Resolution shall take effect immediately.

Liquor License:

A MOTION was made by Mrs. Delfing, seconded by Mrs. Walter to approve a Resolution approving renewal of liquor license #1901-33-001-010 held by and in the name of JJ8789 LLC dba Crossed Keys. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Delfing and Walter. NAYS: None. Motion carried.

RESOLUTION APPROVING RENEWAL OF LIQUOR LICENSE

WHEREAS, application was made to the Mayor and Council of the Borough of Andover, County of Sussex and State of New Jersey as the issuing authority for renewal of Plenary Retail Consumption Class "C" License 1901-33-001-010 held by and in the name of JJ8789 LLC in compliance with the laws of the State of New Jersey, resolutions and regulations of the Borough of Andover and the laws and rules of the Alcoholic Beverage Control Commission; and

WHEREAS, any requisite advertising having been done and hearing having taken place on June 14, 2021 at 7:00 p.m. at the Borough Hall; and no protest against the renewal of said license having been received in writing by the Borough Clerk, it is hereby

RESOLVED that Plenary Retail Consumption Class "C" License No. 1901-33-001-010 held by and in the name of JJ8789 LLC be and is hereby renewed for a period of one year, from July 1, 2021 through June 30, 2022; and

BE IT FURTHER RESOLVED that the Borough Clerk be and is authorized to issue, sign and deliver such documents as appropriate in connection herewith.

This is to certify that this is a true and accurate copy of Resolution approved by the Borough Council of the Borough of Andover pursuant to meeting held on Monday, June 14, 2021 at the Borough Hall.

Escrow Deposit Refund:

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve a Resolution for reimbursement of rental escrow deposits for the following:

Coleman- rental date 5/29

Mooney- rental date 5/30

Brigante- rental date 6/5

Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Delfing and Walter. NAYS: None. Motion carried.

ORDINANCES:

Park Improvement:

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve the first reading and publication of an Ordinance "Appropriating the Sum of \$6400 for Improvements to Parks within the Borough". Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Delfing and Walter. NAYS: None. Motion carried.

ORDINANCE APPROPRIATING THE SUM OF \$6,400.00 FOR IMPROVEMENTS TO PARKS WITHIN THE BOROUGH

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Andover, County of Sussex, State of New Jersey as follows:

SECTION 1: The sum of six thousand four hundred dollars (\$6,400.00) presently located in the General Capital Fund Improvement to Parks is hereby appropriated for the improvements to parks within the Borough funded from the Capital Reserve for Improvement to Park, General Capital Fund:

Improvement to Parks within the Borough 6,400.00

SECTION 2: In connection with the amount authorized in Section 1 hereof, the Borough makes the following determinations:

- 1) The purpose described in Section 1 hereof is not a Current Operating Expense and is a purchase the Borough of Andover may lawfully make as a capital purchase.
- 2) The period of usefulness of the purpose described in Section 1 hereof is not in the limitation of said Local Bond law and according to the aggregate reasonable life thereof is five (5) years or longer.

SECTION 3: All ordinances or parts of ordinances which are inconsistent with the terms of this ordinance be and the same hereby repealed to the extent of their inconsistency.

SECTION 4: This ordinance becomes effective immediately upon publication after adoption.

Cannabis Regulation:

The governing body reviewed the Planning Board recommendation regarding the Cannabis Regulation and took the following action:

A MOTION was made by Mr. Smith, seconded by Mrs. Delfing to approve the first reading and publication of "AN ORDINANCE AMENDING ARTICLE 14 (CONDITIONAL USES) OF THE CODE OF BOROUGH OF ANDOVER TO PERMIT THE CULTIVATION AND PROCESSING OF CANNABIS AND REGULATE THE LOCATION OF THE CULTIVATION AND PROCESSING OF LEGAL CANNABIS WITHIN THE BOROUGH". Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Delfing and Walter. NAYS: None. Motion carried.

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-1, *et seq.*) delegates to municipalities the power to zone and regulate development and that statute is amended from time to time by the State legislature; and

WHEREAS, the Council of the Borough of Andover requested that the Borough Code be amended so as to provide for regulation of the expansion of the legalization

of the cultivation of medical cannabis and recreational cannabis when approved by the State Legislature in the State of New Jersey; and

WHEREAS, the Borough has determined that the cultivation and manufacture of cannabis should not be permitted within the Borough; and

WHEREAS, the Borough has determined that wholesale and distribution of cannabis presents special concerns and should be permitted in certain zone and in appropriate locations as delineated herein;

NOW THEREFORE BE IT RESOLVED THAT Article 14 (Conditional Uses) of the Code of the Borough of Andover shall be amended and supplemented to add new Subsection 134-67 entitled “Cannabis, Wholesalers and Distributors” as follows:

SECTION 1.

Chapter 134-67 Cannabis, Wholesalers and Distributors.

§ 134-67 Definitions.

Cannabis Cultivator

Any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license.

Cannabis Distribution

The transportation of cannabis items to and from licensed cannabis establishments, or home delivery of cannabis items related supplies to a retail consumer.

Cannabis Establishment

A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

Cannabis Manufacturer

Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license.

License

A license issued under relevant State law including a license that is designated as any of the following:

- A. Class 1 Cannabis Cultivator license
- B. Class 2 Cannabis Manufacturer license
- C. Class 3 Cannabis Wholesaler license
- D. Class 4 Cannabis Distributor license

E. Class 5 Cannabis Retailer license

F. Class 6 Cannabis Delivery license

The term includes a conditional license for a designated class, except when the context of the provisions of relevant State law otherwise intend to only apply for a license and not a conditional license.

Manufacture

The drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. "Manufacture" does not include packaging or labeling.

Wholesale Trade

Establishments or places of business primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

§ 134-67.1 Cannabis Wholesalers and Distributors Permitted.

Cannabis Class 3 (Wholesalers) and Class 4 (Distributors) shall be permitted in the C-1 Commercial Zone, the C-3 Commercial and Limited Industrial Zone and the IP Industrial Park Zone subject to, in addition to all other applicable zoning restrictions and conditions, the following:

- (1) Eligible Locations: Facilities shall be at least 50 feet from any residential zone, 50 feet from any parks or trails and 100 feet from any schools.
- (2) Setback: The minimum front yard setback is 50 feet.
- (3) Buildings: All facilities shall be enclosed in heated/air-conditioned buildings, not in greenhouses, hoop houses or outdoors.
- (4) Odor Control: The facility shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that any odor generated inside the facility is not detectable by a person of reasonable sensitivity at the property line of the subject property. Odor from the facility shall be monitored on an annual basis at the discretion of the Borough by a licensed, qualified contractor chosen by the Borough at a cost that should be paid for by the property owner.
- (5) Signage: Signs shall be limited to the address, name of the company and emergency contact information located on one ground sign not to exceed 24 square feet.
- (6) Site Plan Approval: Site Plan approval is required as per §109-3 of the Borough Code. The Applicant shall submit, including but not limited to, the following: a safety and security plan, emergency services access plan, hazardous materials inventory, environmental impact statement and waste control plan.
- (7) State License: The facility must have a valid license to operate from the State of New Jersey.

- (8) Any cannabis facility is subject to compliance with all State laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ.

§ 134-67.2 Retailers Permitted.

Cannabis Class 5 (Retailers) shall be permitted in the C-1 Commercial Zone, subject to, in addition to all other applicable zoning restrictions and conditions, the following:

- (1) Incorporation: The provisions set forth in § 134-67.1 of the Borough Code at Subsections 1-8 shall also apply to cannabis retailers.
- (2) Number of Licenses: No more than two cannabis retailers shall be permitted to operate within the Borough of Andover at any time.
- (3) Hours of Operation: Cannabis retailers must close by 9:00 PM and cannot open before 9:00 AM.

§ 134-67.3 Cannabis Cultivators, Manufacturers and Deliverers Prohibited.

Cannabis Class 1 (Cultivators), Class 2 (Manufacturers) and Class 3 (Delivery) are prohibited from operating anywhere in the Borough, except for the delivery of cannabis items and related supplies by a delivery service.

SECTION 2.

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4.

The Borough Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Borough Clerk is further directed to refer this Ordinance to the Borough Planning/Zoning Board pursuant to N.J.S.A. 40:55D-64. Upon the adoption of this Ordinance, after public hearing, the Borough Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16

SECTION 5.

This Ordinance shall take effect after publication and passage according to law.

AUDIENCE PARTICIPATION: Dick Mooney ask if the Council would get goats to clear the vegetation at the pump house. There was some discussion that the goats were looked into, but owning them wasn't feasible. He continued to report a dead pine tree between 121 and 127 Main Street and asked if the town could send a letter that the tree is dangerous.

MOTION TO PAY THE BILLS:

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to pass the following Resolution: BE IT RESOLVED by the Governing Body to approve the payment of all vouchers on the bill listed June 14th, 2021, submitted by the Chief Financial Officer for payment. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Delfing and Walter. NAYS: None. Motion carried.

MOTION TO ADJOURN:

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

Beth Brothman
Municipal Clerk