

**A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON MONDAY, APRIL 11<sup>th</sup>, 2022 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.**

**PRESENT:** Mayor Morgan, Council Members: Dennison (7:15 p.m.), Hoag, Smith, Mallon, Walter 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, posting copy of notice in the Borough Hall and on the Borough website.

**MINUTES:**

A MOTION was made by Mr. Smith, seconded by Mrs. Delfing to approve the minutes of the meeting held on March 14<sup>th</sup>, 2022 as presented. Upon roll call the following votes were cast: AYES: Hoag, Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: Dennison. Motion carried.

A MOTION was made by Mr. Smith, seconded by Mrs. Delfing to approve the minutes of the workshop meeting held on March 23<sup>rd</sup>, 2022 as presented. Upon roll call the following votes were cast: AYES: Hoag Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mr. Smith, seconded by Mrs. Delfing to approve the minutes of the workshop meeting held on April 7<sup>th</sup>, 2022 as presented. Upon roll call the following votes were cast: AYES: Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: Dennison and Hoag. Motion carried.

**OFFICIALS REPORTS:**

*CFO: No Treasurer's report this meeting.*

*Reports:*

A MOTION was made by Mr. Smith, seconded by Mr. Hoag to accept the following reports and place on file: ABFD report for March, LES report for March and year to date, Joint Court Report for March. Upon roll call the following votes were cast: AYES: Dennison, Hoag Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**ASSESSOR:** The table of aggregates for 2022 was reviewed by the Council.

**CORRESPONDENCE:** The following was presented to the Council and placed on file.

Andover Children's Academy re: Thank you for quick response to water issue.

County of Sussex dated 3/3/22 re: Mosquito Control information packet (posted on bulletin)

Wielkocz & Co dated 3/17/22 re: Tom Ferry resignation

H.E. Pellow & Assoc. Inc. dated 3/23/22 re: Final Documents – Water Tank Repair and Maintenance Services HPA No 20-212

Statewide Loss & Risk Management dated 4/1/22 re: Loss Control Service Visit 3/30/22

Congressman Gottheimer dated 4/1/22 re: Community Project Funding

NM Atty. For Service Electric Cable TV dated 4/6/22 re: IMO SECTV Renewal of Certificate of Approval to Operate and Maintain a Cable Television Station in the Borough of Andover

Statewide Insurance re: 2022 Safety and Loss Control Grant Program

**AUDIENCE PARTICIPATION:** None.

\*\*\* Councilman Dennison entered into record as present for meeting 7:15 p.m. \*\*\*\*

**REPORTS OF SPECIAL COMMITTEES:**

**SWAC & SC Water Quality Management:** No report.

**Open Space:** No Report

**Borough Land Report:** The Committee consisting of Councilmembers Delfing, Hoag and Mallon will meet with municipal attorney Frank McGovern on 5/3 at 4:30 p.m. at the Borough Hall to discuss the next stage to sell these properties.

**REPORTS OF STANDING COMMITTEES:**

**Administrative & Executive:** Mrs. Delfing reported that Financial Disclosure Forms must be filed by local government officers by 4/30. She also reported that there was a new hire to perform the park mowing and light maintenance duties. Tom Smith was hired on 4/9 at the Labor Class I rate of \$18 per hour.

**Celebration of Public Events:** Mrs. Walter reported that Easter Egg Hunt was very successful and all the kids were happy. The Memorial Day wreath ceremony will be held at 9 a.m. new flags were ordered.

**Finance:** Mr. Dennison reported that the budget will be introduced this evening.

**Parks & Playgrounds:** Mr. Hoag reported that Andover Softball will be using the ballfield soon. The Soccer club will be notified that practice on that field is dependent on the softball club's use. The lower field is still too wet to use. Opening is expected on 5/1/22.

**Public Bldgs. & Grounds:** Mr. Smith reported that new chairs need to be purchased for the park building. He suggested purchasing between 80-100 chairs. There was also a brief discussion regarding the proposal provided by Testa Security to upgrade the fire system to code.

A MOTION was made by Mrs. Walter, seconded by Mrs. Delfing to approve a purchase not to exceed \$3000 to purchase chairs. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**Public Safety:** Mrs. Delfing reported that the ABFD will be holding a fundraiser on 5/1 holding a Fish & Chips dinner and will be selling flowers for Easter and Mother's Day. Mr. Smith inquired as to the areas covered by public safety and Mrs. Delfing advised that the fire department and crossing guard were under public safety.

**Streets & Roads:** Mr. Hoag discussed the installation of the street signs in the borough hall to various parts of the borough. Four new breakaway posts will be purchased and Chris Daschko will be called to install. Mark outs still need to be done. Mr. Hoag also asked about using clean community funds for street sweeping. It was determined that the County will use about 2 tons of asphalt to fill various potholes. The Mayor reported that Harold Pellow will submit for grants to redo lower Maple Street and repair the drainage issue on Smith Street.

**Water Utility:** Mr. Smith reported that the gate at the water pump house needs a new post. Mr. Mallon discussed using a heavier four-inch post. There was some discussion that the walk-through gate should be used.

**2022 Municipal Budget Discussion:**

**Open Space Tax:**

A MOTION was made by Mrs. Delfing, seconded by Mr. Dennison to approve a Resolution determining the 2022 open space tax to be 3 cents. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**Salary Ordinance:**

A MOTION was made by Mrs. Delfing, seconded by Mr. Dennison to approve the first reading and introduction of **“AN ORDINANCE FIXING THE SALARIES OF THE MAYOR, COUNCIL, OFFICERS AND EMPLOYEES OF THE BOROUGH OF ANDOVER, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY FOR THE YEAR 2022”**. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**Ordinance #2022-7**

**ANDOVER BOROUGH**

**AN ORDINANCE TO AMEND AN ORDINANCE FIXING THE SALARIES OF THE MAYOR, COUNCIL, OFFICERS AND EMPLOYEES OF THE BOROUGH OF ANDOVER, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY FOR THE YEAR 2022**

BE IT ORDAINED by the Mayor and council of the Borough of Andover, in the County of Sussex and State of New Jersey, that the salaries established for 2022 are as follows:

Position	Hourly/Salary	Pay Period	Amount
Mayor	S	Q	\$ 4,368.00
Council	S	Q	2,548.00
CFO/Treasurer	S	M	17,774.00
Tax Assessor	S	M	12,722.00
Tax Assessor Sec.	H	Q	13.00 (f)
Tax Collector	Paid through shared service agreement		
Tax Search Officer	Each	Annual	13.00 (g)
Assessment Search Officer	Each	Annual	13.00 (g)
Asst. Tax Collector / Tax Clerk	S	M	1,743.00
Borough Clerk	S	M	50,964.00
Clerk Typist	H	M	13.00 (f)
Registrar	S	M	624.00
Licensed Water Operator	S	M	5,651.00
Asst. Licensed Water Operator	S	M	1,632.00
Water Supervisor	S	Q	2,885.00
Water Collector	H	M	6,022.00
Water Meter Reader	H	Q	0.00 (f)
Well Monitor	H	M	18.00
Mark Out Turn On/Shut Off	H	M	26.00

Board of Health Sec.	S	M	577.00
Animal Control Officer	S	M	3,137.00
Planning/Zoning Secretary	S	M	7,254.00
Construction Official	S	M	6,530.00
Permit Control Officer	S	M	3,917.00
Zoning/Code Officer	H	M	30.00
Zoning Deputy Admin. Asst.	H	M	22.00
Shared Service – Land Use	S	M	17,222.00
Fire Prevention	As per shared service agreement		
Fire Sub Code	Each Inspection	M	35.00
Plumbing Inspector	Each Inspection	M	35.00
Electrical Inspector	Each Inspection	M	35.00
Emerg. Mgmt. Coord.	S	Q	689.00
Dog License Clerk	each license	A	0.30
Borough Hall Caretaker	S	M	2,274.00
Crossing Guard	H	M	14.00
Alternate Crossing Guard	H	M	13.00
Labor Class I	H	M	18.00
Labor Class II	H	M	15.00
Labor Class III	H	M	13.00 (f)

Notes:

- (f) or minimum wage, whichever is greater
- (g) \$200 annual maximum

**Budget Introduction:**

A MOTION was made by Mr. Dennison, seconded by Mr. Hoag to approve the first reading and introduction of the 2022 Andover Borough Municipal Budget. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried. (*Budget under state examination*)

*BE IT RESOLVED that the revenues and appropriations presented shall constitute the Municipal Budget for the year 2022.*

*BE IT FURTHER RESOLVED that said Budget be published in the New Jersey Herald. A Public Hearing on the Budget and Tax Resolution will be held at the Andover Borough Municipal Building on May 9, 2022 at 7:00 pm or soon thereafter, at which time and place objections to said Budget and Tax Resolution for the year 2022 may be presented by taxpayers or other interested persons.*

**NEW BUSINESS:** None.

**OLD BUSINESS:**

***Cannabis Ordinance Amendment Discussion:***

The governing body reviewed an ordinance entitled “AN ORDINANCE TO REDESIGNATE AND AMEND SECTION 134-67, ENTITLED “CANNABIS, WHOLESALERS AND DISTRIBUTORS”, OF CHAPTER 134, ENTITLED “ZONING”, OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY” amending the code pertaining to Cannabis addressing delivery and making other administrative corrections. *The ordinance was introduced. see below ordinance #2022-8.*

**RESOLUTIONS:** None.

**ORDINANCE:**

***Ordinance #2022-5 Cannabis Licensing Fee: adoption***

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve the second reading and adoption of **“AN ORDINANCE TO AMEND SECTION 66-4, ENTITLED “MISCELLANEOUS FEES AND CHARGES”, OF 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, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**Ordinance #2022-5**

**BOROUGH OF ANDOVER  
SUSSEX COUNTY, NEW JERSEY**

**AN ORDINANCE TO AMEND SECTION 66-4, ENTITLED “MISCELLANEOUS FEES AND CHARGES”, OF CHAPTER 66, ENTITLED “FEES”, OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY.**

BE IT ORDAINED, by the Mayor and Council of the Borough of Andover, in the County of Sussex, New Jersey, as follows:

SECTION 1. Section 66-4, entitled “Miscellaneous fees and charges”, of Chapter 66, entitled “Fees”, of the Code of the Borough of Andover, County of Sussex, State of New Jersey, is amended to add new Paragraph H, entitled “Cannabis application and license review fee”, which shall read as follows:

- H. Cannabis application and license review fee. Any person applying to be Permitted to operate a cannabis business under the laws of New Jersey and the provisions of this Code shall pay an annual fee of \$2,500 to have the Borough and its professionals review said application and license annually in order to operate a cannabis business in the Borough of Andover. Said annual fee shall apply to all permitted marketplace classes of licenses.

SECTION 2. 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. All ordinances or parts of ordinances inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or contrariness.

SECTION 4. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey following the required twenty-day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

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***Ordinance #2022-6 Property Maintenance Amendment: adoption***

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve the second reading and adoption of **“AN ORDINANCE AMENDING CHAPTER 104 (PROPERTY MAINTENANCE) OF THE CODE OF BOROUGH OF ANDOVER TO PROHIBIT THE DEPOSITING OF MATERIALS ON ANY STREET OR HIGHWAY.** Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**Ordinance #2022-6**

**ANDOVER BOROUGH  
SUSSEX COUNTY, NEW JERSEY**

**AN ORDINANCE AMENDING CHAPTER 104 (PROPERTY MAINTENANCE) OF THE  
CODE OF BOROUGH OF ANDOVER TO PROHIBIT THE DEPOSITING OF MATERIALS  
ON ANY STREET OR HIGHWAY**

**WHEREAS**, N.J.S.A. 40:67-1(g) authorizes the governing body of every municipality may make, amend, repeal and enforce ordinances to prevent persons from depositing, material upon any street or highway or portion thereof, or causing or permitting the same to be done; and

**WHEREAS**, the Borough of Andover has determined that passing the within ordinance would more clearly reflect the needs and values of the Borough community; and

**NOW THEREFORE BE IT RESOLVED THAT** Section 7 (Duties and responsibilities of owners and operators) and Section 8 (Duties and responsibilities of non-owner occupants) of Chapter 104 (Property Maintenance) of the Code of the Borough of Andover shall be amended and supplemented to add new Subsections 104-7(U) and 104-8(B) as follows:

**SECTION 1.**

**§ 104-7(U)** Deposits upon streets and highways. An owner or operator shall not deposit dirt, ashes, leaves or other material upon any street or highway or portion thereof or cause or permit the same to be done.

**§ 104-8(B)** Deposits upon streets and highways. A non-owner occupant shall not deposit dirt, ashes, leaves or other material upon any street or highway or portion thereof or cause or permit the same to be done.

**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.**

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

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***Ordinance #2022-7 Salary Ordinance – introduced and provided in full above with 2022 Municipal Budget.***

A MOTION was made by Mrs. Delfing, seconded by Mr. Dennison to approve the first reading and introduction of **“AN ORDINANCE FIXING THE SALARIES OF THE MAYOR, COUNCIL, OFFICERS AND EMPLOYEES OF THE BOROUGH OF ANDOVER, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY FOR THE YEAR 2022”**. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

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**Ordinance #2022-8 Cannabis - Amendment: introduction**

A MOTION was made by Mr. Smith, seconded by Mrs. Delfing to approve the first reading and introduction of **“AN ORDINANCE TO REDESIGNATE AND AMEND SECTION 134-67, ENTITLED “CANNABIS, WHOLESALERS AND DISTRIBUTORS”, OF CHAPTER 134, ENTITLED “ZONING”, 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, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**Ordinance #2022-8**

**BOROUGH OF ANDOVER  
SUSSEX COUNTY, NEW JERSEY**

**AN ORDINANCE TO REDESIGNATE AND AMEND SECTION 134-67, ENTITLED “CANNABIS, WHOLESALERS AND DISTRIBUTORS”, OF CHAPTER 134, ENTITLED “ZONING”, OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY.**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Andover, in the County of Sussex, New Jersey, that Chapter 134, entitled “Zoning”, of the Code of the Borough of Andover, County of Sussex, State of New Jersey, be and is hereby amended as follows:

SECTION 1. Section 134-67, entitled “Cannabis, Wholesalers and Distributors”, is revised so as to be designated as Section 134-66.4 and entitled “Cannabis”, of Article XIV, entitled “Conditional Uses”.

SECTION 2. Section 134-67, entitled, “Definitions”, is revised so as to be designated as Paragraph A, entitled, entitled “Definitions”, of Section 134-66.4, entitled “Cannabis”, of Article XIV, entitled “Conditional Uses”, and to add the following definitions:

**Cannabis Delivery Service**

Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license.

**Cannabis Distributor**

Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license.

**Cannabis Retailer**

Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a

cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license.

### **Cannabis Wholesaler**

Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

SECTION 3. Section 134-67.1, entitled, "Cannabis Wholesalers and Distributors Permitted", is revised so as to be designated as Paragraph B, entitled, entitled "Cannabis Wholesalers and Distributors Permitted", of Section 134-66.4, entitled "Cannabis", of Article XIV, entitled "Conditional Uses".

SECTION 4. Section 134-67.2, entitled, "Retailers Permitted", is revised so as to be designated as Paragraph C, entitled, entitled "Retailers Permitted", of Section 134-66.4, entitled "Cannabis", of Article XIV, entitled "Conditional Uses"; and subparagraph 1 thereof is amended to read as follows:

- (1) The provisions set forth in Paragraph C of Section 134-66.4 of the Borough Code at subparagraphs (1) through (8) inclusive shall also apply to cannabis retailers. A cannabis retailer whose retail store is located within the C-1 Commercial Zone shall be permitted to use a cannabis delivery service or a certified cannabis handler who is in compliance with N.J.S.A. 24:6I-44, N.J.A.C. 17:30-12.8 and applicable law for off-premises delivery of cannabis items and related supplies to consumers inside and outside the C-1 Commercial Zone. The cannabis retailer shall accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to the consumer(s).

SECTION 5. Section 134-67.3, entitled, "Cannabis Cultivators, Manufacturers and Deliverers Prohibited" is revised so as to be designated as Paragraph D, entitled, entitled "Cannabis Cultivators, Manufacturers and Deliverers Prohibited" of Section 134-66.4, entitled "Cannabis" of Article XIV, entitled "Conditional Uses".

SECTION 6. 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 7. All ordinances or parts of ordinances inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or contrariness.

SECTION 8. 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 9. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey following the required twenty-day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).



**AUDIENCE PARTICIPATION:** None.

**MOTION TO PAY THE BILLS:** None.

**A MOTION** was made by Mrs. Delfing, seconded by Mr. Mallon to pass the following Resolution:  
**BE IT RESOLVED** by the Governing Body to approve the payment of all vouchers on the bill listed April 11, 2022, submitted by the Chief Financial Officer for payment. Upon roll call the following votes were cast: **YES:** Dennison, Hoag, Smith, Mallon, Walter and Delfing. **NAYS:** None. **ABSTAIN:** None. Motion carried.

**MOTION TO ADJOURN:**

The Mayor motioned to adjourn the meeting. Members present voted all in favor.

A handwritten signature in black ink, appearing to read 'Beth Brothman', with a long horizontal flourish extending to the right.

Beth Brothman  
Municipal Clerk