

**A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER,
COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON MONDAY, JANUARY 10th, 2022
AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.**

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

ABSENT: Mr. Hoag

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.

The Oath of Office Administered to Council Member Mel Dennison by the Municipal Clerk.

MINUTES:

A MOTION was made by Mr. Dennison, seconded by Mrs. Delfing to approve the minutes of emergency meeting held on December 29th as presented. Upon roll call the following votes were cast: AYES: Dennison, Pearson and Walter. NAYS: None. ABSTAIN: Delfing and Smith. Motion carried.

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve the minutes of the reorganization/regular meeting held on January 5th as presented. Upon roll call the following votes were cast: AYES: Smith, Walter and Delfing. NAYS: None. Dennison and Pearson. Motion carried.

OFFICIALS REPORTS:

CFO: There was no Treasurers report.

Appropriation Transfers.

A MOTION was made by Mr. Dennison, seconded by Mr. Smith to approve a resolution for appropriation transfer in the amount of \$1130.00. Upon roll call the following votes were cast: AYES: Dennison, Smith, Pearson, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

WHEREAS, N.J.S.A. 40A:4-58 permits appropriation transfers to be made during the last two months of the fiscal year and the subsequent three months, and

WHEREAS, it is necessary to transfer appropriations between line items presently located in the 2021 Budget Year, and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Andover, County of Sussex, State of New Jersey that the following transfers be made:

CURRENT FUND

FROM:

Parks and Playgrounds OE 30.00

Streets & Roads OE 1,100.00

TOTAL TRANSFERS 1,130.00

TO:

Clerk OE 30.00

Electricity OE 1,100.00

TOTAL TRANSFERS 1,130.00

A MOTION was made by Mr. Smith, seconded by Mrs. Delfing to accept the following reports and place on file: ABFD report for December 2021, Lakeland Emergency Squad Report for November & December 2021. Upon roll call the following votes were cast: YES: Dennison, Smith, Pearson, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

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

Sonopath, 141 Main dated 12/27/21 re: 139 Main St. – Property in State of Disrepair

Michelle LaStarza re: Thank you

JCPL dated 12/17/21 re: Verified Petition for Review and Approval of Costs Incurred for Environmental Remediation of Manufactured Gas Plant Sites

D. Simmons of H.E. Pellow dated 12/21/21 re: NJDEP Water Allocation Permit #5263 Renewal

NJ DCA dated 01/05/22 re: Press Release – DCA Awards \$10 Million in Local Recreation Improvement Grants to 162 Local Governments Across the State

P. Pearson email dated 01/10/22 re: resignation

AUDIENCE PARTICIPATION: Dr. Lindquist the owner of 141 Main Street and his employee Chris Denny appeared before the governing regarding the condition of the property located next door to them at 139 Main Street. The governing body will address the issue through code enforcement.

REPORTS OF SPECIAL COMMITTEES: No reports.

REPORTS OF STANDING COMMITTEES:

Administrative & Executive: Mrs. Delfing reported that she is working on the salary ordinance.

Celebration of Public Events: Mrs. Walter reported that the next celebration will be Easter. An egg hunt will be held on 4/10/22 covid permitting.

Finance: Mr. Dennison reported he is gathering a list of lamps that are out in the borough. The Mayor asked him to look into the States program for car charging stations.

Parks & Playgrounds: Mr. Hoag was absent. Mr. Smith reported that the outside hose was not put away.

Public Bldgs. & Grounds: Mr. Smith reported that the grease trap in the park building needs to be cleaned out. He also said the roof at the borough hall needs to be addressed this year. Lastly, he does not want Mr. Howell to make any more purchases at Netcong Hardware for salt.

Public Safety: Mrs. Delfing reported that the fire department officials were sworn in by the Mayor and Municipal Clerk at the Fire House on Thursday 1/6/22.

Streets & Roads: Mr. Hoag was absent.

Water Utility: Mr. Smith reported that was usage is down and the CCR report will be coming in soon.

OLD BUSINESS:

Railroad Avenue Project:

A MOTION was made by Mr. Dennison, seconded by Mrs. Delfing to approve voucher in the amount of \$15,158.21 and signature authorization for Change Certificate No. 1 reflecting work completed through 9/24/21 by Schifano Construction for Milling & Paving for Proposed Resurfacing

of Railroad Avenue through Morris County Co-op. Upon roll call the following votes were cast: YES: Dennison, Smith, Pearson, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mr. Dennison, seconded by Mr. Pearson to approve voucher in the amount of \$419.28 and Change Certificate No. 1 reflecting quantities used through 10/15/21 by Denville Line Painting, Inc. for Line Striping for Proposed Resurfacing of Railroad Avenue through Morris County Co-op. Upon roll call the following votes were cast: YES: Dennison, Smith, Pearson, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

NEW BUSINESS: None, except that this will be Councilman Pearson's last meeting. In light of that the Mayor read the following Proclamation:

PROCLAMATION:

**Borough of Andover
Sussex County · New Jersey**

WHEREAS, Councilman Peter Pearson has served our community selflessly for 20 years; and

WHEREAS, he is deserving of appreciation and considerable thanks for his distinguished work as a member of the Borough Council and Planning Board; and

WHEREAS, he has consistently and enthusiastically argued for the interests and concerns of his constituents helping to advance Andover Borough as a community; and

WHEREAS, his retirement from public service will leave him more time to tame tigers, quell uprisings, start revolutions, organize orgies and watch Antiques Roadshow on PBS; and

WHEREAS, the Mayor and Council of the Borough of Andover wish to extend their gratitude and appreciation for Peter Pearson's dedication and service to this municipality and recognize his value and accomplishments and want him to know we will miss him very much; and

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

Peter Pearson

For his outstanding service to the Andover Borough Community and extend to him our deepest appreciation for all of his dedicated work and wishing him the best in all of his future endeavors.

RESOLUTIONS:

Escrow Cancellation:

A MOTION was made by Mr. Pearson, seconded by Mrs. Delfing to approve a resolution authorizing cancellation for outstanding escrow balances in the amount of \$2135.50. Upon roll call the following votes were cast: YES: Dennison, Smith, Pearson, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Tax Appeals:

A MOTION was made by Mr. Pearson, seconded by Mrs. Delfing 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, Smith, Pearson, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

ORDINANCE:

Cannabis ordinance revision

The governing body reviewed an ordinance amendment to correct section 134-67.3 entitled "cannabis cultivators, manufacturers and deliverers prohibited". The ordinance was not approved and revision is still needed.

The governing body reviewed a draft ordinance to update **Smoke and Fire Inspection Fees**

A MOTION was made by Mrs. Delfing, seconded by Mr. Pearson to approve the 1st reading and publication 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, Smith, Pearson, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

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 paragraph H, which shall read as follows:

H. CSACMAPFEC fee. The fees for the issuance of a certificate of smoke alarm, carbon monoxide alarm and portable fire extinguisher compliance (CSACMAPFEC) pursuant to N.J.A.C. 5:70-2.3 shall be as follows:

(i)	Application received more than 10 business days before change of occupant:	\$50
(ii)	Application received four to 10 business days before change of occupant:	\$80
(iii)	Application received less than four business days before change of occupant:	\$125
(iv)	Reinspection fee (for each reinspection):	\$40

The property owner is responsible for applying for each reinspection.

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).

The governing body reviewed an amendment to **Chapter 117 Driveways Ordinance to update Driveway Access Fees**

A MOTION was made by Mr. Dennison, seconded by Mrs. Delfing to approve the first reading and publication of "AN ORDINANCE TO AMEND SECTION 66-1, ENTITLED "FEES", OF CHAPTER 66, ENTITLED "FEES", AND SECTION 117-8 ENTITLED "PERMITS; FEE" OF CHAPTER 117, ENTITLED "STREETS AND SIDEWALKS", 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, Smith, Pearson, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

AN ORDINANCE TO AMEND SECTION 66-1, ENTITLED "FEES", OF CHAPTER 66, ENTITLED "FEES", AND SECTION 117-8 ENTITLED "PERMITS; FEE" OF CHAPTER 117, ENTITLED "STREETS AND SIDEWALKS", 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 66-1, entitled "Fees", of Chapter 66, entitled "Fees", of the Code of the Borough of Andover, County of Sussex, State of New Jersey, is amended to replace the portion thereof which reads:

Chapter 117, Streets and Sidewalks	
Road opening permit	\$100

With the following:

Chapter 117, Streets and Sidewalks	
Road opening permit	\$100
Driveway permit	\$ 50

SECTION 2. Paragraph D of Section 117-8 entitled "Permits; Fee" of Chapter 117, entitled "Streets and Sidewalks" of the Code of the Borough of Andover, County of Sussex, State of New Jersey, is amended to read as follows:

- D. Application fee. The permit fee shall, pursuant to the provisions of this Article, be included as part of the building permit fee, except where an alteration is being made on an existing driveway, which shall then require a fee of \$50. In cases where an engineer's inspection is needed, the applicant shall pay the fee.

SECTION 3. 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 4. 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 5. 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).

Review of sample ordinance from Sandyston Township re: "Hazardous Material Clean Up and Recover of Costs". There was no action.

AUDIENCE PARTICIPATION: None.

MOTION TO PAY THE BILLS:

A MOTION was made by Mr. Dennison, seconded by Mr. Pearson to pass the following Resolution: BE IT RESOLVED by the Governing Body to approve the payment of all vouchers on the bill listed January 10, 2022, submitted by the Chief Financial Officer for payment. Upon roll call the following votes were cast: YES: Dennison, Smith, Pearson, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

MOTION TO ADJOURN:

A MOTION was made by Mr. Pearson, seconded by Mr. Dennison to adjourn the meeting. Upon roll call the following votes were cast: AYES: All in favor. NAYS: None. ABSTAIN: None. Motion carried.

Beth Brothman
Municipal Clerk