

**A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON MONDAY, NOVEMBER 14, 2022 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.**

**PRESENT:** Mayor Morgan, Council Members: Hoag, Smith, Walter and Delfing.

**ABSENT:** Messrs. Dennison and Mallon

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.

**OFFICIALS REPORTS:**

**A MOTION was made by Mrs. Delfing, seconded by Mrs. Walter to accept the following reports and place on file:** ACO report for July-Sept 2022, BOH report packet for period 9/1-9/30, Joint Court report for September, NJDCA Bureau of Fire Code Enforcement Life Hazard Certificate of Registration for Andover Community Center valid from 11/20/22 – 11/20/23, ABFD Report for October. Upon roll call the following votes were cast: AYES: Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

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

SCMUA dated 10/13/22 re: FY2023 Proposed Rate Schedule Effective 12/1/22

Concord Energy Services dated 10/20/22 re: Electricity Supply Contract Transition

Sussex County Clerk's Office Email dated 10/24/22 re: Reimbursement for All-Future Election costs

State of NJ Dept OEM dated 11/10/22 re: reminder Emergency Operations Plan expires 2/7/23

H.E. Pellow & Assoc. dated 11/11/22 re: Truck Signage along Whitehall Road HPA 22-326

**AUDIENCE PARTICIPATION:**

Mr. Tim VanWingerden appeared before the governing body and stated that he was following up from his prior appearance in October. He said that a letter of intent to purchase the property to the borough attorney and was interested in knowing where the governing body is with regard to opting into Class 2 Cannabis. The Mayor replied that we haven't started yet. Councilman Smith told Mr. Vanwingerden that water use for a facility that large is of concern, but that we were investigating it. The Mayor told Mr. VanWingerden that the interest is still under consideration and that the property is not in the auction at the moment.

**REPORTS OF SPECIAL COMMITTEES:**

**SWAC & SC Water Quality Management:** Vacancy in office. No report.

**Open Space Report:** Vacancy in office. No report.

**Borough Property Management:** Ordinance adoption on this agenda.

**Recreation Grant Progress:** basketball court was “lined” and landscaping is scheduled. Jason Lane hired “Pop’s Landscaping” for that work.

## **REPORTS OF STANDING COMMITTEES:**

### **Administrative & Executive:**

Mrs. Delfing reported that Mel is looking into an IT professional. Someone is supposed to meet with the Clerk tomorrow.

### **Celebration of Public Events:**

Mrs. Walter reported that the winners of the Halloween House Decorating Contest was 1. Lane, 2. Figueiredo and 3. Stowe residences. Christmas breakfast is scheduled for 12/3 from 9-11 a.m. The gifts to be given to the children needs to be inventoried and food list completed.

### **Finance:**

Mr. Dennison was absent. No report. Best Practice review this month.

### **Parks & Playgrounds:**

Mr. Hoag reported that the basketball project looks great. We still need signs for Park Rules.

### **Public Bldgs. & Grounds:**

Mr. Smith reported that the Borough Hall needs some work on plaster and the roof is leaking, .

### **Public Safety:**

Mrs. Delfing reported that the training for the crossing guard is still needed and any cost will be referred back to the CFO. She reported later in the meeting that the pump on Engine 62 is getting work done.

### **Streets & Roads:**

Mr. Hoag reported that the Engineer should go ahead with whatever he needs to do pertaining to the signs needed for Morris Sussex Turnpike. He continued to report that he would like to see the street lights that have been hit replaced by JCP&L.

### **Water Utility:**

Mr. Smith reported that the Water Operator, Robert Olivo has resigned as of November 30. We will need to hire someone immediately especially since the lead line service survey is not complete. He continued to state that the overdue response to this survey has required him to hire water personnel for administrative duties. The Mayor stated that over the weekend he contacted a retired employee, Michelle LaStarza, to work under the title of Water Administrator. The hourly amount to be paid is \$20.00 per hour with no limit on hours until the survey is completed and a max of 23 hours per week thereafter. Ordinance #2022-13 to amend salary ordinance is later on in the agenda. He is seeking approval for hiring her first. The first order of business once she is hired is to send letter requesting extension of submission.

A MOTION was made by Mr. Hoag, seconded by Mrs. Walter to approve the employment of Michelle LaStarza as Water Administrator. Upon roll call the following votes were cast: AYES: Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

## **OLD BUSINESS:**

### *Best Practice:*

The governing body reviewed the Best Practice Submission as prepared by the CFO. A MOTION was made by Mr. Smith, seconded by Mr. Hoag to approve the submission as presented. Upon roll call the following votes were cast: AYES: Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Mr. Hoag reported that Northern Rain is plowing the park.

The Mayor reported on the following:

- The Mayor asked if the 90-day probationary period for Jessie Casella as Code and Zoning Officer has been addressed. There were no concerns reported during this probationary period.
- The Mayor reported that there is more damage to property on Morris Sussex Turnpike. Harold Pellow is in process of addressing this. The Municipal Clerk will ask him how it is going.
- The Mayor stated that he thought a water fee should be created for irrigation. He thought that it should be 1/3 to ½ cent per gallon. Mr. Smith asked if it would also apply to home sprinkler systems to which the Mayor replied “yes”. Mr. Smith did not think that an irrigation ordinance is necessary. Mr. Smith wants to focus on residential and commercial increases in the new year and consider amending the water fee ordinance.
- The discussion of road speed was introduced and Mr. Hoag stated that he has concerns along Route 206 area near the Scruberry Coop and believes the speed should be reduced there. He stated that the fatality records along that stretch of road are long and we should site that as a reason.
- The Mayor reported on his finding during the Stormwater Tier A Redesignation hearing. He read from a list of requirements that will be placed upon the Borough.

## **NEW BUSINESS:**

The Mayor stated that the water operator, B. Olivo, has reported that the water conservation report is recorded as “not filed” on the State website. Mr. D. Simmons of H.E. Pellow did supply that report with the Water Allocation Permit and did submit in about December 2021. A copy should be obtained and provided to Mr. Olivo to resubmit.

### **Generator Service Quote for 2023**

A MOTION was made by Mr. Smith, seconded by Mrs. Delfing to approve the Generator Service Quotation for 2023 as submitted by Genserve. Upon roll call the following votes were cast: AYES: Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

### **2023 Sandyston Township Shared Service Agreement Renewal**

A MOTION was made by Mr. Smith, seconded by Mrs. Delfing to approve the renewal of the 2023 Sandyston Township Shared Service Agreement as presented. Upon roll call the following votes were cast: AYES: Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

### **QPA Shared Service Agreement with Stillwater Township**

A MOTION was made by Mr. Hoag, seconded by Mr. Smith to approve a shared service agreement with Stillwater Township for the services of Qualified Purchasing Agent. Upon roll call the following votes were cast: AYES: Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

### **ORDINANCE:**

#### **Ordinance #2022-09**

A Motion was made by Mr. Smith, seconded by Mrs. Walter to approve the second reading and publication of "AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 24, LOT 25, ANDOVER BOROUGH, SUSSEX COUNTY, NEW JERSEY. The matter was opened to the public. Mr. Mooney asked if this was the land connected to his lot. The matter was closed to the public. Upon roll call the following votes were cast: AYES: Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

#### **Ordinance #2022-10**

A Motion was made by Mrs. Delfing, seconded by Mr. Hoag to approve the second reading and publication of "AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 24, LOT 36.03, ANDOVER BOROUGH, SUSSEX COUNTY, NEW JERSEY". The matter was opened to the public and closed without comment. Upon roll call the following votes were cast: AYES: Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

#### **Ordinance #2022-11**

A Motion was made by Mr. Hoag, seconded by Mrs. Delfing to approve the second reading and publication of "AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 24, LOT 27, ANDOVER BOROUGH, SUSSEX COUNTY, NEW JERSEY". The matter was opened to the public and closed without comment. Upon roll call the following votes were cast: AYES: Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

#### **Ordinance #2022-12**

A Motion was made by Mrs. Delfing, seconded by Mrs. Walter to approve the second reading and publication of "AN ORDINANCE AUTHORIZING THE PUBLIC SALE OF BLOCK 24, LOT 37, MAIN STREET, AND BLOCK 26, LOT 25, 12 LENAPE ROAD, ANDOVER BOROUGH, SUSSEX COUNTY, NEW JERSEY". The matter was opened to the public and closed without comment. Upon roll call the following votes were cast: AYES: Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

#### **Ordinance #2022-13**

A Motion was made by Mr. Smith, seconded by Mr. Hoag to approve the first reading and introduction of "AN ORDINANCE TO AMEND ORDINANCE #2022-07 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" - **Water Utility Administrator**. Upon roll call the following votes were cast: AYES: Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

*Mayor Morgan stated that the land sale was set up as a silent auction and asked if anyone thought it should be. Updating the ordinances just adopted would be the only way to change this.*

**RESOLUTIONS:**

**Transfer Resolution:**

A Motion was made by Mrs. Delfing, seconded by Mr. Hoag to pass a resolution to approve an appropriation transfer as prepared by the CFO in the amount of \$1700.00. Upon roll call the following votes were cast: AYES: Hoag, Smith, 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

**WHEREAS**, it is necessary to transfer appropriations between line items presently located in the Current Year

Budget;

**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.

<u>FROM:</u>		<b>CURRENT FUND</b>		<u>TO:</u>	
Municipal Clerk Other Expenses	500.00			Financial Administration Salaries and Wages	500.00
Plumbing Subcode Salaries and Wages	400.00			Code Enforcement Other Expenses	200.00
Uniform Fire Safety Salaries and Wages	300.00			Police Other Expenses	250.00
Parks & Playgrounds Other Expenses	500.00			Emergency Management Other Expenses	250.00
Police Other Expenses				Streets & Roads Other Expenses	500.00
<b>Total Transfers Current</b>				<b>Total Transfers Current</b>	
	<b>Fund 1,700.00</b>			<b>Fund 1,700.00</b>	

**AUDIENCE PARTICIPATION:**

Mr. Tim VanWingerden reintroduced himself to the governing body and asked if the introduction of the ordinance to sell block 1 lot 1 means that they have made the decision to support cannabis manufacturing. He stated that the company he represents would not be buying block 1 lot 1 as they indicated in their letter of intent without that ordinance being adopted for that zone. He continued to state that the company can provide evidence that the facility they would be installing would use minimal water and they would consider diverting or reclaiming roof water to ease the towns concerns. The Mayor stated that the governing body were still looking to pursue that zone change, but that that reintroduction of these ordinances would change the land sale to 02/09/2023. The Mayor instructed the Municipal Clerk to ask the Borough Attorney Frank McGovern if he has had a chance to talk with the Borough Planner Jessica Caldwell about creating a zoning ordinance to opt into Class 2 Cannabis Manufacturing in the IP Zone.

**MOTION TO PAY THE BILLS:**

A **MOTION** was made by Mrs. Delfing, seconded by Mr. Smith to pass the following Resolution: BE IT RESOLVED by the Governing Body to approve the payment of all vouchers on the bill listed November 14, 2022, submitted by the Chief Financial Officer for payment. Upon roll call the following votes were cast: YES: Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**MOTION TO ADJOURN:**

A **MOTION** was made by Mr. Hoag, seconded by Mrs. Walter to adjourn the meeting. AYES: Smith, Mallon, Walter, Delfing. NAYS: None. Motion carried.

Beth Brothman  
Municipal Clerk

**BOROUGH OF ANDOVER  
ORDINANCE #2022-9**

**AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 24, LOT 25, ANDOVER BOROUGH,  
SUSSEX COUNTY, NEW JERSEY**

**WHEREAS**, the Mayor and Council of the Borough of Andover have determined that municipally owned land and improvements, if any, thereon known and designated as Block 24, Lot 25, Main Street, on the official tax map of the Borough of Andover, Sussex County, New Jersey (herein after referred to as "property") is no longer necessary for municipal purposes and as such shall be sold at public sale in accordance with N.J.S.A. 40A:12-13, et seq.; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Andover that the property shall be advertised for public sale pursuant to all requirements and procedures set forth in the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.) subject to the following conditions:

(a) Bids shall be received by the Borough Clerk on Thursday, January 5, 2023, starting at 10:00 A.M. at the Andover Borough Hall, 137 Main Street, Andover, NJ 07821 in the manner of a public auction in accordance with procedures to be announced by the Borough Clerk.

(b) All bids shall be referred to the Mayor and Council of the Borough of Andover for review and final approval pursuant to N.J.S.A. 40A:12-13a. The Borough of Andover reserves the right to accept the highest bid or to reject any and all bids, including the highest bid, and shall make its decision known by resolution within thirty (30) days after bids are received.

(c) Bidders shall make payment as follows:

Cash or certified check within 20 minutes of the close of bidding	10%
plus Cash or certified check at a closing to be held on or before 45 days after the Mayor and Council of the Borough of Andover resolves to accept the bid	90%

(d) Upon the close of bidding the highest qualified bidder, as designated by the Borough Clerk, shall submit cash or certified or bank check or money order in the amount of 10% of their bid and shall immediately execute an offer to purchase at their bid price, which offer shall include the terms and conditions specified herein. Said offer shall be irrevocable for sixty (60) days from the date of the public sale.

(e) All conveyances by the Borough shall be made by Quitclaim Deed, unless an adequate title binder, prepared at the expense of the purchaser, is forwarded to the Borough prior to conveyance, in which case Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. Purchaser shall furnish at their own cost and expense a metes and bounds or other legal description of the property prior to the date of conveyance by the Borough; otherwise, the conveyance by the Borough shall be made by Quitclaim Deed and by utilization of tax lot and block

designations. The Deed shall be delivered upon final payment to be made as described in (c) above at a closing to be arranged between the purchaser and the Borough of Andover pursuant hereto.

(f) Failure to close on or before 45 days after the Mayor and Council of the Borough of Andover resolve to accept the bid shall entitle the Borough of Andover to rescind prior bid approval, terminate any and all rights of the designated bidder in said property and retain all monies theretofore deposited.

(g) The property is subject to a lien in favor of the State of New Jersey resulting from environmental remediation. Title to the property shall be conveyed subject to said lien. The successful bidder, its successors and/or assigns shall assume responsibility associated with that lien and shall indemnify and hold the Borough of Andover harmless with regard to the lien and any obligations and consequences related thereto. At closing, the successful bidder shall sign a release and indemnification form satisfactory to the Borough of Andover in this regard.

(h) Portions of the subject lands and premises were the subject of environmental remediation. Accordingly, a successful bidder shall have 30 days after the Borough Council resolves to accept his/her bid to conduct tests, make inquiries and rescind his/her bid in writing delivered to the Borough Clerk setting forth the specific basis for the rescission accompanied by proof thereof. To be eligible for rescission per this paragraph, the specific basis must be the presence of hazardous material on the subject parcel which will require remediation. Notwithstanding any language to the contrary set forth herein: If rescission is properly made per this paragraph, the bid shall be deemed to be void, the payments made to the Borough in connection with the bid will be refunded, and neither party shall have further liability to the other in connection therewith. As a condition for rescission, the bidder shall deliver copies of all test and inspection reports to the Borough Clerk at no charge.

(i) If the subject property is burdened by any easements which serve other lands, those easements shall remain intact. To the extent that there is an access easement which may serve the property to be conveyed to the successful bidder, any right, title and interest which the Borough has in the easement shall be conveyed to the successful bidder with a reservation by the Borough of an easement therein.

(j) The purchaser shall be responsible for terminating any and all existing tenancies (if any) post-closing.

(k) The property shall be conveyed subject to existing encumbrances, liens, zoning regulations, easements, restrictions, such facts as an accurate survey and inspection of the lands and premises would reveal, and any present or future assessments for the construction of improvements benefiting said property. The property is being sold in the present "as is", "where is", with all faults. No representations of any kind are made by the Borough as to acreage, quality of title or conditions of the property, and descriptions of the property are intended as a general guide only and may not be accurate. The Borough disclaims and the purchaser shall waive any and all warranties, express or implied, with regard to the acreage, conditions, uses and quality of the subject lands and premises, and the foregoing disclaimer and waiver will survive closing.

(l) In the event the Borough is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the



Borough will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. Notice of any alleged defect in title or claim of unmarketability must be served on the Borough Clerk by the purchaser, in writing no later than 20 days after the sale is approved by the Mayor and Council of the Borough of Andover; and failure upon the part of the purchaser to give written notice within said time shall be deemed conclusive proof that the purchaser accepts the title in its present condition. Further, the acceptance of a deed by the purchaser from the Borough shall extinguish any claims that said purchaser may have against the Borough of Andover in connection with the quality of title conveyed.

(m) The purchaser shall verify in writing that purchaser shall indemnify and hold harmless the Borough of Andover, its officials, employees, representatives and agents, as to all claims, expenses, damages, attorney's fees and costs related to or arising out of the condition of the property.

(n) Successful bidders agree to pay by the time of closing the balance of the purchase price together with \$350 for the cost of preparation of all legal documents, including any special property description, plus the cost of advertisement of the sale, the cost of recording Deeds, which shall be recorded by the Borough Attorney, and all prorated real estate taxes for the balance of the current year as of the date of closing. Successful bidders agree to abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support any variance from or realization of said regulations. Successful bidders agree that the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any Court of this State as grounds to support a challenge of the existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.

(o) The Borough reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Borough. No bid shall be considered finally accepted until passage of a resolution by the Mayor and Council of the Borough of Andover accepting same.

(p) The sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Borough of Andover.

(q) No employee, agent or officer of the Borough of Andover has any authority to waive, modify or amend any of the conditions of the sale.

(r) A public notice of sale shall be published in the Borough's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).

This Ordinance shall take effect upon final passage, approval and publication as required by law.



Beth Brothman, Borough Clerk

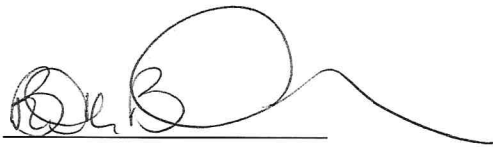


John Morgan, Mayor

**NOTICE**

NOTICE IS HEREBY GIVEN that the attached Ordinance was introduced at a regular meeting of the Mayor and Council of the Borough of Andover, Sussex County, New Jersey, held on the 11<sup>th</sup> day of October 2022 and passed on first reading, and that such Ordinance was further considered for final passage and adopted at the regular meeting of the Mayor and Council held on the 14<sup>th</sup> day of November 2022 at the Borough Hall, 137 Main Street, in the Borough of Andover, at 7:00 p.m., and that at such time and place all persons interested were given an opportunity to be heard concerning said Ordinance.

Date: 11/14/22

A handwritten signature in black ink, appearing to read 'Beth Brothman', written over a horizontal line. The signature is stylized with large loops and a long tail.

Beth Brothman, RMC  
Andover Borough Clerk

**BOROUGH OF ANDOVER  
ORDINANCE #2022-10**

**AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 24, LOT 36.03, ANDOVER  
BOROUGH, SUSSEX COUNTY, NEW JERSEY**

**WHEREAS**, the Mayor and Council of the Borough of Andover have determined that municipally owned land and improvements, if any, thereon known and designated as Block 24, Lot 36.03, Lenape Road, on the official tax map of the Borough of Andover, Sussex County, New Jersey (herein after referred to as “property”) is no longer necessary for municipal purposes and as such shall be sold at public sale in accordance with N.J.S.A. 40A:12-13, et seq.; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Andover that the property shall be advertised for public sale pursuant to all requirements and procedures set forth in the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.) subject to the following conditions:

(a) Bids shall be received by the Borough Clerk on Thursday, January 5, 2023, starting at 10:00 A.M. at the Andover Borough Hall, 137 Main Street, Andover, NJ 07821 in the manner of a public auction in accordance with procedures to be announced by the Borough Clerk.

(b) All bids shall be referred to the Mayor and Council of the Borough of Andover for review and final approval pursuant to N.J.S.A. 40A:12-13a. The Borough of Andover reserves the right to accept the highest bid or to reject any and all bids, including the highest bid, and shall make its decision known by resolution within thirty (30) days after bids are received.

(c) Bidders shall make payment as follows:

Cash or certified check within 20 minutes of the close of bidding	10%
plus Cash or certified check at a closing to be held on or before 45 days after the Mayor and Council of the Borough of Andover resolves to accept the bid	90%

(d) Upon the close of bidding the highest qualified bidder, as designated by the Borough Clerk, shall submit cash or certified or bank check or money order in the amount of 10% of their bid and shall immediately execute an offer to purchase at their bid price, which offer shall include the terms and conditions specified herein. Said offer shall be irrevocable for sixty (60) days from the date of the public sale.

(e) All conveyances by the Borough shall be made by Quitclaim Deed, unless an adequate title binder, prepared at the expense of the purchaser, is forwarded to the Borough prior to conveyance, in which case Bargain and Sale Deed with Covenants Against Grantor’s Acts will be the form of conveyance. Purchaser shall furnish at their own cost and expense a metes and bounds or other legal description of the property prior to the date of conveyance by the Borough; otherwise, the conveyance by the Borough shall be made by Quitclaim Deed and by utilization of tax lot and block

designations. The Deed shall be delivered upon final payment to be made as described in (c) above at a closing to be arranged between the purchaser and the Borough of Andover pursuant hereto.

(f) Failure to close on or before 45 days after the Mayor and Council of the Borough of Andover resolve to accept the bid shall entitle the Borough of Andover to rescind prior bid approval, terminate any and all rights of the designated bidder in said property and retain all monies theretofore deposited.

(g) Not included in the sale are the lands that lie within 50 feet of the boundaries of Block 24, Lots 34 and 35 ("buffer area"). Before and as a condition of closing, the Borough shall cause a lot line adjustment to be completed for the purpose of separating the buffer area from Block 24, Lot 36.03, and the successful bidder will have no right, title or interest in the buffer area.

(h) Portions of the subject lands and premises were the subject of environmental remediation and may be impressed with a lien(s) of the State of New Jersey. Accordingly, a successful bidder shall have 30 days after the Borough Council resolves to accept his/her bid to conduct tests, make inquiries and rescind his/her bid in writing delivered to the Borough Clerk setting forth the specific basis for the rescission accompanied by proof thereof. To be eligible for rescission per this paragraph, the specific basis must be the existence of a lien held by the State of New Jersey against the specific parcel for which the bid is accepted or the presence of hazardous material on the subject parcel which will require remediation. Notwithstanding any language to the contrary set forth herein: If rescission is properly made per this paragraph, the bid shall be deemed to be void, the payments made to the Borough in connection with the bid will be refunded, and neither party shall have further liability to the other in connection therewith. As a condition for rescission, the bidder shall deliver copies of all test and inspection reports to the Borough Clerk at no charge.

(i) There are conditions existing on the property which may lead to citations for violations if not immediately addressed after acquisition of title such as, for example, the presence of abandoned vehicles and equipment. The successful bidder shall be responsible for the proper removal of such vehicles, equipment and conditions, for compliance with the requirements of the Andover Borough code, and the Borough shall have no responsibility for same.

(j) If the subject property is burdened by any easements which serve other lands, those easements shall remain intact. To the extent that there is an access easement which may serve the property to be conveyed to the successful bidder, any right, title and interest which the Borough has in the easement shall be conveyed to the successful bidder with a reservation by the Borough of an easement therein.

(k) The purchaser shall be responsible for terminating any and all existing tenancies (if any) post-closing.

(l) The property shall be conveyed subject to existing encumbrances, liens, zoning regulations, easements, restrictions, such facts as an accurate survey and inspection of the lands and premises would reveal, and any present or future assessments for the construction of improvements benefiting said property. The property is being sold in the present "as is", "where is", with all faults. No representations of any kind are made by the Borough as to acreage, quality of title or conditions of the property, and descriptions of the property are intended as a general guide only and may not

be accurate. The Borough disclaims and the purchaser shall waive any and all warranties, express or implied, with regard to the acreage, conditions, uses and quality of the subject lands and premises, and the foregoing disclaimer and waiver will survive closing.

(m) In the event the Borough is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the Borough will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. Notice of any alleged defect in title or claim of unmarketability must be served on the Borough Clerk by the purchaser, in writing no later than 20 days after the sale is approved by the Mayor and Council of the Borough of Andover; and failure upon the part of the purchaser to give written notice within said time shall be deemed conclusive proof that the purchaser accepts the title in its present condition. Further, the acceptance of a deed by the purchaser from the Borough shall extinguish any claims that said purchaser may have against the Borough of Andover in connection with the quality of title conveyed.

(n) The purchaser shall verify in writing that purchaser shall indemnify and hold harmless the Borough of Andover, its officials, employees, representatives and agents, as to all claims, expenses, damages, attorney's fees and costs related to or arising out of the condition of the property.

(o) Successful bidders agree to pay by the time of closing the balance of the purchase price together with \$350 for the cost of preparation of all legal documents, including any special property description, plus the cost of advertisement of the sale, the cost of recording Deeds, which shall be recorded by the Borough Attorney, and all prorated real estate taxes for the balance of the current year as of the date of closing. Successful bidders agree to abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support any variance from or realization of said regulations. Successful bidders agree that the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any Court of this State as grounds to support a challenge of the existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.

(p) The Borough reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Borough. No bid shall be considered finally accepted until passage of a resolution by the Mayor and Council of the Borough of Andover accepting same.

(q) The sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Borough of Andover.

(r) No employee, agent or officer of the Borough of Andover has any authority to waive, modify or amend any of the conditions of the sale.

(s) A public notice of sale shall be published in the Borough's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).

This Ordinance shall take effect upon final passage, approval and publication as required by law.



Beth Brothman, Borough Clerk



John Morgan, Mayor

**NOTICE**

NOTICE IS HEREBY GIVEN that the attached Ordinance was introduced at a regular meeting of the Mayor and Council of the Borough of Andover, Sussex County, New Jersey, held on the 11<sup>th</sup> day of October 2022 and passed on first reading, and that such Ordinance was further considered for final passage and adopted at the regular meeting of the Mayor and Council held on the 14<sup>th</sup> day of November 2022 at the Borough Hall, 137 Main Street, in the Borough of Andover, at 7:00 p.m., and that at such time and place all persons interested were given an opportunity to be heard concerning said Ordinance.

Date: 11/14/22



Beth Brothman, RMC  
Andover Borough Clerk

**BOROUGH OF ANDOVER  
ORDINANCE #2022-11**

**AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 24, LOT 27, ANDOVER BOROUGH,  
SUSSEX COUNTY, NEW JERSEY**

**WHEREAS**, the Mayor and Council of the Borough of Andover have determined that municipally owned land and improvements, if any, thereon known and designated as Block 24, Lot 27, Limecrest Road, on the official tax map of the Borough of Andover, Sussex County, New Jersey (herein after referred to as "property") is no longer necessary for municipal purposes and as such shall be sold at public sale in accordance with N.J.S.A. 40A:12-13, et seq.; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Andover that the property shall be advertised for public sale pursuant to all requirements and procedures set forth in the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.) subject to the following conditions:

(a) Bids shall be received by the Borough Clerk on Thursday, January 5, 2023 starting at 10:00 A.M. at the Andover Borough Hall, 137 Main Street, Andover, NJ 07821 in the manner of a public auction in accordance with procedures to be announced by the Borough Clerk.

(b) All bids shall be referred to the Mayor and Council of the Borough of Andover for review and final approval pursuant to N.J.S.A. 40A:12-13a. The Borough of Andover reserves the right to accept the highest bid or to reject any and all bids, including the highest bid, and shall make its decision known by resolution within thirty (30) days after bids are received.

(c) Bidders shall make payment as follows:

Cash or certified check within 20 minutes of the close of bidding	10%
plus Cash or certified check at a closing to be held on or before 45 days after the Mayor and Council of the Borough of Andover resolves to accept the bid	90%

(d) Upon the close of bidding the highest qualified bidder, as designated by the Borough Clerk, shall submit cash or certified or bank check or money order in the amount of 10% of their bid and shall immediately execute an offer to purchase at their bid price, which offer shall include the terms and conditions specified herein. Said offer shall be irrevocable for sixty (60) days from the date of the public sale.

(e) All conveyances by the Borough shall be made by Quitclaim Deed, unless an adequate title binder, prepared at the expense of the purchaser, is forwarded to the Borough prior to conveyance, in which case Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. Purchaser shall furnish at their own cost and expense a metes and bounds or other legal description of the property prior to the date of conveyance by the Borough; otherwise, the conveyance by the Borough shall be made by Quitclaim Deed and by utilization of tax lot and block

designations. The Deed shall be delivered upon final payment to be made as described in (c) above at a closing to be arranged between the purchaser and the Borough of Andover pursuant hereto.

(f) Failure to close on or before 45 days after the Mayor and Council of the Borough of Andover resolve to accept the bid shall entitle the Borough of Andover to rescind prior bid approval, terminate any and all rights of the designated bidder in said property and retain all monies theretofore deposited.

(g) If the subject property is burdened by any easements which serve other lands, those easements shall remain intact. To the extent that there is an access easement which may serve the property to be conveyed to the successful bidder, any right, title and interest which the Borough has in the easement shall be conveyed to the successful bidder with a reservation by the Borough of an easement therein.

(h) The purchaser shall be responsible for terminating any and all existing tenancies (if any) post-closing.

(i) The property shall be conveyed subject to existing encumbrances, liens, zoning regulations, easements, restrictions, such facts as an accurate survey and inspection of the lands and premises would reveal, and any present or future assessments for the construction of improvements benefiting said property. The property is being sold in the present "as is", "where is", with all faults. No representations of any kind are made by the Borough as to acreage, quality of title or conditions of the property, and descriptions of the property are intended as a general guide only and may not be accurate. The Borough disclaims and the purchaser shall waive any and all warranties, express or implied, with regard to the acreage, conditions, uses and quality of the subject lands and premises, and the foregoing disclaimer and waiver will survive closing.

(j) In the event the Borough is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the Borough will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. Notice of any alleged defect in title or claim of unmarketability must be served on the Borough Clerk by the purchaser, in writing no later than 20 days after the sale is approved by the Mayor and Council of the Borough of Andover; and failure upon the part of the purchaser to give written notice within said time shall be deemed conclusive proof that the purchaser accepts the title in its present condition. Further, the acceptance of a deed by the purchaser from the Borough shall extinguish any claims that said purchaser may have against the Borough of Andover in connection with the quality of title conveyed.

(k) The purchaser shall verify in writing that purchaser shall indemnify and hold harmless the Borough of Andover, its officials, employees, representatives and agents, as to all claims, expenses, damages, attorney's fees and costs related to or arising out of the condition of the property.

(l) Successful bidders agree to pay by the time of closing the balance of the purchase price together with \$350 for the cost of preparation of all legal documents, including any special property description, plus the cost of advertisement of the sale, the cost of recording Deeds, which shall be recorded by the Borough Attorney, and all prorated real estate taxes for the balance of the current year as of the date of closing. Successful bidders agree to abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds



to support any variance from or realization of said regulations. Successful bidders agree that the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any Court of this State as grounds to support a challenge of the existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.

(m) The Borough reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Borough. No bid shall be considered finally accepted until passage of a resolution by the Mayor and Council of the Borough of Andover accepting same.

(n) The sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Borough of Andover.

(o) No employee, agent or officer of the Borough of Andover has any authority to waive, modify or amend any of the conditions of the sale.

(p) A public notice of sale shall be published in the Borough's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).

This Ordinance shall take effect upon final passage, approval and publication as required by law.



Beth Brothman, Borough Clerk

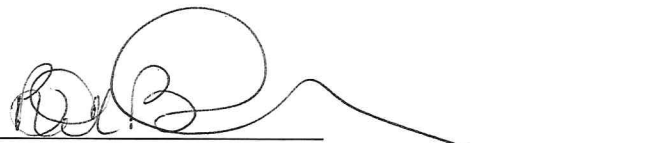


John Morgan, Mayor

### NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance was introduced at a regular meeting of the Mayor and Council of the Borough of Andover, Sussex County, New Jersey, held on the 11<sup>th</sup> day of October 2022 and passed on first reading, and that such Ordinance was further considered for final passage and adopted at the regular meeting of the Mayor and Council held on the 14<sup>th</sup> day of November 2022 at the Borough Hall, 137 Main Street, in the Borough of Andover, at 7:00 p.m., and that at such time and place all persons interested were given an opportunity to be heard concerning said Ordinance.

Date: 11/14/22



Beth Brothman, RMC  
Andover Borough Clerk

**BOROUGH OF ANDOVER  
ORDINANCE #2022-12**

**AN ORDINANCE AUTHORIZING THE PUBLIC SALE OF BLOCK 24, LOT 37, MAIN STREET, AND BLOCK 26, LOT 25, 12 LENAPE ROAD, ANDOVER BOROUGH, SUSSEX COUNTY, NEW JERSEY**

**WHEREAS**, the Mayor and Council of the Borough of Andover have determined that municipally owned land and improvements, if any, thereon known and designated as Block 24, Lot 37, Main Street, and Block 26, Lot 25, 12 Lenape Road, on the official tax map of the Borough of Andover, Sussex County, New Jersey (herein after referred to as “property”) are no longer necessary for municipal purposes and as such shall be sold at public sale in accordance with N.J.S.A. 40A:12-13, et seq.; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Andover that the property shall be advertised for public sale pursuant to all requirements and procedures set forth in the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.) subject to the following conditions:

(a) Bids shall be received by the Borough Clerk on Thursday, January 5, 2023, starting at 10:00 A.M. at the Andover Borough Hall, 137 Main Street, Andover, NJ 07821 in the manner of a public auction in accordance with procedures to be announced by the Borough Clerk.

(b) All bids shall be referred to the Mayor and Council of the Borough of Andover for review and final approval pursuant to N.J.S.A. 40A:12-13a. The Borough of Andover reserves the right to accept the highest bid or to reject any and all bids, including the highest bid, and shall make its decision known by resolution within thirty (30) days after bids are received.

(c) Bidders shall submit separate bids for individual parcels.

(d) Bidders shall make payment as follows:

Cash or certified check within 20 minutes of the close of bidding	10%
plus Cash or certified check at a closing to be held on or before 45 days after the Mayor and Council of the Borough of Andover resolves to accept the bid	90%

(e) Upon the close of bidding the highest qualified bidder, as designated by the Borough Clerk, shall submit cash or certified or bank check or money order in the amount of 10% of their bid and shall immediately execute an offer to purchase at their bid price, which offer shall include the terms and conditions specified herein. Said offer shall be irrevocable for sixty (60) days from the date of the public sale.

(f) All conveyances by the Borough shall be made by Quitclaim Deed, unless an adequate title binder, prepared at the expense of the purchaser, is forwarded to the Borough prior to conveyance,

in which case Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. Purchaser shall furnish at their own cost and expense a metes and bounds or other legal description of the property prior to the date of conveyance by the Borough; otherwise, the conveyance by the Borough shall be made by Quitclaim Deed and by utilization of tax lot and block designations. The Deed shall be delivered upon final payment to be made as described in (d) above at a closing to be arranged between the purchaser and the Borough of Andover pursuant hereto.

(g) Failure to close on or before 45 days after the Mayor and Council of the Borough of Andover resolve to accept the bid shall entitle the Borough of Andover to rescind prior bid approval, terminate any and all rights of the designated bidder in said property and retain all monies theretofore deposited.

(h) **WITH REGARD TO BLOCK 24, LOT 37:** A portion of Block 24, Lot 37, Main Street was the subject of environmental remediation and may be subject to an environmental lien in favor of the State of New Jersey. Accordingly, a successful bidder shall have 30 days after the Borough Council resolves to accept his/her bid to conduct tests, make inquiries and rescind his/her bid in writing delivered to the Borough Clerk setting forth the specific basis for the rescission accompanied by proof thereof. To be eligible for rescission per this paragraph, the specific basis must be the presence of hazardous material on the subject parcel which will require remediation or the existence of an environmental lien in favor of the State of New Jersey. Notwithstanding any language to the contrary set forth herein: If rescission is properly made per this paragraph, the bid shall be deemed to be void, the payments made to the Borough in connection with the bid will be refunded, and neither party shall have further liability to the other in connection therewith. As a condition for rescission, the bidder shall deliver copies of all test and inspection reports to the Borough Clerk at no charge.

(i) If the subject property is burdened by any easements which serve other lands, those easements shall remain intact. To the extent that there is an access easement which may serve the property to be conveyed to the successful bidder, any right, title and interest which the Borough has in the easement shall be conveyed to the successful bidder with a reservation by the Borough of an easement therein.

(j) The purchaser shall be responsible for terminating any and all existing tenancies (if any) post-closing.

(k) The property shall be conveyed subject to existing encumbrances, liens, zoning regulations, easements, restrictions, such facts as an accurate survey and inspection of the lands and premises would reveal, and any present or future assessments for the construction of improvements benefiting said property. The property is being sold in the present "as is", "where is", with all faults. No representations of any kind are made by the Borough as to acreage, quality of title or conditions of the property, and descriptions of the property are intended as a general guide only and may not be accurate. The Borough disclaims and the purchaser shall waive any and all warranties, express or implied, with regard to the acreage, conditions, uses and quality of the subject lands and premises, and the foregoing disclaimer and waiver will survive closing.

(l) In the event the Borough is unable to convey clear and marketable title, insurable at regular rates by a title insurance company licensed to do business in the State of New Jersey, the

Borough will forthwith return to the purchaser any and all deposit moneys previously submitted by the purchaser, and neither party shall have any further rights against the other. Notice of any alleged defect in title or claim of unmarketability must be served on the Borough Clerk by the purchaser, in writing no later than 20 days after the sale is approved by the Mayor and Council of the Borough of Andover; and failure upon the part of the purchaser to give written notice within said time shall be deemed conclusive proof that the purchaser accepts the title in its present condition. Further, the acceptance of a deed by the purchaser from the Borough shall extinguish any claims that said purchaser may have against the Borough of Andover in connection with the quality of title conveyed.

(m) The purchaser shall verify in writing that purchaser shall indemnify and hold harmless the Borough of Andover, its officials, employees, representatives and agents, as to all claims, expenses, damages, attorney's fees and costs related to or arising out of the condition of the property.

(n) Successful bidders agree to pay by the time of closing the balance of the purchase price together with \$350 for the cost of preparation of all legal documents, including any special property description, plus the cost of advertisement of the sale, the cost of recording Deeds, which shall be recorded by the Borough Attorney, and all prorated real estate taxes for the balance of the current year as of the date of closing. Successful bidders agree to abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support any variance from or realization of said regulations. Successful bidders agree that the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any Court of this State as grounds to support a challenge of the existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.

(o) In the event a right of first refusal is retained by a contiguous owner which is duly exercised in accordance with NJSA 40A:12-13.2, the bid for the affected Parcel shall be deemed to be rescinded, whereupon any monies paid by the bidder will be refunded by the Borough, and neither party shall be liable to the other in connection therewith.

(p) The Borough reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bid deemed to be in the best interest of the Borough. No bid shall be considered finally accepted until passage of a resolution by the Mayor and Council of the Borough of Andover accepting same.

(q) The sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Borough of Andover.

(r) No employee, agent or officer of the Borough of Andover has any authority to waive, modify or amend any of the conditions of the sale.

(s) A public notice of sale shall be published in the Borough's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).

This Ordinance shall take effect upon final passage, approval and publication as required by law.



Beth Brothman, Borough Clerk

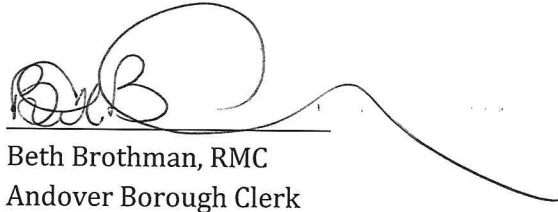


John Morgan, Mayor

### NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance was introduced at a regular meeting of the Mayor and Council of the Borough of Andover, Sussex County, New Jersey, held on the 11<sup>th</sup> day of October 2022 and passed on first reading, and that such Ordinance was further considered for final passage and adopted at the regular meeting of the Mayor and Council held on the 14<sup>th</sup> day of November 2022 at the Borough Hall, 137 Main Street, in the Borough of Andover, at 7:00 p.m., and that at such time and place all persons interested were given an opportunity to be heard concerning said Ordinance.

Date: 11/14/22



Beth Brothman, RMC  
Andover Borough Clerk

**Ordinance #2022-13**

**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
Water Utility Administrator	H	M	20.00

The above entitled ordinance was introduced and passed first reading at a regular meeting of the Mayor and Council on Monday, November 14, 2022 and was presented for final reading and adopted, after public hearing, at a meeting of the Mayor and Council held on Monday, December 12, 2022 at the Borough Hall located at 137 Main Street beginning at 7:00 p.m.



Beth Brothman, RMC  
Borough Clerk

**Ordinance #2022-14**

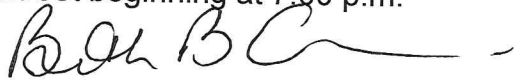
**ANDOVER BOROUGH**

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
Licensed Water Operator	S	M	12,000.00

The above entitled ordinance was introduced and passed first reading at a regular meeting of the Mayor and Council on Monday, November 12, 2022 and was presented for final reading and adopted, after public hearing, at a meeting of the Mayor and Council held on Monday, December 28, 2022 at the Borough Hall located at 137 Main Street beginning at 7:00 p.m.



Beth Brothman, RMC  
Borough Clerk