

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

PRESENT: Mayor Morgan, Council Members: Dennison (7:05 p.m.), Smith, Mallon, and Walter.

ABSENT: Councilmembers Hoag and Delfing.

ALSO PRESENT: Frank McGovern, Borough Attorney.

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:

Motion to approve the Treasurer's Report - as presented and waive the reading

A MOTION was made by Mr. Mallon, seconded by Mr. Dennison to accept the following reports and place on file: Joint Court report for August 2022, BOH report for period 8/1-9/14 and 08/1-8/31 with complaint investigation form, ABFD report for September. Upon roll call the following votes were cast: AYES: Dennison, Smith, Mallon, and Walter. NAYS: None. ABSTAIN: None. Motion carried.

The Mayor reported there is a movement to make all courts County Courts. He is attending a roundtable on the subject.

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

Frelinghuysen Township dated 07/25/2022 re: request for donations of Fire Dept. equipment

County of Sussex Commissioners dated 09/19/22 re: Resolution in support of the restoration of passenger rail service between New York City and Scranton Pennsylvania by way of a fully reconstructed Lackawanna Cut-Off rail line.

NJLM dated 10/03/2022 re: Notice of Proposed Membership Dues

NJDOT dated 09/21/22 re: No Passing Zone Regulation Order NPZ 2022-16

NJ Div. of Treasury dated 09/30/22 re: 2022 Equalized Valuation exceeds 2021 Valuation by 10%

County of Sussex dated 10/05/22 re: Cooperative Contracts

NJDOT dated 10/03/2022 re: Local Freight Impact Funds beth

AUDIENCE PARTICIPATION: None.

The Mayor that there was interest in a property owned by the Borough at last month's regular meeting. He mentioned that the person, a real estate broker, was looking for cannabis spacing and to broker a deal. The land ordinances we are reviewing on this evening is not the lot they are interested in.

REPORTS OF SPECIAL COMMITTEES:

SWAC & SC Water Quality Management: It was reported that the Borough representative, James Landrith, has resigned from his position and the municipality is responsible for appointing a new municipal representative.

Recreation Grant Progress: Mrs. Walter reported that the asphalt work has been completed at the basketball court. Mr. Mallon stated that the contractor, Charlies' paving, indicated that soil would need to be placed around the court to protect the pavement from cracking. We are waiting to hear back on when the striping will be completed. The Clerk asked that a new motion be made to approve the work to continue with the striping as she was unsure if the asphalt work had been accepted.

A MOTION was made by Mr. Smith, seconded by Mr. Mallon to approve the amount of \$950 for striping as per the estimate and as approved on 9/12/22. Upon roll call the following votes were cast: AYES: Dennison, Smith, Mallon, and Walter. NAYS: None. ABSTAIN: None. Motion carried.

EXECUTIVE SESSION:

A MOTION was made by Mr. Dennison, seconded by Mr. Smith to adopt Resolution to adjourn into Executive Session to discuss matters which are exempted from the public. Upon roll call the following votes were cast: AYES: Dennison, Smith, Mallon, Walter. NAYS: None. ABSTAIN: None. Motion carried.

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Andover will go into closed session for reasons of: Contract Negotiations. (7:26 p.m.)

A MOTION was made by Mrs. Delfing, seconded by Mr. Mallon to resume the public portion of the meeting. Upon roll call the following vote was cast: AYES: Dennison, Smith, Mallon, Walter. NAYS: None. Motion carried. (7:43 p.m.)

Borough Property Management:

The governing body continued to review the land sale ordinances as corrected from the last meeting. Frank McGovern confirmed that changes as suggested by the governing body have been made since the last meeting to include a 50-foot buffer off of the pump house property onto block 24 lot 36.03 as well as requiring its clean up. There was also some discussion regarding publication timelines and setting the date for the land sale to 01/05/23. Mr. McGovern affirmed that the following ordinances were prepared to be introduced to which the governing body acted.

Ordinance #2022-09

A Motion was made by Mr. Smith, seconded by Mr. Mallon to approve the first reading and introduction of "AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 24, LOT 25, ANDOVER BOROUGH, SUSSEX COUNTY, NEW JERSEY. Upon roll call the following votes were cast: AYES: Dennison, Smith, Mallon, and Walter. NAYS: None. ABSTAIN: None. Motion carried.

Ordinance #2022-10

A Motion was made by Mr. Smith, seconded by Mr. Mallon to approve the first reading and introduction of "AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 24, LOT 36.03, ANDOVER BOROUGH, SUSSEX COUNTY, NEW JERSEY". Upon roll call the following votes were cast: AYES: Dennison, Smith, Mallon, and Walter. NAYS: None. ABSTAIN: None. Motion carried.

Ordinance #2022-11

A Motion was made by Mr. Smith, seconded by Mr. Mallon to approve the first reading and introduction of "AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 24, LOT 27, ANDOVER BOROUGH, SUSSEX COUNTY, NEW JERSEY". Upon roll call the following votes were cast: AYES: Dennison, Smith, Mallon, and Walter. NAYS: None. ABSTAIN: None. Motion carried.

Ordinance #2022-12

A Motion was made by Mr. Smith, seconded by Mr. Mallon to approve the first reading and introduction 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". Upon roll call the following votes were cast: AYES: Dennison, Smith, Mallon, and Walter. NAYS: None. ABSTAIN: None. Motion carried.

Tabled introduction:

A MOTION was made by Mrs. Smith, seconded by Mrs. Walter to table the introduction of the draft ordinance to sell block 1 lot 1 to include Green 166/2 & AT 27/7. Upon roll call the following votes were cast: AYES: Dennison, Smith, Mallon, and Walter. NAYS: None. ABSTAIN: None. Motion carried.

Recreation Grant Progress – no report.

REPORTS OF STANDING COMMITTEES:**Administrative & Executive:**

Mrs. Delfing was absent. No report.

Celebration of Public Events:

Mrs. Walter reported that only Halloween and Christmas celebrations are on her schedule. She is unsure if the ABFD will be holding a Halloween party, but will need funds approved to hold any events. Mel is in charge of scheduling Santa Clause.

A MOTION was made by Mrs. Walter, seconded by Mr. Dennison to approve an amount not to exceed \$75 for Halloween contest winner supplies. Upon roll call the following votes were cast: AYES: Dennison, Smith, Mallon, and Walter. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mrs. Walter, seconded by Mr. Dennison to approve an amount not to exceed \$750 for supplies for the Christmas breakfast. Upon roll call the following votes were cast: AYES: Dennison, Smith, Mallon, and Walter. NAYS: None. ABSTAIN: None. Motion carried.

Finance:

Mr. Dennison reported that he has reviewed LFN 2022-17 pertaining to the Best Practices Inventory. The CFO, Bill Eagen, explained how he approaches this process and will be provided a copy of his findings at next meeting.

Parks & Playgrounds:

Mr. Hoag reported that the softball field is not usable due to wet conditions.

Public Bldgs. & Grounds:

Mr. Smith reported that the senior building heat is on.

Public Safety:

Mrs. Delfing reported that the firefighter's grant needs an estimate for filing and it would be great to be awarded funds from a grant as they are badly needed.

Streets & Roads:

Mr. Hoag reported that the street sign for Old Creamery has finally been installed.

Water Utility:

Mr. Smith reported that the utility is running "really good" at "60 or 70" some days. He thought the water usage needs to be reevaluated and will talk to the water operator. He continued to report that he straightened out Dick Mooney's billing from September. He will need a refrigerator for sampling for Mr. Olivo. With no information on the lead reporting requirement it is looking like Mr. Olivo needs a secretary.

OLD BUSINESS:

A review of Senate Bill 1368 was presented by the Municipal Clerk. The presentation included a breakdown of the zone and uses that this Bill would affect. In sum, it requires all business owners, rental unit owners and single-family rentals to maintain certain liability insurance policies. An ordinance must be prepared and the Municipal Clerk is concerned how this information will be collected, monitored and reported as the task is greater than staff within the office and no reporting software is owned by the Borough outside of traditional Microsoft programs.

The Mayor reported on the following:

- The Mayor reviewed the requirements of the mandate for the municipality to inspect all rentals for lead. He confirmed that the inspection is visual only, but the inspector must be certified. He wants the implementation of this ordinance to be determined and an ordinance passed.
- He reported that the Stormwater Reassignment requires a population of at least 1000. He believes the Borough should be exempt from this requirement, but a plan is needed as per the recent webinar held by the NJDEP on this subject.
- He continued to report that he was contacted an attorney who is beginning the process of a class action suit on this Stormwater mandate. He expects the costs to significantly increase with the Engineer and hopes the public hearing with the governmental officials yields more information.
- On the subject of unfunded mandates, he mentioned he will attend a webinar pertaining to the lead line replacement affecting the water department. He stated that galvanized pipe may also be a concern as it was mentioned.
- Pertaining to the water department, he asked if the water department needs to hire someone to flush the hydrants and exercise the valves yearly since the ABFD does not want to perform the work. Mr. Smith did not understand why the ABFD will no longer perform the work.
- He suggested that anyone available to attend the Cannabis webinar as per the Municipal Clerks email should do so. This webinar is scheduled for 10/28/22.

NEW BUSINESS:

The Snow Plowing 2022/2023 Contract Renewal Agreement as provided by Northern Rail Irrigation, the same contractor as the prior year, was reviewed.

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve the agreement as presented. Upon roll call the following votes were cast: AYES: Dennison, Smith, Mallon, Walter. NAYS: None. ABSTAIN: None. Motion carried.

RESOLUTIONS:

AUDIT:

A MOTION was made by Mr. Dennison, seconded by Mrs. Walter to accept the Corrective Action Plan as submitted by the CFO. Upon roll call the following votes were cast: AYES: Dennison, Smith, Mallon, Walter. NAYS: None. ABSTAIN: None. Motion carried.

Reimburse Rental Deposit:

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve the reimbursement of rental deposit:

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| Wecht | 8/13/2022 | \$150.00 |
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Upon roll call the following votes were cast: AYES: Dennison, Smith, Mallon, Walter. NAYS: None. ABSTAIN: None. Motion carried.

AUDIENCE PARTICIPATION: None.

MOTION TO PAY THE BILLS:

A MOTION was made by Mr. Dennison, 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 October 11, 2022, submitted by the Chief Financial Officer for payment. Upon roll call the following votes were cast: YES: Dennison, Smith, Mallon, Walter. NAYS: None. ABSTAIN: None. Motion carried.

MOTION TO ADJOURN:

The Mayor adjourned the meeting.

Beth Brothman
Municipal Clerk