

**A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON MONDAY, SEPTEMBER 12<sup>th</sup>, 2022 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.**

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

**ABSENT:** Councilmembers Dennison

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 June 13<sup>th</sup>, 2022. Upon roll call the following votes were cast: AYES: Smith, Mallon, Walter, and Delfing. NAYS: None. ABSTAIN: Hoag. Motion carried.

A MOTION was made by Mr. Smith, seconded by Mrs. Delfing to approve the minutes of the executive session held on June 13, 2022. Upon roll call the following votes were cast: AYES: 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 meeting held on June 22<sup>nd</sup>, 2022. Upon roll call the following votes were cast: AYES: Hoag, Smith, Mallon, and Walter. NAYS: None. ABSTAIN: Delfing. Motion carried.

A MOTION was made by Mr. Smith, seconded by Mrs. Delfing to approve the minutes of the executive session held on June 22, 2022. Upon roll call the following votes were cast: AYES: 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 meeting held on July 11<sup>th</sup>, 2022. Upon roll call the following votes were cast: AYES: Smith, Mallon, Walter, and Delfing. NAYS: None. ABSTAIN: Hoag. Motion carried.

A MOTION was made by Mr. Smith, seconded by Mrs. Delfing to approve the minutes of the meeting held on August 8<sup>th</sup>, 2022. Upon roll call the following votes were cast: AYES: Smith, Mallon, Walter, and Delfing. NAYS: None. ABSTAIN: Hoag. Motion carried.

**OFFICIALS REPORTS:**

Treasurer's Report: None.

A MOTION was made by Mrs. Delfing, seconded by Mr. Smith to accept the following reports and place on file: County BOH report for July & High Street complaint investigation report, Joint Court report for July, ABFD report for August, BOH June/July report. Upon roll call the following votes were cast: AYES: Hoag, Smith, Mallon, Walter, and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

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

NJ One Call to All Facility Operators (Water Department) re: Rule changes regarding positive response *\*facility operators must provide information to the electronic positive response system for each mark out. Opt-out response no longer permissible.*

MSI Customers re: Edmunds Gov Tech (EGT) and Municipal Software Inc (MSI) merger.

Statewide Loss Control & Risk Mgmt. dated 08/19/22 re: Loss Control Service Visit. It was noted that crossing guard training is needed.

B. Conrads email 08/25/22 re: 206 Speed Limit – Hugh Rush. A MOTION was made by Mrs. Delfing, seconded by Mr. Hoag to send letter requesting a traffic study should be sent to the NJDOT. Mr. Hoag seconded that motion. Upon roll call the following votes were cast: AYES: Hoag, Smith, Mallon, Walter, and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Joseph Ferraris, Assessor re: Copy of 2022 Table of Aggregates of Taxable & Exempt Property

#### **AUDIENCE PARTICIPATION:**

Mr. Tim VanWingerden appeared before the governing body asking for them to consider opting in the Class 2 Cannabis Manufacturing law to allow that use within the municipal limits. He had appeared before the governing body before and it was recommended that he make the zoning use request to the planning board. He had tried that route, but those meetings are fewer and he thought the August planning board meeting had been canceled. His request for this zoning use was specific to the land in the IP or “Industrial Park” zone, which consists of one property in the Borough and two other smaller lots in neighboring municipalities. He stated that he represents an entity that would like to purchase the property however they are only interested if the borough opts into the Class 2 Cannabis Manufacturing use as they will only apply for the license if they know they have a “host town”. Mr. VanWingerden was asked how far along they are in filing the license application with the State. He stated that they have not yet applied and would like to secure the site first. The Mayor asked the Municipal Clerk to retrieve the physical code book to read the permitted uses of the IP Zone. The Mayor read allowed the permitted uses of the IP Zone. There was some discussion of how the IP zone was different than C-1 the zone. The Mayor determined that the Borough Attorney should determine how a Class 2 Manufacturing ordinance with restrictions, could be added to the code.

Mr. Dick Mooney asked if the bill he changed was okay and paid. The CFO was present for this meeting and reminded the Water Department that he had forwarded an email in August regarding Mr. Mooney’s hours for 8/11/22. There were questions that were still unanswered and payment was made for hours that could be verified. Mr. Mooney also reported a hazardous tree on the driveway to his farm off of Route 517/Lenape Road that is also used as an easement by the water department. There was a brief exchange of responsibilities to maintain the easement access between Mr. Mooney and Mayor Morgan.

#### **REPORTS OF SPECIAL COMMITTEES:**

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

**Open Space Report:** No report.

**Borough Property Management:** workshop with Frank McGovern is expected to move the sale forward. He is gathering information and preparing ordinances.

**Recreation Grant Progress** – Estimate for asphalt were reviewed and of the those submitted Charlies Paving was accepted. A MOTION was made by Mr. Smith, seconded by Mr. Hoag to approve the estimate presented by Charlies Paving in an amount of \$18,200.00, plus \$950 for

line striping. Upon roll call the following votes were cast: AYES: Hoag, Smith, Mallon, Walter, and Delfing. NAYS: None. ABSTAIN: None. Motion carried. They Mayor asked the Municipal Clerk to verify if the Borough could use the 10% discount coupon from the local mailer.

The estimates that were not selected from this review were:

Pettit Corp               \$17,000.00

Tri-County Paving     \$17,125.00

The estimate selected was not the lowest bidder. The reasoning was that all work requested was included in the estimate.

## **REPORTS OF STANDING COMMITTEES:**

### **Administrative & Executive:**

Mrs. Delfing reported that the annual Statewide Insurance renewal is in process and that AVAST 3-year membership has been updated.

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

Mrs. Walter reported that there will be no Halloween party this year and the Christmas breakfast is the next celebration.

### **Finance:**

Mr. Dennison was absent. No report. Audit draft has been received.

### **Parks & Playgrounds:**

Mr. Hoag reported that the recreation grant is underway and inquired if Tom Smith, who takes care of the park, is seasonal. The Mayor confirmed he is.

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

Mr. Smith reported that the new chairs were received at the park building and need to be moved upstairs. The old chairs have no further use.

### **Public Safety:**

Mrs. Delfing reported that the new fire truck is in service and the old truck can be sold. The fire chief would like to keep it until the parade is over in October.

### **Streets & Roads:**

Mr. Hoag reported that tractor trailers are still damaging properties along Morris Sussex turnpike due to poor signage.

### **Water Utility:**

Mr. Smith reported that the surveys as back from the lead service line survey and the response was very low. They may have to go out again. He continued to report that water usage is low. The Mayor asked Mr. Smith if the salary ordinance should be amended to create a line item in an amount to pay work done by employees on service lines. Mr. Smith did not want to create that line item for the water department.

## **OLD BUSINESS:**

The matter of the Stormwater Tier A reassignment was discussed. The governing body, concerned over the unfunded mandate reviewed and pass the following resolution opposing reassignment.

A MOTION was made by Mrs. Delfing, seconded by Mrs. Water to approve **“A RESOLUTION OF THE BOROUGH GOVERNING BODY OF THE BOROUGH OF ANDOVER, COUNTY OF**



**SUSSEX, STATE OF NEW JERSEY IN OPPOSITION TO THE REASSIGNMENT BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION OF ALL MUNICIPALITIES CURRENTLY DESIGNATED TIER B UNDER THE MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT PROGRAM TO TIER A DESIGNATION.”** Upon roll call the following votes were cast: AYES: Hoag, Smith, Mallon, Walter, and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**NEW BUSINESS:**

The Mayor reported on the following:

- He requested the Municipal Clerk to ask the Engineer for a stormwater map.
- The discussion to the mandate for municipalities to inspect all rentals for lead. This inspection is visual only at the moment. He noticed the Hamburg passed a fee ordinance for this purpose. The Municipal Clerk will look into the requirements to determine whose responsibility it is to comply.
- He reported on the mandate for municipalities to register all businesses and multi-families for business registration coverage. The Municipal Clerk will look into these requirements as well.
- He mentioned he saw a published ordinance allowing informal concept reviews and that that would be a good idea. The Municipal Clerk, who is also the planning board secretary, advised him that this review is already available as part of the Site Plan Application package.
- The Mayor asked what progress was made at 17 High Street concerning the reports of piles of garbage and rats on the property. He stated he wanted the attorney to look into how the municipality can recover funds if it is forced to clean up the property.

**ANY OTHER BUSINESS:** None.

**ORDINANCE:**

**RESOLUTIONS:**

**Tax Lien Redemption**

A MOTION was made by Mr. Smith, seconded by Mrs. Delfing to approve a resolution to refund lienholder for redemption of tax sale certificate #2020-001 for block 19 lot 4 to return the amount of \$22,732.99 redemption and \$14,700.00 premium. Upon roll call the following votes were cast: AYES: Hoag, Smith, Mallon, Walter, and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**Reimburse Rental Deposit:**

A MOTION was made by Mrs. Walter, seconded by Mr. Mallon to approve the reimbursement of rental deposit:

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

**AUDIENCE PARTICIPATION:** None.

**MOTION TO PAY THE BILLS:**

A MOTION was made by Mr. Smith, 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 September 12, 2022, submitted by the Chief Financial Officer for payment. Upon roll call the following votes were cast: YES: Hoag, Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**MOTION TO ADJOURN:**

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

Beth Brothman  
Municipal Clerk