

A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON MONDAY, MAY 9th, 2022 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.

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

ABSENT: Councilman Smith.

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.

EXECUTIVE SESSION:

A MOTION was made by Mr. Dennison, seconded by Mrs. Delfing 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, Hoag Smith, Mallon, Walter and Delfing. 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: Personnel Matters (7:04 p.m.)

A MOTION was made by Mrs. Walter, seconded by Mr. Hoag to resume the public portion of the meeting. Upon roll call the following vote was cast: AYES: Dennison, Hoag, Mallon, Walter, Delfing. NAYS: None. Motion carried. (7:50 p.m.)

MINUTES:

A MOTION was made by Mr. Dennison, seconded by Mr. Hoag to approve the minutes of the meeting held on April 11th, 2022 as presented. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

OFFICIALS REPORTS:

CFO: No Treasurer's report this meeting.

Reports:

A MOTION was made by Mrs. Walter, seconded by Mr. Dennison to accept the following reports and place on file: ACO 2022 1st quarter report, ABFD Report for April. Upon roll call the following votes were cast: AYES: Dennison, Hoag Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

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

Sussex County Admin Ctr dated 4/14/22 re: Certification for EMS Contribution

Sussex County Tax Administrator re: Final Equalization Table for 2022.

NJDOT dated 04/21/2022 re: FY2023 State Aid program

Andover Reg. Board of Ed re: 2023-2023 School Year Tax Payments.

AUDIENCE PARTICIPATION:

Peter Pearson of 15 Smith Street asked how much of the tax increase is due to the reduction in State Aid.

Tim VanWindergren spoke to the Council of the positive affect of the cannabis industry to local business. Specifically, the infused beverage operation.

Sandy Hull spoke to the Council regarding a resolution circulating in the County opposing a proposal by the New Jersey and Pennsylvania Chapters of the Sierra Club to change the designation of the Delaware Water Gap National Recreation Area to the Delaware River National Park and Lenape Preserve until a formal plan is presented for public review and comment. The governing body later reviewed a draft of resolution and approved the resolution (*see below*).

REPORTS OF SPECIAL COMMITTEES:

SWAC & SC Water Quality Management: No report.

Open Space: No Report

Borough Land Report: A memo created by the Borough Attorney outlining the process the municipality will follow to move toward scheduling a land sale was reviewed by the Council.

REPORTS OF STANDING COMMITTEES:

Administrative & Executive: Mrs. Delfing reported that the construction office needs a backup for the plumbing official, Rich Beard. The construction official is recommending Dimitri Checkur for this position of back up plumbing sub code official.

A MOTION was made by Mrs. Delfing, seconded by Mr. Dennison to approve Dimitri Checkur for this position. Upon roll call the following votes were cast: YES: Dennison, Hoag, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Celebration of Public Events: Mrs. Walter reported that the Memorial Day wreath ceremony will be held at 9 a.m. on 5/30.

Finance: Mr. Dennison reported that he has reviewed LFN- 2022-11 pertaining to Residential Water, Sewer & Electric Arrearages and affirmed the tax collector is applying it necessary to our water system.

Parks & Playgrounds: Mr. Hoag reported that the flags were replaced at both the mini park and Memorial Park for Memorial Day. He also reported that a new battery may be needed for the battery-operated leaf blower. We need model # to look that up. Mulch still needs to be ordered and organized to be distributed. The CFO clarified that after looking into it, the mulch would not qualify under the safety grant.

Public Bldgs. & Grounds: The Mayor reported that the siding was coming off the park building after some strong winds. Councilman Mallon took a look and thinks he can make the repair.

Public Safety: Mrs. Delfing reported that the ABFD Fish and Chips fundraiser was successful. She continued to report that the installation dinner was held in late April. There is no news on the date for the celebration of the new response vehicle.

Streets & Roads: Mr. Hoag reported that street sweeping has been done and that the Engineer will be submitting both lower Maple and Smith street for municipal road grant money to repair them. Smith Street continues to have water damage from runoff since the last repair.

Water Utility: Mr. Smith was absent. The Mayor reported that there was an inspection by the State last week and everything looks good. There was a brief discussion regarding a subdivision of land from lot 36.03 to be annexed to the pump house lot.

OLD BUSINESS: None.

2022 Municipal Budget Discussion:

Salary Ordinance - #2022-7:

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

Budget Adoption:

A MOTION was made by Mr. Dennison, seconded by Mr. Hoag to approve second reading and adoption of the 2022 Andover Borough Municipal Budget. *The meeting was opened to the public and closed without comment.* Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.
(Budget under state examination)

***Mr. Dennison stepped out of the room 8:45 p.m. ***

Resolution - Dedication by Rider – for Andover Borough Parks and Recreation Fees

A MOTION was made by Mr. Hoag, seconded by Mrs. Delfing to approve a Resolution Requesting Permission for the “Dedication by Rider” for Andover Borough Parks and Recreation Fees Pursuant to PL 1999, Chapter 292 and NJS 40:48-2.56. Upon roll call the following votes were cast: YES: Hoag, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

RESOLUTION REQUESTING PERMISSION FOR THE “DEDICATION BY RIDER” FOR ANDOVER BOROUGH PARKS AND RECREATION FEES PURSUANT TO PL 1999, CHAPTER 292 AND NJS 40:48-2.56

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, PL 1999, Chapter 292 and NJS 40:48-2.56 provides for receipt of Parks and Recreation Fees by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Parks and Recreation Fees are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

WHEREAS, such dedicated revenues shall be appropriated for the purpose to which said revenue is dedicated by statute or other legal requirements.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough Council of Andover Borough, in the County of Sussex and State of New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of Local Governments Services to pay expenditures of the Andover Borough Parks and Recreation Fees Trust fund, pursuant to PL 1999, c. 292, for the sole purpose stated above.
2. The Clerk of Andover Borough, County of Sussex is hereby directed to forward two certified copies of this Resolution to the Director of Local Governments Services.

NEW BUSINESS: None.

RESOLUTIONS:

Resolution - Dedication by Rider – for Andover Borough Parks and Recreation Fees

The following entitled resolution was passed during the budget discussion above and provided in full: **“RESOLUTION REQUESTING PERMISSION FOR THE “DEDICATION BY RIDER” FOR ANDOVER BOROUGH PARKS AND RECREATION FEES PURSUANT TO PL 1999, CHAPTER 292 AND NJS 40:48-2.56”**

Rental Escrow Reimbursement:

A MOTION was made by Mr. Hoag, seconded by Mrs. Walter to approve the following escrow reimbursements:

Delfing / Sibblies – rental	\$150.00
Lewis – rental	\$150.00

Upon roll call the following votes were cast: YES: Hoag, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

***Mr. Dennison returned to the meeting 8:55 p.m. ***

Action Alliance:

A MOTION was made by Mrs. Delfing, seconded by Mr. Dennison to approve resolution Form 1B authorizing a resolution in support of Action Alliance DMHAS Youth Leadership Grant submission and execution of Form 1A grant allocation agreement in the amount of \$3083.00. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Mallon, Walter, and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

At the request of Sandy Hull of Sandyston Township during audience participation, the governing body reviewed and passed the following ordinance:

A MOTION was made by Mrs. Delfing, seconded by Mr. Hoag to approve a resolution entitled **“RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER OPPOSING A PROPOSAL BY THE NEW JERSEY AND PENNSYLVANIA CHAPTERS OF THE SIERRA CLUB TO CHANGE THE DESIGNATION OF THE DELAWARE WATER GAP NATIONAL RECREATION AREA TO THE DELAWARE RIVER NATIONAL PARK AND LENAPE PRESERVE UNTIL A FORMAL PLAN IS PRESENTED FOR PUBLIC REVIEW AND COMMENT”**. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Mallon, Walter, and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

WHEREAS, the Delaware Water Gap National Recreation Area (DEWA) was established September 1, 1965, one of 10 National Recreation Areas of the National Park Service, currently encompassing nearly 70,000 acres in New Jersey and Pennsylvania and is a protected area in the United States established by an Act of Congress to preserve enhanced recreational opportunities in places with significant natural and scenic resources; and

WHEREAS, the DEWA offers recreational opportunities such as hiking, walking, bicycling, fishing, hunting, swimming, camping, canoeing, boating, cross country skiing, bird watching, horseback riding, sightseeing, and special events; cultural resources, infrastructural facilities, national resources, and rare, threatened and endangered species of plants, fish, mammals, reptiles and amphibians; and

WHEREAS, Sandyston Township is made up of approximately 70% state and federal lands and the residents of Sandyston Township enjoy the recreational opportunities as well as cultural and natural resources of this open space and local businesses benefit from the tourism brought by Stokes State Forest, State of New Jersey, Department of Environmental Protection, Division of Fish & Wildlife and DEWA bring to the Township; and

WHEREAS, in January 13, 2015, Sandyston Township passed **Resolution R-19-2015** opposing specific proposals of the Delaware Water Gap National Recreation Area's plan entitled *Vision 2030: A Vision for A Sustainable Future* outlining, among various proposals, their vision to establish a park and preserve; and

WHEREAS, the Mayor and Council of the Borough of Andover is aware of a proposal by the New Jersey and Pennsylvania Chapters of the Sierra Club seeking to change the designation of the Delaware Water Gap National Recreation Area to the Delaware River National Park and Lenape Preserve; and

WHEREAS, the proposal by the New Jersey and Pennsylvania Chapters of the Sierra Club offers no insight or plan for the change in designation; namely the environmental, economic and agricultural impact to the DEWA and to the residents and local businesses of Andover Borough; and

WHEREAS, the proposal by the New Jersey and Pennsylvania Chapters of the Sierra Club offers no information on possible changes to public lands, namely, Stokes State Forest, High Point State Park and State of New Jersey Department of Environmental Protection, Division of Fish & Wildlife lands as well as acquisition of private property; and

WHEREAS, the proposal by the New Jersey and Pennsylvania Chapters of the Sierra Club offers no information on the plan to facilitate this change; the implementation of fee collection and location of collection stations; and how funding will be provided for this National Park; and

WHEREAS, the proposal by the New Jersey and Pennsylvania Chapters of the Sierra Club offers no explanation on the location, size and parameters of the "Preserve" area, the activities allowed and disallowed; and

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Andover opposes any change in designation of the Delaware Water Gap National Recreation Area.

BE IT FURTHER RESOLVED, the Mayor and Council of the Borough of Andover firmly opposes the proposal of the New Jersey and Pennsylvania Chapters of the Sierra Club, or any other organization, seeking to change the designation of the Delaware Water Gap National Recreation Area to the Delaware River National Park and Lenape Preserve unless and until a formal plan is presented offering information on the environmental, economic and agricultural impact of this proposed change; sources of funding; the fee structure and the plan for the implementation of fees and collection station locations; a map of the area depicting the location of the Lenape Preserve; the plans for any acquisition of additional private or public lands; and the impact this proposal will have on the residents of Andover Borough and Sussex County.

BE IT FURTHER RESOLVED, the Mayor and Council of the Borough of Andover requests that once said formal plan is presented, the public shall have ample time to review, question and comment on the plan prior to any action taken by the United States Legislature.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Andover requests copies of this resolution be sent to President Joe Biden; Governor Phil Murphy; U.S. Senator Robert Menendez; U.S. Senator Cory Booker; Congressman Josh Gottheimer; New Jersey Senator Steven V. Oroho; New Jersey Assemblyman F. Parker Space; New Jersey Assemblyman Harold Wirths; NJ Senator Michael Doherty; Pennsylvania Sierra Club; Sussex County Board of County Commissioners; all municipalities of Sussex County; State of New Jersey, Department of Environmental Protection; National Park Service, Charles Sams, Director; National Park Service Northeast Region, Gay Vietzke, Regional Director; Delaware Water Gap National Recreation Area, Sula Jacobs, Superintendent; Delaware River Basin Commission; Partnership for the Delaware Estuary; National Lands Trust; Warren County Board of County Commissioners; Kittatinny Regional High School Board of Education and Craig Hutcheson, Ph.D., Superintendent; Sandyston-Walpack Consolidated School Board of Education

ORDINANCE:

Ordinance #2022-7 Salary Ordinance – See above second reading and adoption with budget.

Ordinance #2022-8 Cannabis - Amendment: adoption

A MOTION was made by Mr. Hoag, seconded by Mrs. Walter to approve the second reading and adoption of **“AN ORDINANCE TO REDESIGNATE AND AMEND SECTION 134-67, ENTITLED “CANNABIS, WHOLESALERS AND DISTRIBUTORS”, OF CHAPTER 134, ENTITLED “ZONING”, OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY.** Upon roll call the following votes were cast: YES: Dennison, Hoag, Mallon, Walter and Delfing. 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 May 9, 2022, submitted by the Chief Financial Officer for payment. Upon roll call the following votes were cast: YES: Dennison, Hoag, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

MOTION TO ADJOURN:

A MOTION was made by Mrs. Walter, seconded by Mr. Mallon to adjourn the meeting. AYES: Dennison, Mallon, Walter, Delfing. NAYS: Hoag. Motion carried.

Beth Brothman
Municipal Clerk