

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

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

ABSENT: None.

Mayor Morgan called the meeting to order with a salute to the flag and in accordance with the Open Public Meetings Act by advertising notice of meeting in the N.J. Herald, posting copy of notice in the Borough Hall and on the Borough website.

The Oath of Office Administered to newly appointed Council Member Randolph Mallon by the Municipal Clerk.

MINUTES:

A MOTION was made by Mr. Dennison, seconded by Mrs. Delfing to approve the minutes of the meeting held on October 12th as presented. Upon roll call the following votes were cast:

AYES: Dennison, Smith, Walter. NAYS: None. ABSTAIN: Hoag, Mallon and Delfing. Motion carried.

A MOTION was made by Mr. Dennison, seconded by Mrs. Delfing to approve the minutes of the meeting held on November 8th as presented. Upon roll call the following votes were cast:

AYES: Hoag, Smith, Walter, Delfing. NAYS: None. ABSTAIN: Dennison and Mallon. Motion carried.

A MOTION was made by Mr. Dennison, seconded by Mrs. Delfing to approve the minutes of the meeting held on December 13th as presented. Upon roll call the following votes were cast:

AYES: Dennison, Smith, Walter, Delfing. NAYS: None. ABSTAIN: Hoag and Mallon. Motion carried.

A MOTION was made by Mr. Dennison, seconded by Mrs. Delfing to approve the minutes of the meeting held on January 10, 2022 as presented. Upon roll call the following votes were cast:

AYES: Dennison, Smith, Walter, Delfing. NAYS: None. ABSTAIN: Hoag and Mallon. Motion carried.

A MOTION was made by Mr. Dennison, seconded by Mrs. Delfing to approve the minutes of the meeting held on January 19, 2022 as presented. Upon roll call the following votes were cast:

AYES: Dennison, Hoag, Smith. NAYS: None. ABSTAIN: Walter, Delfing, Mallon. Motion carried.

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve an amendment to the minutes of the reorganization meeting held on January 5, 2022 (*specific to the 3-year appointment of the municipal OEM changing from 2020-2023 to 2022-2024 to coordinate our records with the Sussex County Sheriff Office of Emergency Management files.*) Upon roll call the following votes were cast:

AYES: Dennison, Smith, Walter, Delfing. NAYS: None. ABSTAIN: Hoag and Mallon. Motion carried.

OFFICIALS REPORTS:

CFO:

A MOTION was made by Mrs. Delfing, seconded by Mr. Dennison to approve the Treasurer's report for December, 2021. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Reports:

A MOTION was made by Mr. Hoag, seconded by Mr. Dennison to accept the following reports and place on file: ABFD report for January, LES report for January. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

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

Letter from Altice dated 01/13/22 re: Franchise fee Payment for 1/1/21 -12/31/21

Letter from NJDEP Div. of Water Supply dated 1/20/22 re: Submission of Water Allocation Permit Administratively Complete

Letter from Lt. Governor Sheila Oliver dated 2/1/2022 re: Recreation Grant Award

Letter from C. Smith dated 1/31/22 re: resignation of BOH secretary and custodian position was accepted with regrets.

Letter from H. Pellow to NJDOT Local Aid dated 2/9/22 re: PRO-2019 Prospect Avenue and PRO-2020 Old Creamery Road Improvements completed and accepted

AUDIENCE PARTICIPATION:

Chris Pirmann introduced himself to the Council as a potential licensee for Cannabis retail in Andover Borough. He indicated he will be applying for this licensing for strictly retail.

Mike Figueiredo of the Andover Borough Sussex County Democratic Committee spoke to the Council of Councilman Mallon's appointment. He trusted that Mr. Mallon is a trusted and valuable individual who has a great vision for young families in the borough.

REPORTS OF SPECIAL COMMITTEES: No reports.

REPORTS OF STANDING COMMITTEES:

Administrative & Executive: Mrs. Delfing reported that she wishes Cindy Smith the best. She continued to report that Terry Casella is interested in the custodian portion of the responsibilities. She made a MOTION to hire Terry Casella with a 90-day review starting immediately, this was seconded by Mr. Hoag. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Mallon, Walter, Delfing. NAYS: None. Motion carried.

The conversation continued to adding a zoning administration position to help the code enforcement officer with admin responsibilities. Jessica Casella was recommended for the position and this position will be added to the salary ordinance.

Celebration of Public Events: Mrs. Walter reported that the next celebration will be Easter. An egg hunt will be held on 4/10/22 starting at 9 a.m.

A MOTION was made by Mrs. Walter, seconded by Mr. Dennison to approve an amount not to exceed \$150 to purchase candy and eggs for the event. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Mallon, Walter, Delfing. NAYS: None. Motion carried.

Finance: Mr. Dennison reported that the budget is in process of review and that the salary ordinance is being reviewed this evening and at the 2/23 workshop. He continued to report that he is doing another street light survey and he is gathering a list of lamps that are out in the borough. The Mayor asked him to look into the States program for car charging stations.

Parks & Playgrounds: Mr. Hoag reported that Clarence isn't likely to come back this Spring and we will need someone to mow the park. Mowing of Sunset Vista Park is done with Open Space funds and could be done by the same person. Advertisement for help will be put in the newsletter. The field use with Newton

United is approved upon removal of the broken goal post. They also must communicate prior to use to ensure the field is ready for use. The report of the issue with the merry-go-round must also be looked into this Spring. The Mayor stated that it is possible that we can purchase mulch through the MCCCCP, but we may need to put in an estimate quantity now. The clerk will review that information with MCCCCP.

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve the use of the field by Newton United with the conditions mentioned. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Mallon, Walter, Delfing. NAYS: None. Motion carried.

Public Bldgs. & Grounds: Mr. Smith reported that the Ford tractor needs to be serviced and that we are reviewing an estimate to clean out the grease trap in the park building.

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve the estimate provided Wind River Environmental in the amount of \$125.00. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Mallon, Walter, Delfing. NAYS: None. Motion carried.

Public Safety: Mrs. Delfing reported that the issue of snow-covered hydrants should be addressed through enforcement. There was some discussion regarding the process of enforcement and consistency. Mrs. Delfing continued to report that fit testing is required for the ABFD members.

A MOTION was made by Mrs. Delfing, seconded by Mrs. Walter to approve \$175 for fit testing. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Mayor Morgan reported that the fire department was very helpful laying hose for the water department and it was appreciated.

Streets & Roads: Mr. Hoag reported that the roads are clear of snow and he did not see any cars on the street during the storm. There was some conversation that less grit is used by the County during snow plowing as compared to last year. He concluded by reporting that the hole next to the catch basin on Prospect Avenue has been repaired.

Water Utility: Mr. Smith reported that the 6-inch water line that runs in tunnel on Route 206 is frozen. A reverse 911 should be done asap. John Hoag will print something and bring it to the locations. Mr. Smith continued to report that Marksmen Enterprises is on call at the moment. Their annual contract will be reviewed next month. Lastly, the Consumer Confidence Report (CCR) is complete and copies will be sent out in the newsletter.

OLD BUSINESS:

Railroad Avenue Project: Final Paperwork

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to pass a Resolution to approve the following voucher, change order and final paperwork submission. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

- Schifano Construction voucher in the amount of \$309.35 and estimate certificate No. 2 & final paperwork.
- Denville Line Painting voucher in the amount of \$8.56 and estimate certificate No. 2 & final paperwork.
- Provide executed copies of Campbell Foundry voucher in the amount of \$322.00 for drainage inlet accessories and Marksmen Enterprises voucher in the amount of \$440.00 for installation of drainage.
- State voucher in the amount of \$3781.77 which is the balance of subject to State's participation of \$17430.66

Water Tower Repair & Maintenance Project:

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to pass a Resolution to accept project as per final paperwork submission. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

- Review of Final Paperwork dated 01/31/22
- Review of Recommendation to Accept Project dated 01/31/22
- Review of Final Paperwork dated 02/08/22 for Dynamic Sandblasting – payment is due to the Borough of Andover in the amount of \$640.95

Rules of Order – Amendment:

A MOTION was made by Mrs. Delfing, seconded by Mrs. Walter to approve the amendment of the 2022 Rules of Order to place Councilman Mallon in place of Mr. Pearson on committees. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

2022 Municipal Budget Discussion: The salary ordinance was reviewed. The matter of adding a line item to include a new job for zoning administration was discussed. This position would help with zoning and code enforcement officer with all administrative duties. Jessica Casella is interested in this position. Mrs. Delfing recommended \$22 an hour to start with a 90 trial. A MOTION was made by Mrs. Delfing, seconded by Mrs. Walter to hire Jessica Casella as Zoning Dept. Admin. Assistant at \$22 per hour. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

NEW BUSINESS:

Clean Communities Bag Purchase Review

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve the purchase of 1500 bags in the amount not to exceed \$5000. Upon roll call the following votes were cast: YES: Dennison, Smith, Mallon, Walter and Delfing. NAYS: Hoag. ABSTAIN: None. Motion carried.

2022 Water Maintenance Operator Service Agreement Renewal:

This was tabled to the next regular meeting to be held on 3/14/21.

Proposed Amendment to Cannabis Ordinance:

This was introduced see below under “Ordinances”.

ABFD Purchase – SCBA Facemask:

A MOTION was made by Mrs. Delfing, seconded by Mr. Hoag to approve \$300 to purchase a new SCBA face mask for replacement of unusable equipment. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Waste Management:

There was a brief discussion regarding the increase in recycling and bulk pick up rates. Costs will be looked into.

RESOLUTIONS:

Administrative Purchases: Notary Renewal Reimbursement \$30

This is on the bills list and does not require approval.

EEO Compliance:

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve a Resolution “**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964”**”. Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

CRP Agreement for Recycling Tonnage:

A MOTION was made by Mr. Dennison, seconded by Mrs. Delfing to approve a resolution authorizing execution of an "Agreement Between Andover Borough and Sussex County Municipal Utilities Authority for Certified Recycling Professional (CRP) to Certify the 2021 Annual Recycling Tonnage Report". Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

ORDINANCE:

Cannabis – amended:

A MOTION was made by Mr. Smith, seconded by Mr. Hoag to approve the first reading and publication of "AN ORDINANCE TO AMEND SECTION 134-67.3, ENTITLED "CANNABIS CULTIVATORS, MANUFACTURERS AND DELIVERERS PROHIBITED", OF CHAPTER 134-67, ENTITLED "CANNABIS, WHOLESALERS AND DISTRIBUTORS", 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, Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

BE IT ORDAINED, by the Mayor and Council of the Borough of Andover, in the County of Sussex, New Jersey, as follows:

SECTION 1. Section 134-67.3, entitled "Cannabis Cultivators, Manufacturers and Deliverers Prohibited" of Chapter 134-67, entitled "Cannabis, Wholesalers and Distributors", of the Code of the Borough of Andover, County of Sussex, State of New Jersey, is hereby amended to read as follows:

Section 134-67.3 Cannabis Cultivators, Manufacturers and Deliverers Prohibited.

Cannabis Class 1 (Cultivators), Class 2 (Manufacturers) and Class 6 (Delivery) are prohibited from operating anywhere in the Borough, except for the delivery of cannabis items and related supplies by a delivery service.

SECTION 2. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

SECTION 3. All ordinances or parts of ordinances inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or contrariness.

SECTION 4. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey following the required twenty-day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

The governing body reviewed an Ordinance to Exceed the Municipal Budget Appropriation Limits and ***Establish a Cap Bank for Calendar Year 2022.***

A MOTION was made by Mrs. Delfing, seconded by Mrs. Walter to approve the first reading and publication of "**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2022 (N.J.S.A. 40A: 4-45.14).**" Upon roll call the following votes were cast: YES: Dennison, Hoag, Smith, Mallon, Walter and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Andover in the County of Sussex finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$3,624.21 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Andover, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Andover shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$3,624.21, and that the CY 2022 municipal budget for the Borough of Andover be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

AUDIENCE PARTICIPATION: None.

MOTION TO PAY THE BILLS:

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

MOTION TO ADJOURN:

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

Beth Brothman
Municipal Clerk