

A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON MONDAY, AUGUST 14, 2023 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.

PRESENT: Mayor Morgan, Council Members: Dennison, Smith, Lane, Mallon and Webb

ABSENT: Councilperson Hoag

ALSO, PRESENT: Frank McGovern, McGovern & Roseman, 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.

MINUTES:

A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the regular and executive session minutes of the meeting held on June 21, 2023 as presented. Upon roll call the following votes were cast: AYES: Smith, Mallon and Lane. NAYS: None. ABSTAIN: Dennison and Webb. Motion carried.

A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the minutes of the regular meeting held on July 10, 2023 as presented. Upon roll call the following votes were cast: AYES: Smith and Lane. NAYS: None. ABSTAIN: Dennison, Mallon and Webb. Motion carried.

A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the minutes of the special meeting held on July 19, 2023 as presented. Upon roll call the following votes were cast: AYES: Smith, Lane, Mallon Webb. NAYS: None. ABSTAIN: Dennison. Motion carried.

OFFICIALS REPORTS:

CFO – The Council reviewed the NJDLGS Certification of State Aid for CY2023 and FY224 Budgets

A MOTION was made by Mr. Dennison, seconded by Mr. Lane to accept the following reports as listed below with the addition of Water Reports. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

ACO 2nd quarter report, BOH June Monthly Activity Report, Joint Court report for June, ABFD July report, Zoning / Code Enforcement Report for May and August 2023.

Water Department Reports: Operator's Report for July, Well #1 & #2 July reports,

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

NJ BPU dated 07/27/23 re: I/M/O Commercial Utility Consultants - Energy Aggregation Submittal SWAEC

NJLM dated 08/1/23 re: NJLM Annual Conference in Atlantic City November 14-16, 2023 – Morgan, Webb and Lane to attend.

Edmunds Gov Tech dated 07/28/23 re: MSI Tax and Utility software will no longer be updated.

The Center for Prevention dated 08/03/23 Re: Participation in International Overdose Awareness Day

AUDIENCE PARTICIPATION: None.

REPORTS OF SPECIAL COMMITTEE:

Board of Health: NJDOH Municipal Animal Control Requirements
Vector-borne Surveillance Report beth

SWAC & SC Water Quality Management:

Sussex County Agricultural Development Board:

Cannabis Review Committee: Mr. Lane reported that the cannabis committee is proposing the approval of resolution #R-2023-47 for Andover Cannabis LLC. He reported they have met the requirements and they have the full support of the committee. (See resolution below)

REPORTS OF STANDING COMMITTEES:

Administrative & Executive:

Mr. Lane reported that the departments are preparing for 2024 and reviewing various contracts. The Office of Emergency Management (OEM) position will be expiring on 12/31. Mr. Hoag stated that a salary of \$3000 was thought to be acceptable, however, Mr. Hoag cannot fulfill the requirements of attending meetings, his work schedule, etc. Therefore, someone needs to fill that position. There was some discussion regarding sources to cover this responsibility. Mr. Lane reported that he does hold the required certifications should it come down to it, we know we are covered. He continued to report that the 2024 salaries in general will be reviewed with the CFO in preparation of the 2024 budget. Mr. Lane asked the Mayor if he had the status of the county contracts for public works, signs, fuel settled. The Mayor is continuing to work the County Admin. Scott House.

Celebration of Public Events: At the last meeting, a suggestion for a “pot luck pig roast in the park” was attempted to be organized. An inquiry was made into insurance requirements by the Municipal Clerk. A certificate of insurance was suggested by Risk Management Coordinator, George Morville. When this information was reported, some members of the board disagreed with the finding. Mr. Smith did not think the municipal clerk should have made that inquiry. There were other suggestions made to try to hold the event, but they fell flat. Mr. Smith stated “now the event can’t happen”. The conversation segued into the Christmas Breakfast very briefly, as it’s the next event to be planned.

Finance:

Mr. Lane reported that his report continues with the expiration of some other contracts. Our QPA shared service with Stillwater will expire at the end of the year, with no replacement. Also the Tax Collector shared service with Wantage. Mr. Lane is speaking with Mr. Eagen about some possible alternatives with Jefferson Township. In the meantime, Wantage Township will be contacted for interest in continued agreement.

The matter of CD investment was opened. Mr. Eagen had provided the following report: He successfully negotiated the interest rate on the regular checking accounts with Provident Bank increased: From .14% to 3.00% effective 8/1/23.

For the CDs, Mr. Eagen proposed using only two banks as the FDIC limits of \$250,000 do not really apply to Municipalities. NJ Statutes has different protections known as the Governmental Unit Depository Protection Act (GUDPA). All of the municipal monies are protected as the GUDPA approved banks must post additional collateral: \$350,000 with Provident Bank and \$650,000 with Valley Bank.

- Provident Bank Option shows rates: 4.85% for 7 months, or 4.5% for 13 months.
- Valley National rates are: 4.65% for 6 months, 4.75% for 12 months, 4.5% for Money Market account, No Term, \$650,000 minimum balance. Index is Fed Funds rate less 100 basis points. Liquid account.

The CFO proposed 4.85% for 7 months with Provident Bank and Valley National Money Market at 4.5%. This rate could increase before year end but it allows the municipality to earn increased revenue immediately. Otherwise the interest earnings would not be realized till 2024 and available to be used in 2025 budget.

A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the proposal for CD's of the CFO as presented. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

Parks & Playgrounds:

Mr. Mallon asked about the estimates for the retaining wall. Mr. Smith stated that he was able to obtain two, but they were not with him. He reported that one was too high, over \$500 and was an adhesive application. The seconded was by Napa Brothers and was a Wire mesh application. There was some discussion that the water will continue to penetrate that wall, regardless of repair to the wall, unless a French drain is dug behind it. Mr. Smith thought that could require a whole new wall. Mr. Mallon continued to report that Pop's landscaping had completed their job of clearing the weeds and trees in the park. Mr. Mallon asked for help to install the new signs. He reported that one of them had to be remade as it was damaged when he inspected them. There was some discussion where the signs would be hung. There was some discussion to hang them Saturday.

Public Bldgs. & Grounds: Mr. Smith asked if Up & Above provided an estimate. They had not. The Municipal Clerk will reach out to them and to NW Building Supply as suggested by the Mayor.

Public Safety: Mr. Lane reported that the ABFD was awarded the County grant. The Council was glad they were successful. Mr. Lane reported on a Witmer quote for SCBA as well as noting the warranty work on the Hahn is still in process. Mayor Morgan asked the amount spent on the new truck. It was \$125,000. He reminded the CFO to cancel the unspent funds. Mr. Mooney reported that there is an issue with the new truck because it's not pumping. The reason is unknown. Mr. Lane continued his reporting with mentioning the recommendation to pay the ABFD donation quarterly. The ABFD must be notified that is the going to be how the payments will be made moving forward.

Streets & Roads:

It was reported that the road work for Maple Street will be getting done this year with bids and estimates to be awarded. The Municipal Clerk suggested that a special meeting be added to the September meeting list specifically to award the bids received on 9/21 for ADA ramps and to award the MCCPC contracts as recommended by Mr. Pellow. The Mayor suggested replacing the workshop on 9/20 with a special meeting workshop on 9/25.

A MOTION was made by Mr. Dennison, seconded by Mr. Mallon to approve a special meeting notice for 9/25/23, and to cancel the workshop on 9/20. The matter was opened to discussion and closed with no comment. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

Water Utility:

Mr. Smith reported on the following: trees were removed by Beaver Tree Service at the water tower. The emergency work was done for \$5000. He continued to report that water usage is up, but the chlorine is lowered after the repair of the chlorinator. Mr. Smith announced that Mr. Hess, water operator, has offered to flush the hydrants for \$500. Mr. Mooney spoke out from the audience that the ABFD would do it for \$450. Mr. Smith stated that it's been years since there has been any cooperation with the ABFD on these flushing's and that he thought they should do it for no money in the interest of the functionality of the hydrants.

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve an amount not to exceed \$500 to Tim Hess, for the service of annual fire hydrant flushing. The matter was opened to discussion and closed with no comment. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

OLD BUSINESS:

- The Mayor reported that the gazebo in the mini park was power washed and is finished being stained.
- The Mayor asked if the Municipal Clerk has looked into the cost of oil and stone at the Memorial Park parking lot by Morris Asphalt. They are reviewing the park today and she is waiting for their estimate
- The Mayor asked if the snow plow contract has been sought. It has not. There was some discussion regarding the use of salt. The Municipal Clerk will reach out to North Rain Irrigation, who had the contract last year, and convey that information.
- The Mayor asked if the Water Lead Results were mailed out. They were.
- The Mayor reported he has been in contact with Congressman Kean’s office and they are trying to get more information on the water lead requirement. There is a contradiction between the requirements set forth by the EPA and the NJDEP concerning galvanized lines.

NEW BUSINESS: **None.**

RESOLUTIONS:

R-2023-42 **Authorization to Sign Farm Lease Agreement** - This matter was tabled.

R-2023-43 A MOTION was made by Mr. Lane, seconded by Mr. Mallon to approve “**A RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION UNDER N.J.S.A. 40A:4-87 FOR THE STORMWATER ASSISTANCE GRANT IN THE AMOUNT OF \$25,000.00**”. The matter was opened to discussion and closed with no comment given. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Andover has been awarded a Stormwater Assistance Grant in the amount of \$25,000.00 from the New Jersey Department of Community Affairs and wishes to amend its 2023 municipal budget to include this amount as an item of revenue.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Andover, County of Sussex, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the total amount of \$25,000.00, which will be available as a revenue from:

Miscellaneous Revenues	
Special Items of General Revenue Anticipated with Prior Written	
Consent of the Director of Local Government Services – Public	
And Private Revenues Offset with Appropriations:	
<u>Stormwater Assistance Grant</u>	<u>\$25,000.00</u>

BE IT FURTHER RESOLVED that a like sum of \$25,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations

- A. Operations – Excluded from CAPS
Public and Private Programs Offset by Revenues:

<u>Stormwater Assistance Grant</u>	<u>\$25,000.00</u>
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BE IT FURTHER RESOLVED that the Chief Financial Officer electronically submit the Chapter 159 certification form and a copy of this resolution to the Director of the Division of Local Government Services.

R-2023-44 **A MOTION** was made by Mr. Lane, seconded by Mr. Dennison to approve “**A RESOLUTION EXTENDING GRACE PERIOD FOR PAYMENT OF 3RD QTR 2023 TAXES.** The matter was opened to discussion and closed with no comment given. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

WHEREAS, N.J.S.A. 54:4-64 provides that third quarter tax bills were to be mailed at least 47 days prior to the due date of August 1, 2023; and

WHEREAS, because of delays outside of the Borough’s control, the bills could not be mailed prior to this deadline; and

WHEREAS, N.J.S.A. 54:4-66.3d provides that when third quarter tax bills cannot be mailed by June 14, taxes shall not be subject to interest until at least 25 days after the tax bills are mailed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Andover that the grace period for payment of 3rd Qtr 2023 taxes be extended to August 18, 2023. Any payments not made within this time shall be charged interest from the State set due date of August 1, 2023.

R-2023-45 **RESOLUTION AUTHORIZING REFUND FOR OVERPAYMENT DUE TO STATE TAX APPEAL FOR THE YEARS 2016, 2017 & 2018 BLOCK 13 LOT 9.** The matter was opened to discussion with no comment given. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

WHEREAS, A State Tax Board Judgment has been favorably awarded to HO Property, LLC, 30 W High St, Block 13 Lot 9, for the fiscal years 2016, 2017 & 2018.

WHEREAS, such judgment has resulted in an overpayment of 2016 property taxes in the amount of \$406.50, 2017 property taxes in the amount of \$411.16 and 2018 property taxes in the amount of \$429.35.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Andover, County of Sussex, State of New Jersey does hereby authorize the refund of overpaid taxes for the years 2016, 2017 & 2018 in the total amount of \$1,247.01.

R-2023-46 A MOTION was made by Mr. Lane, seconded by Mr. Smith to approve “**A RESOLUTION TO REMOVE COMMERCIAL WATER SERVICE BILING AND ADJUST BILLING FOR BLOCK 23 LOT 23**”. The matter was opened to discussion and closed with no comment given. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

WHEREAS, the Water Department was billing the property known as block 23 lot 23 for one commercial and one residential water service; and

WHEREAS, the property owner requested an investigation to determine if the commercial service was being provided as billed annually; and

WHEREAS, the investigation by the water department found only service to the residential home, not the commercial offsite parking area; and

WHEREAS, the property owner has requested a correction to the 2023/2024 billing cycle to remove the absent commercial service billing; and

WHEREAS, the Mayor and Council of the Borough of Andover authorize the removal of the commercial water billing for block 23 lot 23, 209 Main Street.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Andover, County of Sussex, State of New Jersey does hereby authorize the removal of the \$600 annual commercial billing and adjustment to solely residential billing in the amount of \$400 annual.

R-2023-47 A MOTION Was made by Mr. Smith, seconded by Mr. Mallon to approve “**A RESOLUTION IN SUPPORT OF APPLICATION FOR A CLASS 5 CANNABIS RETAIL FACILITY WITHIN THE C-1 ZONE OF THE BOROUGH OF ANDOVER. (ANDOVER CANNABIS, LLC)**”. The matter was opened to discussion and closed with no comment given. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

WHEREAS, pursuant to P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, the Borough of Andover adopted ordinances now codified in Section 134-67, et seq., of the Borough Code, which allows for a limited number of cannabis establishments to be located in the C-1 Zone; and

WHEREAS, the Act established the Cannabis Regulatory Commission (“CRC”) to oversee and regulate the cannabis industry in New Jersey, and the CRC promulgated Personal Use Cannabis Rules, N.J.A.C. 17:30-1.1, et seq.; and

WHEREAS, the Governing Body created a Cannabis Review Committee to review proposed cannabis businesses seeking to obtain an annual license from the State to operate establishments within the Borough and make recommendations to the Governing Body as to whether proposed cannabis businesses and locations should be supported at the local level; and

WHEREAS, N.J.A.C. 17:30-5-1 requires that a municipality with a governing body express its support for a cannabis license applicant and proposed location by resolution of the governing body; and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(g), the support resolution should indicate that the proposed cannabis business location is appropriately located or otherwise suitable for activities related to the operations of the proposed cannabis business; and

WHEREAS, the Borough has previously issued one Resolution of local support for a Class 5 cannabis retail business, and may issue additional resolutions in the future, subject to such terms and conditions as the Mayor and Council may prescribe; and

WHEREAS, the Cannabis Review Committee conducted a review of Andover Cannabis LLC for whom an approval of conditional license application for Class 5 Cannabis Retailer was issued by the New Jersey Cannabis Regulatory Commission on March 8, 2023 and which seeks to operate its business at 144-146 Main Street, Block 22, Lots 1, 2 and 3, Andover Borough and for whose proposed location site plan approval was granted by the Andover Borough Planning/Zoning Board by resolution memorialized on July 17, 2023; and

WHEREAS, the Cannabis Review Committee recommends that the Governing Body adopt a resolution in support of Andover Cannabis, LLC and its proposed location;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Andover, Sussex County, New Jersey, that:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Borough recognizes that Andover Cannabis LLC intends to operate a Class 5 cannabis retail business involved in the sale of cannabis products to consumers and that the Class 5 cannabis retail location will be located at 144-146 Main Street, Block 22, Lots 1, 2 & 3, Andover Borough, New Jersey if approved by the State of New Jersey Cannabis Regulatory Commission.
3. It is confirmed that issuance to Andover Cannabis LLC of a Class 5 cannabis retail annual license will not exceed the limit established by the Borough for two (2) Class 5 cannabis retail license to be located in the Borough's C-1 Zone.
4. Andover Cannabis LLC's proposed Class 5 cannabis retail use at the aforesaid location will satisfy the Borough's zoning ordinances.
5. Andover Cannabis LLC shall continuously comply with the Borough's ordinances governing cannabis operations and any future applicable changes that may be made thereto.
6. Andover Cannabis LLC shall continuously comply with the provisions of Memorializing Resolution of the Andover Borough Planning/Zoning Board memorialized on July 17, 2023 (Application #PZ-01-2023) and any future amendments (if any) made thereto.
7. If Andover Cannabis LLC is not in compliance at any time with the Borough's ordinances, the provisions of Memorializing Resolution of the Andover Borough Planning/Zoning Board memorialized on July 17, 2023 (Application #PZ-01-2023) and any future applicable changes thereto, the Borough reserves the right to withdraw its support for Andover Cannabis LLC operations/location and take such actions as may apply.
8. The Borough supports Andover Cannabis LLC's application to be submitted to the CRC for a Class 5 annual cannabis retail license at the location in the Borough as set forth above, which location is appropriate and suitable for a Class 5 cannabis retail business.

9. The Mayor, Clerk and any other necessary official, officer or employee of the Borough be and are hereby authorized to execute any and all documents and to make any and all actions necessary to complete and realize the intent and purpose of this Resolution.
 10. Nothing in this Resolution shall preclude the Mayor and Council from issuing additional resolutions or letters of municipal support to other applicants, to the extent that may be permissible under the regulations promulgated by the CRC, nor shall it limit the Mayor and Council's authority with respect to any request for input from the CRC as to their preferred licensee, such as in the event more than two applicants seek licenses for Class 5 cannabis retail establishments within the Borough.
 11. Nothing in this Resolution is intended to affirm that Andover Cannabis LLC will ultimately be granted a permit from Andover Borough to operate a Class 5 cannabis retail business within Andover Borough's laws, zoning law, and regulations; and applicant will be required to demonstrate compliance with same at the appropriate time.
 12. A copy of this Resolution shall be provided to Andover Cannabis LLC
 13. This Resolution shall take effect immediately.
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ORDINANCE:

Ordinance #2023-18 - Cannabis Permit Fees - Chapter 66 – amending submission

A MOTION was made by Mr. Lane, seconded by Mr. Mallon to approve the second reading and adoption of **“AN ORDINANCE TO AMEND SECTION 66-4, ENTITLED “MISCELLANEOUS FEES AND CHARGES” OF THE CODE OF CHAPTER 66, ENTITLED “FEES” OF THE CODE THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY”**. The matter was opened to the public and closed with no comment given. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

2023-18

AN ORDINANCE TO AMEND SECTION 66-4, ENTITLED “MISCELLANEOUS FEES AND CHARGES” OF THE CODE OF CHAPTER 66, ENTITLED “FEES” OF THE CODE THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY.

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

SECTION 1. Paragraph (l) of Section 66-4, entitled “Miscellaneous fees and charges”, of Chapter 66, entitled “Fees”, of the Code of the Borough of Andover, County of Sussex, State of New Jersey, is amended to read as follows:

- I. Municipal Cannabis Permit Fee. (Per Chapter 95)
 1. Initial permit fee: \$5,000
 2. Permit renewal fee: \$5,000
 3. Reinstatement fee: \$1,000
 4. Transfer fee: \$500

SECTION 2. If any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

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 20-day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

Ordinance #2023-19 - Cannabis Permitting - Chapter 95 – adding new chapter

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve the second reading and adoption of **“AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ADD A NEW CHAPTER 95, ENTITLED “MUNICIPAL CANNABIS PERMIT”**. The matter was opened to the public and closed with no comment given. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

2023-19

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO ADD A NEW CHAPTER 95, ENTITLED “MUNICIPAL CANNABIS PERMIT”.

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

SECTION 1. A new Chapter, entitled “Municipal Cannabis Permit”, shall be added to the Code of the Borough of Andover, County of Sussex, State of New Jersey, and shall read as follows:

Chapter 95, Municipal Cannabis Permit.

§ 95-1 Definitions.

The definitions set forth in § 134-66.4 are incorporated by reference herein.

§ 95-2 Permit required. No cannabis establishment business shall operate within the Borough without a permit as required by this chapter.

§ 95-3 Limitation Regarding Permits for Cannabis Retailers. There shall be no more than a combined total of two active, inactive and/or suspended permits for cannabis retailers at any given time.

§ 95-4 Permit requirements. A cannabis establishment seeking a permit from the Borough to operate under the class of license awarded by the state shall submit to the Borough Clerk a complete and signed application in a form prescribed by the Borough for a municipal cannabis permit (the "application"), which shall include the following attachments:

- a. Documentary proof that the State has awarded the cannabis establishment an annual license which is valid for the period of the requested permit and has not expired or been revoked;
- b. Sworn statement by the owner of the cannabis establishment that the cannabis establishment is currently in compliance with all requirements and conditions of its site plan approval and with all applicable laws and ordinances pertaining to its business;
- c. If applicable, proof that the cannabis establishment is in compliance with the Borough's liability insurance requirements (see Chapter 89); and
- d. Required permit fee.

§ 95-5 Review period. The Borough shall have up to 20 days from receipt of a completed application to review it and issue a written determination in the form of a permit, if approved, or a denial letter citing the reason(s) for the denial and including steps to cure any deficiencies capable of cure within 30 days after the date of the denial letter.

§ 95-6 Denials. A cannabis establishment that is denied a permit will have 30 days, unless extended by the Borough in its sole discretion, within which to correct any curable deficiencies cited in the Borough's denial letter and to resubmit an amended application solely with respect to those deficiencies cited in the denial letter. The Borough will then have up to 20 days from receipt of the amended application within which to review the amended portions of the application. At the conclusion of this review period, the Borough will once again issue a written determination in the form of a permit or a final determination of denial citing the final reason(s) for denial of a permit.

§ 95-7 Permit fee. The initial permit fee for each cannabis establishment under the provisions of this chapter is set forth in Section 66-4(I).

§ 95-8 Permit terms; renewals; transfers.

- a. Any permit issued pursuant to this chapter shall be valid for a period of one year from the date of issuance and shall be renewed in accordance with the provisions of this chapter. The Borough may adjust the renewal date of the permit to correlate with a cannabis establishment's state licensing and renewal schedule. The permit shall in no case be proratable or reduced.
- b. Renewal of any permit shall be governed by and subject to any Code amendments, additional restrictions or changes in regulations adopted since the previous permit was issued or renewed.
- c. Transfer of ownership. 10 days after transfer of ownership in whole or in part, of the cannabis establishment, the cannabis establishment shall notify the Borough in writing of such transfer and include the names, addresses and percentage ownership interests in the cannabis establishment of the persons and/or entities from which and to which the transfer is made. Without limitation, transfer of any share, membership or partnership interest in a cannabis establishment shall constitute a transfer of ownership governed by this chapter. In the event of a transfer of ownership, the cannabis establishment shall submit proof of approval by the appropriate State licensing agency of the transfer within 10 days after agency approval. Failure to comply with the requirements of this section within the

10-day deadline (as may be extended by the Borough for up to an additional 20 days), the permit shall be suspended and be deemed inactive and shall not be reinstated until the cannabis establishment files the documentation and proofs required by this section with the Borough Clerk, accompanied by a reinstatement fee of \$1,000.

- d. A transfer in location of any permit or modification to expand a permitted facility shall require State approval, site plan approval from the Planning Board and a certificate of zoning compliance from the Zoning Officer. Proof thereof, together with transfer fee of \$500 must be submitted to the Borough Clerk before the transfer or expansion can be effective.

§ 95-9 Permit renewal fees.

- a. The annual renewal fee for each cannabis establishment permit under the provisions of this chapter is set forth in Section 66-4(l).
- b. A permit shall not be assigned or transferred and shall remain with the cannabis establishment to whom it is issued.

§ 95-10 Investigations; sanctions; penalties.

- a. Any permit issued pursuant to this chapter may be suspended or revoked by the Borough for any violation of any provision of this chapter or for the violation of any provision of N.J.S.A. 24:6I-31, et seq., including amendments or additions thereto, or of any of the rules and regulations promulgated by the State or the Borough.
- b. **Investigations.** Procedures for investigation of permit violations and for suspension, revocation, or other sanctions as a result of any such violation shall be as determined by the Borough. Penalties for such violations shall be assessed as follows:
 1. First offense: \$50 per violation per day;
 2. Second offense: \$100 per violation per day; and
 3. Third offense: \$250 per violation per day; and including summary suspension.
- c. **Summary suspension.** When the Borough has reasonable grounds to believe that a cannabis establishment has engaged in deliberate and willful violation of any applicable law or regulation, or that the public health, safety, and/or general welfare has been jeopardized and requires emergency action, the Borough may enter a summary order for the immediate suspension of such cannabis establishment's permit pending further investigation. The Borough shall convene a review panel consisting of the Mayor, two members of the Council and the Borough Administrator or his/her designee. The hearing will occur within 30 days after the date of the order. If the review panel shall find that the suspension is justified, the review panel will recommend to the Borough Council consequences including but not limited to the revocation of the permit or the reinstatement of the permit upon meeting prescribed conditions including payment of a \$1,000 reinstatement fee and suspension for a period of up to six months. If the panel finds insufficient basis for suspension, then a report of that finding shall be given to the Administrator and suspension shall be rescinded.
- d. **Inactive permits.** Following the commencement of retail sales of cannabis and cannabis products, the Borough may suspend or revoke any permit if the premises has been closed to the public or unoccupied by the cannabis retailer for at least 30 consecutive days.
- e. **State license.** The Borough may suspend or revoke any permit if the corresponding State license for the subject location is expired, surrendered,

suspended, or revoked. The cannabis establishment shall immediately notify the Borough in writing upon the cannabis establishment's receipt of notice that its State license has expired, has been surrendered, suspended or revoked.

- f. Any action taken by the Borough pursuant to this chapter shall be reported to the applicable State agency in accordance with reporting protocols established by such agency.

§ 95-11 Conspicuous posting of permit. The holder of each permit issued by the Borough under this chapter shall display the permit certificate conspicuously in the cannabis establishment.

§ 95-12 Compliance with other requirements. The issuance of a permit per this chapter shall not be construed as verification by the Borough that the cannabis establishment has complied with other applicable legal requirements such as and including the requirement, if applicable, of the issuance of a certificate of occupancy for the cannabis establishment's business.

§ 95-13 Violations and penalties. Any person violating any of the provisions of this chapter shall be subject to a fine of up to \$2,500 per offense, 90 days imprisonment or both. Each day a violation occurs shall be deemed to be a separate offense.

SECTION 2. If any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

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 20-day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

Ordinance #2023-25 - Cannabis Tax – amending income filing and recording keeping req.

A MOTION was made by Mr. Lane, seconded by Mr. Dennison to approve the first reading and introduction of **“AN ORDINANCE TO AMEND SECTION 66-5, ENTITLED “CANNABIS TAX”, OF CHAPTER 66, ENTITLED “FEES”, OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY.”** Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

2023-25

AN ORDINANCE TO AMEND SECTION 66-5, ENTITLED “CANNABIS TAX”, OF CHAPTER 66, ENTITLED “FEES”, OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY

BE IT RESOLVED by the Borough Council of the Borough of Andover in the County of Sussex, as follows:

SECTION 1. Section 66-5, entitled “Cannabis tax” of Chapter 66, entitled “Fees” of the Code of the Borough of Andover is amended to delete existing Paragraph G and insert new Paragraphs G through N, which shall read as follows:

- G. The Chief Financial Officer is charged with the administration and enforcement of the provisions of this section, and is empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this section, including provisions for the reexamination and corrections of declarations and returns, and of payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and to prescribe forms necessary for the administration of this section. Should a cannabis establishment fail or refuse to provide adequate information to the Chief Financial Officer to determine the amount of tax due, the Chief Financial Officer may use information provided to the Chief Financial Officer from other sources (e.g., the Commission or Department of Treasury) to determine the amount of tax liability.
- H. Taxpayers liable for the transfer or user tax are required to keep such records as will enable the filing of true and accurate returns. Such records shall be preserved for a period of not less than three years from the filing date or due date, whichever is later, to enable the Chief Financial Officer or his/her designated agent to verify the correctness of the declarations or returns filed. If records are not available in the Borough to support the returns which were filed or which should have been filed, the taxpayer will be required to make them available to the Chief Financial Officer either by producing them at a location in the municipality or by paying for the expenses incurred by the Chief Financial Officer or his/her agent in traveling to the place where the records are regularly kept.
- I. All cannabis establishments operating in the municipality are required to file a copy of their New Jersey transfer tax return with the Chief Financial Officer to report their sales during each calendar quarter and the amount of tax in accordance with the provisions of this section. Returns shall be filed and payments of tax imposed for the preceding calendar quarter shall be made on or before the last day of April, July, October, and January, respectively. A taxpayer who has overpaid the transfer tax, or who believes it is not liable for the tax, may file a written request on an amended tax return with the Chief Financial Officer for a refund or a credit of the tax. For amounts paid as a result of a notice asserting or informing a taxpayer of an underpayment, a written request for a refund shall be filed with the Chief Financial Officer within two years of the date of the payment.
- J. The Chief Financial Officer may initiate an audit by means of an audit notice. If, as a result of an examination conducted by the Chief Financial Officer, a return has not been filed by a taxpayer or a return is found to be incorrect and transfer or user taxes are owed, the Chief Financial Officer is authorized to assess and collect any tax due. If no return has been filed and tax is found to be due, the tax actually due may be assessed and collected with or without the formality of obtaining a return from the taxpayer. Deficiency assessments (i.e., where a taxpayer has filed a return but is found to owe additional tax) shall include taxes for up to three years to the date when the deficiency is assessed. Where no return was filed, there shall be no limit to the period of assessment.

- K. Upon proposing an assessment, the Chief Financial Officer shall send the taxpayer an interim notice by certified mail, return receipt requested, which advises the taxpayer of additional taxes that are due. Should the taxpayer wish to dispute the assessment administratively by requesting a hearing with the Chief Financial Officer, it must do so within 30 days of the date of such interim notice. If, after the Chief Financial Officer sends an interim notice, a taxpayer fails to timely request a hearing with the Chief Financial Officer or requests a hearing and after conducting a hearing, the Chief Financial Officer determines that the taxes are due, the Chief Financial Officer shall send the taxpayer by certified mail, return receipt requested, a final notice. Should the taxpayer wish to dispute the assessment set forth in the final notice, it must initiate an appeal in the New Jersey Tax Court within 90 days after the mailing of any final notice regarding a decision, order, finding, assessment, or action hereunder.
- L. Any taxpayer receiving an interim notice from the Chief Financial Officer may within 30 days after the date of an interim notice, request a hearing with the Chief Financial Officer. Any taxpayer failing to request a Chief Financial Officer's hearing in a timely manner waives the right to administratively contest any element of the assessment. The Chief Financial Officer shall accept payments of disputed tax amounts under protest pending appeals; however, any request for refund of such monies must be filed in accordance with this section.
- M. Any aggrieved taxpayer may, within 90 days after the mailing of any final notice regarding a decision, order, finding, assessment, or action hereunder, or publication of any rule, regulation or policy of the Chief Financial Officer, appeal to the Tax Court pursuant to the jurisdiction granted by N.J.S.A. 2B:13-2a(3) to review actions or regulations of municipal officials by filing a complaint in accordance with the New Jersey Court Rule 8:3-1. The appeal provided by this section shall be the exclusive remedy available to any taxpayer for review of a final decision of the Chief Financial Officer with respect to a determination of liability for the tax imposed by this section.
- N. This section shall be interpreted and administered in accordance with N.J.S.A. 40:481-1, as the same may be amended, revised and/or supplemented from time to time.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

Ordinance #2023-20 – Water Tapping Fees - Chapter 66

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve the first reading and introduction of **“AN ORDINANCE TO AMEND SECTION 66-1, ENTITLED “FEES”, OF CHAPTER 66, ENTITLED “FEES”, AS TO “CHAPTER 130, WATER”, OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY.”** Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

ORDINANCE #2023-20

AN ORDINANCE TO AMEND SECTION 66-1, ENTITLED “FEES”, OF CHAPTER 66, ENTITLED “FEES”, AS TO “CHAPTER 130, WATER”, OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY

BE IT ORDAINED by the Borough Council of the Borough of Andover, County of Sussex, State of New Jersey, that Chapter 66, entitled “Fees”, of the Code of the Borough of Andover, be and is hereby amended as follows:

Section 1. The portions of Section 66-1, entitled “Fees”, pertaining to “Chapter 130, Water”, which read:

Tapping Fees	
Connection of 3/4-inch tap to Borough water main, including supply and service pipes, and curb cock and box, plus any permits required	\$1,500.00
Connection of 1-inch tap to Borough water main, including supply and service pipes, curb cock and box, plus any permits required	\$2,000.00
Connection of 2-inch tap to Borough water main, including supply and service pipes, curb cock and box, plus any permits required	\$3,000.00
Connection of tap larger than 2 inches	Shall be based on the actual cost of time and materials (plus any permits required), but in no event less than \$5,000.00

are amended to read:

Tapping Fees	
Connection of 3/4-inch tap to Borough water main, including supply and service pipes, and curb cock and box	Actual cost of time and materials, but not less than \$3,000.00, plus any permit fees required
Connection of 1-inch tap to Borough water main, including supply and service pipes, curb cock and box	Actual cost of time and materials, but not less than \$4,000.00, plus any permit fees required

Connection of 2-inch tap to Borough water main, including supply and service pipes, curb cock and box	Actual cost of time and materials, but not less than \$5,000.00, plus any permit fees required
Connection of tap larger than 2 inches	Actual cost of time and materials, but not less than \$5,000.00, plus any permit fees required

Section 2. Severability. 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. Repealer. All ordinances or parts of ordinances or resolutions inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or contrariness. All provisions of Chapter 66 of the Code of the Borough of Andover, entitled "Fees", not amended hereby shall remain in full force and effect.

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 20-day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

Ordinance #2023-21 - False Alarms - New Chapter 64

A MOTION was made by Mr. Lane, seconded by Mr. Mallon to approve the first reading and introduction of **"AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY, TO ADD NEW CHAPTER 64, ENTITLED "FALSE ALARMS"**. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

ORDINANCE #2023-21

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY, TO ADD NEW CHAPTER 64, ENTITLED "FALSE ALARMS"

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

SECTION 1. The Code of the Borough of Andover is amended to add new Chapter 64, entitled "False Alarms", which shall read as follows:

Chapter 64. False Alarms.

§ 64-1 Scope. The provisions of this Chapter shall apply to any person who operates, maintains, has control over or owns any alarm device designed to summon the police or fire personnel to any location in response to an alarm signal. The terms of this Chapter shall not prohibit alarm companies from providing service by private source within the Borough of Andover.

§ 64-2 Definitions. As used in this Chapter, the following terms shall have the meanings indicated:

ALARM DEVICE -- Any type of alarm system providing warning of intrusion, fire, smoke, carbon monoxide, flood or like peril or emergency.

PERSON -- Includes any natural person, partnership, corporation, association or other entity.

FALSE ALARM -- Any alarm or signal not activated, caused or transmitted by an intruder, fire, flood, smoke or carbon monoxide. False alarms shall also include an alarm caused by malfunctioning of the alarm device or related equipment. Such an alarm or signal triggered in connection with the testing of an alarm system shall constitute a false alarm unless notice of the testing shall have been properly given to the Police Department in advance thereof. False alarms shall not include activation caused by power or phone line interruptions when such interruptions have been reported to the Police Department or the Borough Clerk.

POLICE DEPARTMENT -- The New Jersey State Police or any other law enforcement agency exercising lawful jurisdiction.

§ 64-3 It shall be unlawful for any person to cause, allow or activate a false alarm as defined in this Chapter.

§ 64-4 In the case of a false alarm, any person having knowledge thereof shall immediately notify the Police Department.

§ 64-5 With regard to each false alarm, the Police Department shall be authorized to investigate and to keep a record of said false alarms on file. The Police Department and/or authorized representatives of the Andover Borough Fire Department shall notify the Borough's Code Enforcement Official of violations of this Chapter. For the purpose of this Chapter, the Borough's Code Enforcement Official shall be enforcing agent on behalf of the Borough of Andover.

§ 64-6 Any person responsible for causing or allowing a false alarm in violation of this Chapter shall be subject to the following:

- A. For the first false alarm in any given calendar year, a warning shall be issued.
- B. For the second false alarm in any calendar year, a fine of \$50 shall be imposed.
- C. For the third false alarm in any calendar year, a fine of \$100 shall be imposed.
- D. For the fourth false alarm in any calendar year, a fine between \$100 and \$500 for each occurrence shall be imposed, and a letter from a licensed alarm company certifying that the alarm device is operating properly shall be delivered to the Borough Code Enforcement Official within 30 days after the date of the most recent false alarm.
- E. If a person fails to provide certification that the alarm device is operating properly per Paragraph D of this section, a fine between \$500 and \$1,000 shall be imposed.
- F. For the fifth and any subsequent false alarms in any given calendar year, a fine of \$1,000 shall be imposed.

§ 64-7 Where the investigation by the Police Department discloses continued abuse of the privileges of the alarm device either by the property owner, person in control of the alarm device or the private alarm company and a disregard for taking remedial steps to avoid false alarms, the Borough's Code Enforcement Official may

require disconnection of the alarm device permanently or for a limited period of time, upon the recommendation of the Police Department, provided any person whose alarm device is to be disconnected, shall be given an opportunity, on five days' written notice, to show cause before the Borough Council at a public hearing why such action should not be taken.

§ 64-8 In an emergency, the Police Department shall be authorized to temporarily disconnect any alarm device.

§ 64-9 All necessary steps shall be taken by the person having responsibility for or control over the alarm device to immediately ascertain the cause of any false alarm, and the problem shall be corrected by said person within 72 hours after the occurrence of the false alarm. If applicable, said person shall show cause to the Police Department and the Code Enforcement Official why the malfunction cannot be remedied within that time period. The Police Department shall have the discretion to grant an additional period of time within which to make the necessary repair.

§ 64-10 Violations and Penalties. In addition to the penalties set forth in Section 64-6: Any person who shall violate sections 64-4 and/or 64-9 of this Chapter shall, for each violation, upon conviction, be punishable as provided in Chapter 1, Section 1-15, Standardization of Penalties of the Code.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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 20-day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

Ordinance #2023-22 – Vacant Abandoned Property Registration – amending registration

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve the first reading and introduction of “AN ORDINANCE TO AMEND SECTION 14, ENTITLED “REGISTRATION AND MAINTENANCE OF VACANT AND ABANDONED PROPERTIES” AND SECTION 15, ENTITLED “REGISTRATION OF VACANT AND ABANDONED PROPERTY FOR WHICH A COMPLAINT IN AN ACTION TO FORECLOSE ON A MORTGAGE HAS BEEN FILED” OF CHAPTER 104, ENTITLED “PROPERTY MAINTENANCE” OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY.” Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

Ordinance #2023-22

AN ORDINANCE TO AMEND SECTION 14, ENTITLED “REGISTRATION AND MAINTENANCE OF VACANT AND ABANDONED PROPERTIES” AND SECTION 15, ENTITLED “REGISTRATION OF VACANT AND ABANDONED PROPERTY FOR WHICH A COMPLAINT IN AN ACTION TO FORECLOSE ON A MORTGAGE HAS BEEN FILED” OF CHAPTER 104, ENTITLED “PROPERTY MAINTENANCE” OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY.

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

SECTION 1. Paragraph G, entitled “Public officer” of Section 104-14, entitled “Registration and Maintenance of Vacant and Abandoned Properties.”, of Chapter 104, entitled “Property Maintenance”, of the Code of the Borough of Andover, County of Sussex, State of New Jersey, is amended to read as follows:

G. Public officer. The public officer is responsible for enforcing the provisions of Section 104-14 and for rehabilitation of abandoned property. All enforcement of the provisions of Section 104-14, unless expressly stated to the contrary, shall be under his/her direction and supervision.

SECTION 2. Section 104-15, entitled “Registration of Vacant and Abandoned Property for Which a Complaint in an Action to Foreclose on a Mortgage Has Been Filed” of Chapter 104, entitled “Property Maintenance”, of the Code of the Borough of Andover, County of Sussex, State of New Jersey shall be amended to be re-titled “Registration and Compliance Requirements for Properties in Foreclosure”.

SECTION 3. Paragraph (4) of Subsection (B), entitled “Vacant and Abandoned Property”, of Section 104-15, entitled “Registration and Compliance Requirements for Properties in Foreclosure” of Chapter 104 entitled “Property Maintenance”, of the Code of the Borough of Andover, County of Sussex, State of New Jersey shall be amended to read as follows:

4. the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;

SECTION 4. Subsection (C), entitled “Duties of creditors with regard to vacant and abandoned property”, of Section 104-15, entitled “Registration and Compliance Requirements for Properties in Foreclosure” of Chapter 104 entitled “Property Maintenance”, of the Code of the Borough of Andover, County of Sussex, State of New Jersey shall be re-titled as follows:

C. Duties of creditors.

SECTION 5. 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 6. 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 7. 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).

Ordinance #2023-23 Vacant Property Registration - FEES

A MOTION was made by Mr. Dennison, seconded by Mr. Smith to approve the first reading and introduction of **“AN ORDINANCE TO AMEND SECTION 66-4, ENTITLED “MISCELLANEOUS FEES AND CHARGES”, OF CHAPTER 66, ENTITLED “FEES”, OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY.”** Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

Ordinance #2023-23

AN ORDINANCE TO AMEND SECTION 66-4, ENTITLED “MISCELLANEOUS FEES AND CHARGES”, OF CHAPTER 66, ENTITLED “FEES”, OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY

BE IT ORDAINED by the Borough Council of the Borough of Andover, County of Sussex, State of New Jersey, that Chapter 66 of the Code of the Borough of Andover, entitled “Fees”, be and is hereby amended as follows:

Section 1. Paragraph G of Section 66-4 entitled “Miscellaneous fees and charges.” of Chapter 66 entitled “Fees” of the Code of the Borough of Andover, County of Sussex, State of New Jersey, is amended to read as follows:

G. Registration fees per Sections 104-14 and 104-15.

1. Registration and Renewal Fees for Vacant Properties chargeable per Section 104-14. The initial registration fee for each vacant property under the provisions of Section 104-14B shall be \$500. The fee for the first annual renewal shall be \$1,500; and the fee for the second annual renewal shall be \$3,000. The fee for each subsequent annual renewal beyond the second annual renewal shall be \$5,000.
2. Registration and Renewal Fees for Properties in Foreclosure chargeable per Section 104-15. The registration fee shall be \$500 annually per property required to be registered per Section 104-15; and an additional \$2,000 annually per property if the property is determined by the Borough to be vacant and abandoned per Subsection 104-15(B) at any time during the pendency of the mortgage foreclosure action.

Section 2. Severability. 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. Repealer. All ordinances or parts of ordinances or resolutions inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or contrariness. All provisions of Chapter 66 of the Code of the Borough of Andover, entitled “Fees”, not amended hereby shall remain in full force and effect.

Section 4. This Ordinance shall take effect immediately on its final passage and publication as required by law.

Ordinance #2023-24 – Land Use Procedures/Fees – Chapter 66 Fees –
A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the first reading and introduction of “**AN ORDINANCE TO AMEND CHAPTER 18, ENTITLED “LAND USE PROCEDURES”, AND CHAPTER 66, ENTITLED “FEES” OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY.**” Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

ORDINANCE #2023-24

AN ORDINANCE TO AMEND CHAPTER 18, ENTITLED “LAND USE PROCEDURES”, AND CHAPTER 66, ENTITLED “FEES” OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY

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

SECTION 1. Section 18-33, entitled “Publication of decisions” of Chapter 18, entitled “Land Use Procedures is hereby amended to read as follows:

18-33 Publication of decisions.

A brief notice of every final decision shall be published in the official newspaper of the municipality. Such publication shall be arranged by the Secretary of the Planning Board or Zoning Board of Adjustment, as the case may be, with separate charge to the applicant. Said notice shall be sent to the official newspaper for publication within 10 days of the date of any such decision.

SECTION 2. Section 66-1, entitled “Fees”, pertaining to “Chapter 18, Land Use Procedures”, is amended to add the following:

Publication of notice of final decision of Planning Board/Zoning Board of Adjustment	Actual cost of publication
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SECTION 3. 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 4. 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 5. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey following the required 20-day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

AUDIENCE PARTICIPATION: None.

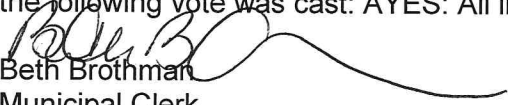
MOTION TO PAY THE BILLS:

A MOTION was made by Mr. Lane, seconded by Mr. Smith to approve the following Resolution: **BE IT RESOLVED** by the Governing Body to approve the payment of all vouchers on the bill listed

August 14, 2023, submitted by the Chief Financial Officer for payment. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

MOTION TO ADJOURN:

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


Beth Brothman
Municipal Clerk