

A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON MONDAY, SEPTEMBER 11, 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

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. Lane, seconded by Mr. Dennison to approve the minutes of the meeting held on August 14, 2023 as presented. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

OFFICIALS REPORTS:

CFO – No report.

A MOTION was made by Mr. Smith, seconded by Mr. Dennison 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

Joint Court report for July, ABFD August report,

Water Department Reports: Operator’s Report for August, Well #1 & #2 August reports,

CORRESPONDENCE: The following was presented to the Council and placed on file: County of Sussex dated 08/10/23 re: Ordinance amending the previously established regulations governing road opening and access permits.

County of Sussex dated 07/13/23 re: Amending Speed Limits Along County Rte. 613

AUDIENCE PARTICIPATION: None.

REPORTS OF SPECIAL COMMITTEE:

Board of Health: No report.

SWAC & SC Water Quality Management: No report.

Sussex County Agricultural Development Board: No new updates.

Cannabis Review Committee: Mayor Morgan reported that there is a fourth site plan application for retail cannabis use, submitted to the planning board for review.

REPORTS OF STANDING COMMITTEES:

Administrative & Executive:

Mr. Lane reported that the new zoning lap top is in place and being used. The Municipal Clerk has noted that the IT and services provided by Planet Network are excellent. He moved along to report that the following shared service agreements still need to be either put in place or renewed for 2024: Tax Collector, QPA, Public Works County, Fuel County. The Mayor stated that he did speak with the County and to come back to him if we do not hear back soon.

Celebration of Public Events:

Mr. Lane reported that the Christmas Breakfast is the next event scheduled for the first Saturday in December which is December 2nd.

Finance:

Mr. Lane reported that the audit for 2022 is near completion. He will be meeting with the CFO to work on 2024 salaries and to discuss the 2024 OEM salary. The Mayor asked when that would be happening. Mr. Lane thought next week or so. The Mayor suggested that OEM interest should come up with a proposal to review. The Mayor noted that contracts for recent CD investment were in. The CFO will provide his signature for authorization when they come in as they only need one signature.

Parks & Playgrounds:

Mr. Mallon reported that he has been provided an oil and stone estimate for the parking lot at Memorial Park. The Mayor suggested that Mr. Mallon take a look at the parking lot of the Sussex Branch Trail along Rte. 206 as the same company did that work. Mr. Mallon continued to report that he has not yet put up the signs in the park because he thinks that perhaps some posts would be better to secure them onto. There was some discussion over they should be wood or metal posts. Mr. Lane reported on the newly noticed wet area in the park along the area where vegetation was removed. He stated that investigation has determined it to be an underground spring. There was some discussion regarding the issue ensuring that it is not a greater problem such as water main break. It was the recollection of some that the water has been noticed for at least forty years. The topic moved to the retaining wall in the park along Route 517. Mr. Mallon stated that he took a look at it and the wall does not seem to be compromised and the overlay is what is damage. Mr. Smith's estimate for that work from a prior meeting is no longer available. Mr. Mallon will look into it. There was additional conversation as to the approach that should be taken to repair it such as moving the fence.

Public Bldgs. & Grounds:

The Mayor opened the discussion by asking if either Up & Above or Samurai has provided estimates for the roof. Neither has of yet. Mr. Smith inquired as to the status of the snow plow contract. The Municipal Clerk has no information on that status. The Municipal Clerk will contact Northern Rain Irrigation to ask for them to submit the quote, but limiting the salting to the last plow of the storm.

Public Safety:

Mr. Lane reported that the ABFD was successful in receiving the FEMA Firefighters grant in the amount of \$107,171.00 for SCBA's. This is good news since they were also successful in receiving the County grant this summer for AED's. He also reported that he met with our Statewide rep for our annual loss control visit. He was happy to report that they are offering more classes now. There was some discussion regarding having a replacement or assistant crossing guard for when the primary crossing guard is out of town. There is no coverage at this time. Mr. Lane and the Municipal Clerk will look into it. There is none currently. There was also some discussion regarding the status of the repair of one of the ABFD engines. The Municipal Clerk was directed to send a memorandum to the Fire Chief requesting information on the status of the repair of fire truck to be auctioned, the ownership of the ambulance. The Municipal Clerk will forward memo and specs needed for auction to the ABFD Fire Chief and members of public safety.

Streets & Roads:

The Mayor initiated the report by updating the Council on the Maple Street Resurfacing project. This discussion included the process by which we came to have to bid for milling & paving rather than utilizing the Morris County Pricing Cooperative (MCCPC). The Engineers office is unfamiliar with how the estimated quantity sheets should be filed with the MCCPC. The Municipal Clerk provided the timeline of bid openings and awards. Keeping this timeline requires the Council to hold a special meeting on 9/25/23. The Mayor explained that having to separate portions of the work to bid may increase the cost of work.

Water Utility:

Mr. Smith reported that water is flowing. Mr. Richard Mooney was in the audience and stated that the pumps are working well and the chlorine is good. Mr. Smith reported that our water operator, Tim Hess, has advised that our assistant water operator position will need to be filled. He suggested that the Borough re-hire Robert Olivo, our former water operator to fill the position of assistant water operator. It was explained that Mr. Olivo has moved back to New Jersey and is familiar with our water system.

A MOTION was made by Mr. Smith, seconded by Mr. Lane to hire Robert Olivo as Assistant Water Operator beginning 10/1/23 at the same current salary. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried. Mr. Smith continued to report on the daily water monitoring. Currently, Mr. Richard Mooney is performing that responsibility. Mr. Smith stated that when Mr. Mooney is out of town, Mr. Olivo will cover only until Mr. Samuel Brothman is back in town. Sam Brothman is expected back in December.

Mr. Smith then turned his attention toward a concern that Mr. Richard Mooney has brought to him. Mr. Mooney provided copies of his deed and highlighted areas showing that some responsibility for maintenance of the driveway may fall upon the water utility. Specifically, Mr. Mooney is concerned about one tree on the driveway that he would like the Borough Water Utility to take down. After some review of the information, Mr. Smith directed the Municipal Clerk to seek an estimate for the removal of the tree in question.

OLD BUSINESS:

There was some discussion regarding the service contract with the farmer for maintenance of the lot owned by the Borough. They have spoken with the Borough Attorney, but the Municipal Clerk does not have the final revised version yet.

NEW BUSINESS:

The Council reviewed the memo from Engineer H. E. Pellow dated 08/17/23 providing the award timeline and recommendations for LA-2023 Maple Street Resurfacing. The schedule for bid and award as the Municipal Clerk understands it is as follows:

Award ADA Ramps on September 25th. Bids on September 21st.

Award Milling & Paving bid on October 10th. Bids on October 5th.

Award three other contracts (using Morris County CO-OP) on October 5th.

ANY OTHER BUSINESS:

A MOTION was made by Mr. Dennison, seconded by Mr. Lane to approve a reimbursement to Kaitlyn McSweeney-Wecht for park building rental on 8/19 in the amount of \$150.00. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried

PROCLAMATION: *Proclaiming the month of September 2023 as Prostate Cancer Awareness Month.*

Proclaiming the month of September 2023 as Prostate Cancer Awareness Month.

Whereas, this year, approximately 288,300 men will be diagnosed with prostate cancer in the United States alone – one man every 2 minutes, and roughly 34,700 will die this

year from the disease, about 3,500 more than 2020 – which is one man every 15 minutes; and

Whereas, in New Jersey, an estimated 9,460 new cases of prostate cancer will be diagnosed and an estimated 730 deaths will occur in 2023; and

Whereas, Men with relatives – father, brother, son – with a history of prostate cancer are twice as likely to develop the disease; and

Whereas, Prostate cancer is the most commonly diagnosed cancer in American Men and the third leading cause of cancer death behind lung and colon cancer; and

Whereas, 1 in 8 men are diagnosed with prostate cancer in their lifetime and 1 in 6 African American men will develop prostate cancer in their lifetime. Overall, African American men are 1.7 times more likely to be diagnosed with - and 2.1 times more likely to die from - prostate cancer than white men; and

Whereas, Veterans who were exposed to herbicides like Agent Orange are at increased risk for developing prostate cancer, and are more likely to have an aggressive form of the disease; and

Whereas, Education regarding prostate cancer and early detection strategies is critical to saving lives, preserving, and protecting our families. As well as the economic and social burden of prostate cancer is huge on families; and

Whereas, if caught early prostate cancer has a five-year survival rate of nearly 100%. However, for late stage prostate cancer the five-year survival rate is 31%; and

Whereas, many more men will be diagnosed in 2023 at a later stage because of delayed screenings and treatment due to Covid-19 and

Whereas, all men are at risk for prostate cancer and we encourage the citizens of Andover Borough to increase the importance of prostate awareness and screenings.

NOW, THEREFORE, BE IT RESOLVED; I, MAYOR JOHN MORGAN, do hereby proclaim the month of September 2023 to be PROSTATE CANCER AWARENESS MONTH in Andover Borough.

ORDINANCE:

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 second reading and adoption 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.”** The matter was opened to

the public 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

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. 40:48I-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. Dennison, seconded by Mr. Mallon to approve the second reading and adoption 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. Mallon, seconded by Mr. Lane to approve the second reading and adoption 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. Dennison, seconded by Mr. Lane to approve the second reading and adoption 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.”** The discussion was opened and closed with no comment. 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. Smith, seconded by Mr. Mallon to approve the second reading and adoption of “**AN ORDINANCE TO AMEND SECTION 66-4, ENTITLED “MISCELLANOUS 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 “MISCELLANOUS 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.

A MOTION was made by Mr. Dennison, 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.”** The matter was opened for discussion and closed without comment. 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).

RESOLUTIONS:

A MOTION was made by Mr. Lane, seconded by Mr. Mallon to approve resolution **#R2023-48**. The matter was opened for comment. It was explained the reason for resolution is to correct billing structure for block 24 lot 48. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

R-2023-48 Resolution to turn off one commercial and remove one residential water billing service and adjust billing for block 24 lot 48

WHEREAS, the Water Department was billing the property known as block 24 lot 48 for one commercial and three 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 determined that the commercial use while not operating does exist and that there are only two rental units in the building; and

WHEREAS, the property owner has requested a correction to the 2023/2024 billing cycle to amend use to two residential units and to turn off of the commercial service billing; and

WHEREAS, the Mayor and Council of the Borough of Andover authorize the reduction of the residential unit bill from three units to two units and agree to temporarily turn off the commercial water billing for block 24 lot 48, 1 Gristmill Lane; and

WHEREAS, annual billing for residential units is \$400 annual and annual billing for commercial units is \$600; and

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 adjustment to the water billing for block 24 lot 48 in the following manner:

2023	1 st quarter	\$180.00
2023	2 nd quarter	\$180.00
2023	3 rd quarter	\$320.00
2023	4 th quarter	\$320.00

For total reduction of \$1,000.00.

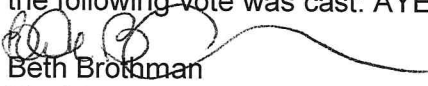
AUDIENCE PARTICIPATION: **None.**

MOTION TO PAY THE BILLS:

A MOTION was made by Mr. Dennison, seconded by Mr. Lane to approve the following Resolution: **BE IT RESOLVED** by the Governing Body to approve the payment of all vouchers on the bill listed. *Discussion opened to the Council at which time Mr. Smith asked if there is any control over the repair services used by the fire department for general maintenance/oil changes. There was some dialogue between the Council members to determine this and the status of the need for the fire truck which is slated to be auctioned. The Municipal Clerk will send a memo to Chief Casella. There was no further comment.* 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. Dennison, seconded by Mr. Lane to adjourn the meeting. Upon roll call the following vote was cast: **AYES:** All in favor. **NAYS:** None. **ABSTAIN:** None. Motion carried.


Beth Brotman
Municipal Clerk