

A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON MONDAY, NOVEMBER 13th, 2023 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.

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

ABSENT: Councilmembers 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. Smith to approve the minutes of the meeting held on October 10th, 2023. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, and Webb. NAYS: None. ABSTAIN: None. Motion carried

OFFICIALS REPORTS:

Motion to approve the Treasurer's Report – no report

A MOTION was made by Mr. Dennison, seconded by Mr. Mallon to accept the following reports and place on file: ACO 3rd Report, Joint Court September report, ABFD for October, and Water Department Report: Operator Report for October with Well #1 & 2 results
Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, and Webb.
NAYS: None. ABSTAIN: None. Motion carried

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

County Clerk dated 10/11/23 re: 2023 reimbursement of vote-by-mail costs

AUDIENCE PARTICIPATION:

Mr. Richard Mooney asked the Council if his rate of pay for water mark out service is "on foot" or does it include use of a vehicle. The Municipal Clerk suggested that he come into the office to discuss how his pay is calculated. Mr. Mooney continued to communicate with the governing body concerning the trees that the water department has removed that were in the driveway "right of way" at the pump house. Mr. Mooney stated he had the stump ground and has bill for it. Mr. Smith stated that the borough would not be paying for that service because it was unauthorized and that the removal of the tree was all that was needed. Mr. Mooney disagreed.

REPORTS OF SPECIAL COMMITTEES:

Board of Health: Sept. Activity Report, Mosquito report, public health nursing info was presented.

SWAC & SC Water Quality Management: No report.

Sussex County Agricultural Development Board: No report.

Cannabis Review Committee: There are no requests for resolutions of support at this time. There are no current planning board applications for cannabis use before the planning board.

REPORTS OF STANDING COMMITTEES:

Administrative & Executive:

Mr. Lane presented the latest general code proposal for ordinance codification.

A MOTION was made by Mr. Lane, seconded by Mr. Mallon to approval supplement No. 4 Estimate in the amount of \$2,420.00 and \$2,950.00. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, and Webb. NAYS: None. ABSTAIN: None. Motion carried.

Mr. Lane continued to report on estimates provided to secure the Borough Hall entry. The following estimates were provided: Morris Security: \$2,400.00, Testa Security: \$2,385.00, The Flying Locksmith: \$1,990.00. Each offered a different solution to secure the building for buzzer entry.

Mr. Lane presented the proposal from Mrs. Brothman for the services of stormwater (\$1000 annual), clean communities (\$100 annual), and recycling coordinator (\$500 annual) for 2024. The Council reviewed the request. No action was taken.

There was a brief conversation regarding the OEM duties. Fulfillment of the position after 12/31 still needs to be addressed.

Celebration of Public Events:

Mrs. Webb needs a supply list for Christmas breakfast supplies. Several items were listed and the cost of the previous year was considered. An inventory will need to be done. Set up will be on Friday evening 12/1.

A MOTION was made by Mrs. Webb, seconded by Mr. Dennison to approve an amount not to exceed \$700 for gifts, food and supplies. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, and Webb. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mrs. Webb, seconded by Mr. Smith to approve payment to Tom Penny, for Santa services in the amount of \$135. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, and Webb. NAYS: None. ABSTAIN: None. Motion carried.

The winner of the Halloween contact was 9 Brighton Avenue. A gift card will be sent.

Finance:

Mr. Lane reported that the corrective action plan on the agenda is the last element to complete the 2022 audit.

Parks & Playgrounds:

Mr. Mallon reported on estimate for the repair of the retaining wall at the park building. He presented an estimate from Herold's Landscaping for \$9200. That estimate did not include the replacement of the chain link fence. He was asked if he had three estimates. He did not. Others will be sought. The Municipal Clerk offered to contact Herold's to see if they would hold the estimate until Spring.

Mr. Mallon continued to report that he still needs to install the signs. Fred DiRenzo was offered as a suggestion to help. Mr. Mallon will reach out to Mr. DiRenzo.

Mr. Smith reported that there are a few parking issues in the town especially when the businesses are having an event. One being on the one-way street side of Maple Street. There was some discussion regarding purchasing some one-way signs and no parking this side of street signs. The municipal clerk will obtain an estimate from the County.

Mr. Lane asked if an additional no parking sign can be installed on Smith Street. Mr. Smith noted that the hill street and intersections are always the problem. Signage should help elevate some of these issues.

Public Bldgs. & Grounds:

Mr. Smith confirmed with the Municipal Clerk that the winter shut down for the park building is from December – April (about Easter weather depending). This policy will be set in place. Mr. Smith continued to report that we have not been successful in obtaining a roof estimate. The Clerk will reach out to Strober Metal Works again.

Public Safety:

Mr. Lane reported that at last meeting Mr. Smith mentioned that the Fire Chief wanted a meeting with him. Mr. Smith stated “that never happened”. There was no further report.

Streets & Roads:

Mr. Dennison had no report. The municipal clerk expressed that she is concerned that we may have some issues since the estimated quantity sheets for the Morris County Coop were not submitted in time. The Mayor explained we may have to utilize quantities for Smith Street or perhaps bid both at the same time. There are some options, but close attention should be paid to the situation.

The Mayor reported that he is concerned about the timely submission of the Stormwater Plan. It will need to be submitted to the State in order to keep our grant in place. He will reach out to Tom of Harold Pellow’s office.

Water Utility:

Mr. Smith reported that the water operator has requested a new chlorine pump. He didn’t have the estimate with him at the time.

The Mayor reported that we need to set the CPI rate so we can start billing it. When asked, he explained that the CPI rate is a cumulative rate. If it is \$15 this year and next year its \$10, then next years bill is \$25. There were some members of the Council who did not understand the affect of that process and questioned if the CPI could eventually match the flat rate cost. The water collection process was discussed at length. The Mayor will process the CPI and bring the information back to the Council.

The matter of water rate collection evolved into the collection through a new tax program system. The CFO explained the cost of the purchase of the components to the Edmunds system. Essentially about \$1500 per module. The changeover from MSI to Edmunds will take place in 2024.

The matter of Generator Maintenance was discussed. The estimate for the work on the pump house generator is still pending. Mr. Mallon was able to access the generator and found that it seems okay. The Municipal Clerk mentioned that while the company does a maintenance schedule the only component missing is a log of the work being performed on our end. It was mentioned that that the batteries may need to be replaced and should be replace them all at the same time. Mr. Smith confirmed that we will not be approving the work with GenServe. Mr. Mallon will replace all three batteries and look into replacing the thermostat as well.

NEW BUSINESS:

The Sussex County Sheriff’s Department of OEM has initiated a new alert notification system called Smart911. Everyone should sign up again. The Municipal Clerk did include the information in the latest newsletter. Reverse 911 is only done through the OEM.

The Mayor reported that the light in park has been fixed so that voters can see on election day. The Mayor would like to look into Election grants to replace the ramp. The municipal clerk reminded the Mayor that we would need to provide a spec for the project being proposed. To be eligible for ADA grants we need to show how the improvement applies to ADA. The Mayor decided to forget about applying for that grant.

The Mayor reported that he thinks the Park Building Basement lights need to be replaced/added. He said the lighting should be daylight bulbs. Mr. Lane asked if the lighting in the Borough Hall parking lot could be looked at as well since it is pitch dark most nights.

The Mayor continued to report that Waste Management has reported that the will be increasing in 2024 by 5%. He reported that the 2025 trucks will have lift to pick up bins. Furthermore, an option for bulk pick up may be to have residents sign up for the pickup. The Borough could charge a fee or not. We could also alternate pickups. He presented the situation and stated that those are measures that could be considered to reduce cost.

The Mayor asked if the water fountain in the park building should be cleaned. There were some that felt it should come out altogether. The Mayor suggested removing it.

The Mayor continued to report that curb valve replacements will be done by Marksmen at Limecrest Road in front of Bloxham's and also on 206 by NW building. Continuing with Water, the Mayor reported that the chlorinator tank may need replacement. Mr. Smith will provide estimates.

The Mayor reported that there is a new round green acres funding that he believes we should consider to install a pavilion at Sunset Vista Park. He will look for a pavilion that will meet the standard required.

The Mayor asked about the Municipal Clerk's coverage. He asked what gets done with that coverage. It was confirmed by Admin that coverage would only be able to receive documents and take messages. The Clerk stated that there are components of the job that needs certification and the coverage available is not trained. She continued to state that unless coverage is trained and practiced so they are able to retain the information, it is not a help. Mr. Dennison stated that coverage is about \$2500 to cover vacation time. The Clerk agreed there are times that the office can be just closed, but until then to train coverage the coverage would need to come in while the clerk is there so they can be taught. Concerning cash or tax payments, when the municipal clerk is not available, the tax collector would make sure that deposits are done.

The Mayor reported that the Joint Court meeting will be held on 11/30 at 10 a.m. He will be attending.

OLD BUSINESS: None.

ORDINANCES:

Stormwater – Review to add and/or amend code as required due to Stormwater Tier A conversion

Ordinance #2023-26 – first reading and introduction

Stormwater – adding new chapter 107 for Salt Storage - adding for Stormwater Tier A requirement

A MOTION was made by Mr. Lane, seconded by Mr. Dennison to approve the first reading and introduction of **AN ORDINANCE TO ADD CHAPTER 107, ENTITLED “SALT STORAGE, PRIVATELY OWNED” TO 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 #2023-26

AN ORDINANCE TO ADD CHAPTER 107, ENTITLED "SALT STORAGE, PRIVATELY OWNED" TO THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY.

SECTION 1. The Code of the Borough of Andover is amended to add a new Chapter 107, entitled "Salt Storage, Privately Owned" which shall read as follows:

Chapter 107. Salt Storage, Privately Owned.

§ 107-1. Purpose. The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This Chapter establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned) in Andover Borough to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 107-2. Definitions.

DE-ICING MATERIALS

Any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

IMPERVIOUS SURFACE

A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

STORM DRAIN INLET

The point of entry into the storm sewer system.

PERMANENT STRUCTURE

A permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall). A fabric frame structure is a permanent structure if it meets the following specifications:

- A. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
- B. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
- C. The structure shall be erected on an impermeable slab;
- D. The structure cannot be open sided; and
- E. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

RESIDENT

A person who resides on a residential property where de-icing material is stored.

§ 107-3. De-icing Material Storage Requirements.

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
 - 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 - 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, and/or ditches or other stormwater conveyance channels;
 - 3. Loose materials shall be formed in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 - 4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - 1. Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used.
 - 5. Containers must be sealed when not in use; and
 - 6. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
- C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored, and who shall document that weekly inspections are conducted to ensure that the conditions of this Chapter are met. Inspection records shall be kept on site and made available to the municipality upon request.
 - a. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§ 107-4. Exemptions.

- A. Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or

spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

- B. If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements of Section 107-3. Piles of de-icing materials are not exempt, even if stored in a permanent structure.
- C. This chapter does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§ 107-5. Enforcement. This ordinance shall be enforced by the Andover Borough Code Enforcement Officer during the course of ordinary enforcement duties.

§ 107-6. Violations and Penalties. Any person(s) who is determined by the Code Enforcement Officer to be in violation of the provisions of this chapter shall have 72 hours after notice of noncompliance with this chapter is given by the Code Enforcement Officer to complete corrective action. Any person violating any provision of this chapter and failing to complete the required corrective action within the time specified herein shall, upon conviction thereof, be subject to the penalties provided for in Chapter 1, General Provisions, § 1-15.

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 its passage and publication as provided by law.

Ordinance #2023-27 – first reading and introduction
Stormwater – amending chapter 93 for Animal Waste
amending for Stormwater Tier A requirement

A MOTION was made by Mr. Lane, seconded by Mr. Dennison to approve the first reading and introduction of AN ORDINANCE TO AMEND CHAPTER 93, ENTITLED "LITTERING AND HANDBILLS" 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 #2023-27

AN ORDINANCE TO AMEND CHAPTER 93, ENTITLED "LITTERING AND HANDBILLS" 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 in the County of Sussex, as follows:

SECTION 1. Chapter 93, entitled "Littering and Handbills" of the Code of the Borough of Andover is hereby renamed "Litter, Handbills and Clothing Bins".

SECTION 2. Section 93-1, entitled "Definitions; word usage" of Chapter 93 of the Code of the Borough of Andover is amended to add the following definitions:

CONTAINERIZED

The placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

PET

A domesticated animal, such as, for example, a dog or cat, but not including a disability assistance animal, kept for amusement or companionship.

PET OWNER/KEEPER

Any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

PET SOLID WASTE

Waste matter expelled from the bowels of the pet; excrement or feces.

STREET

Any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

YARD WASTE

Leaves and grass clippings.

SECTION 3. Section 93-1, entitled "Definitions; word usage" of Chapter 93 of the Code of the Borough of Andover is amended to replace the definition of "Person" with the following:

PERSON

Any individual, corporation, company, partnership, firm, association, political subdivision of this State subject to municipal jurisdiction or organization of any kind.

SECTION 4. Section 93-2, entitled "Littering prohibited" of Chapter 93 of the Code of the Borough of Andover shall be replaced with the following:

§ 93-2. Littering prohibited.

- A. It shall be unlawful for any person to throw, drop, discard or otherwise place litter upon any public or private property, other than in a litter receptacle, or having done so, to allow such litter to remain.
- B. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this section, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this section.

SECTION 5. Section 93-5, entitled "Litter thrown from vehicles" of Chapter 93 of the Code of the Borough of Andover is hereby deleted in its entirety and replaced with the following:

§ 93-5. Yard waste.

- A. Containerized yard waste shall be placed only at the curb or along the street, shall only be allowed during the seven days prior to a scheduled and announced yard waste collection and shall not be placed closer than 10 feet from any storm drain inlet.
- B. If non-containerized yard waste is placed in a street, or if containerized yard waste is placed in a street more than seven days before a scheduled and announced yard waste collection, or if containerized yard waste is placed closer than 10 feet from any storm drain inlet, the person who generates or is responsible for placement of yard waste must immediately remove the yard waste from the street.
- C. The owner or occupant of any property, and any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste in the street, unless the yard waste is containerized, subject to the prohibitions set forth in Paragraphs A and B of this Section.

SECTION 6. Section 93-6, entitled "Litter falling from vehicles" of Chapter 93 of the Code of the Borough of Andover is hereby deleted in its entirety and replaced with the following:

§ 93-6. Pet Waste.

- A. Requirement for Disposal. All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person. "Properly dispose" means placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.
- B. Exemptions. Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

SECTION 7. Section 93-26, entitled "Enforcement" of Chapter 93 of the Code of the Borough of Andover is hereby amended to read as follows:

§ 93-26. Enforcement.

The provisions of this chapter shall be administered and enforced by the Borough Code Enforcement Officer and/or his/her designee(s) and as part of his/her responsibilities may make and sign complaints for violations in the Municipal Court of the Borough.

SECTION 8. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 9. 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 10. This Ordinance shall take effect upon its passage and publication as provided by law.

Ordinance #2023-28 – first reading and introduction

Stormwater – amending Chapter 99 for Wild Life Feeding - **amending for Stormwater Tier A requirement**

A MOTION was made by Mr. Lane, seconded by Mr. Dennison to approve the first reading and introduction of **AN ORDINANCE TO AMEND CHAPTER 99, ENTITLED "PARKS" 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 #2023-28

AN ORDINANCE TO AMEND CHAPTER 99, ENTITLED "PARKS" 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 in the County of Sussex, as follows:

SECTION 1. Section 99-2 entitled "Prohibited conduct" of Chapter 99, entitled "Parks" of the Code of the Borough of Andover is amended to add Paragraph L which shall read as follows:

- L. Feed any wildlife in any public park or on any other property owned or operated by Andover Borough. For the purpose of this paragraph, "feed" shall mean to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. For the purpose of this paragraph, "wildlife" shall mean all animals that are neither human nor domesticated and excludes confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release

program). Excepted from the requirements of this subparagraph is baiting in the legal taking of fish and/or game.

SECTION 2. Paragraph D of Section 99-5 entitled “Enforcement” of Chapter 99, entitled “Parks” of the Code of the Borough of Andover is amended to read as follows:

D. Additional Enforcement. This chapter may also be enforced by the Code Enforcement Officer and/or the police. Section 99-2(L) may also be enforced by a conservation officer acting within his or her scope of authority on behalf of the New Jersey Division of Fish and Wildlife.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 4. 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 5. This Ordinance shall take effect upon its passage and publication as provided by law.

Ordinance #2023-29 – first reading and introduction

Stormwater – adding new Chapter 118 for Storm Sewer System - **adding for Stormwater Tier A requirement**

A MOTION was made by Mr. Lane, seconded by Mr. Dennison to approve the first reading and introduction of **AN ORDINANCE TO ADD CHAPTER 118, ENTITLED “STORM SEWER SYSTEM” TO 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 #2023-29

AN ORDINANCE TO ADD CHAPTER 118, ENTITLED “STORM SEWER SYSTEM” TO THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY.

SECTION 1. The Code of the Borough of Andover is amended to add a new Chapter 118, entitled “Storm Sewer System” which shall read as follows:

Chapter 118. Storm Sewer System.

§ 118-1. Definitions.

DOMESTIC SEWAGE

Waste and wastewater from humans or household operations.

ILLCIT CONNECTION

Any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than

stormwater) to the municipal separate storm sewer system operated by the Andover Borough, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

INDUSTRIAL WASTE

Non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Andover or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

NJPDES PERMIT

A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

NON-CONTACT COOLING WATER

Water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

PERSON

Any individual, corporation, company, partnership, firm, association, organization or a political subdivision of this State subject to municipal jurisdiction.

PROCESS WASTEWATER

Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

SOLID AND FLOATABLE MATERIALS

Sediment, debris, trash, and other floating, suspended, or settleable solids.

STORMWATER

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities or is conveyed by snow removal equipment.

§ 118-2. Improper disposal of waste.

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by Andover Borough is prohibited. The spilling, dumping, or disposal of materials other than stormwater

in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited. Excepted from the prohibitions of this section are:

- A. Water line flushing and discharges from potable water sources
- B. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
- C. Air conditioning condensate (excluding contact and non-contact cooling water)
- D. Irrigation water (including landscape and lawn watering runoff)
- E. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows
- F. Residential car washing water, and residential swimming pool discharges
- G. Sidewalk, driveway and street wash water
- H. Flows from firefighting activities
- I. Flows from rinsing of the following equipment with clean water:
 - 1. Beach maintenance equipment immediately following their use for their intended purposes; and
 - 2. Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded.
 - 3. Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

§ 118-3. Illicit connections.

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by Andover Borough any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

§ 118-4. Storm Drain Inlet Retrofitting.

- A. **Prohibited Conduct.** No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:
 - 1. Already meets the design standards in Paragraph B of this section to control passage of solid and floatable materials; or
 - 2. Is retrofitted or replaced to meet the standards in Paragraph B of this section prior to the completion of the project.
- B. **Design Standards.** Storm drain inlets subject to Paragraph A of this section shall comply with the following standards to control passage of solid and floatable materials through storm drain inlets:

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches or is no greater than 0.5 inches across the smallest dimension.
 - c. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.
2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches or be no greater than two (2.0) inches across the smallest dimension.
3. The design standards set forth in Section 118-4(B) do not apply where:
 - a. The municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - b. Flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - ii. A bar screen having a bar spacing of 0.5 inches.
 - c. Flows are conveyed through a trash rack that has parallel bars with one inch (1") spacing between the bars; or
 - d. The New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§ 118-5. Enforcement.

This ordinance shall be enforced by the Andover Borough Code Enforcement Officer.

§ 118-6. Penalties.

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to the penalties provided for in Chapter 1, General Provisions, § 1-15. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

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 its passage and publication as provided by law.

Stormwater Ordinance Review -

Draft of Model Tree Ordinance – Input required for final draft. It was the opinion of the Council present that the draft ordinance should be prepared for introduction by removing all red line items and where a replacement tree must be designated Oak and Dogwood were the choice. This information will be passed along to the Borough Attorney to prepare ordinance.

RESOLUTIONS:

Action Alliance:

R-2023-56 Fiscal Grant Cycle FY2025 – authorize Resolution #R-2023-56 and execution of agreement

Form 1B – Action Alliance – Resolution of Approval – DMHAS Youth Leadership Grant

Form 1A – Action Alliance – DMHAS Youth Leadership Grant

A MOTION was made by Mr. Lane, seconded by Mr. Dennison to approving the execution of FY2024 Action Alliance Agreement. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

#R-2023-56

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Andover, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Andover, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the **Action Municipal Alliance** grant for fiscal year 2025 in the amount of:
GCADA GRANT FUND \$ 6,037.00
Cash Match \$ 1,509.25
In-Kind \$ 4,527.75
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

AUDIT:

R-2023-57

Corrective Action Plan as submitted by the CFO - November

A MOTION was made by Mr. Dennison, seconded by Mr. Smith to approving the corrective action plan as submitted by the CFO. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

R-2023-57

RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN FOR THE 2022 MUNICIPAL AUDIT

WHEREAS, the Borough of Andover has received a report of audit for the year ending December 31, 2022; and

WHEREAS, New Jersey Budget and Fiscal Affairs Laws require that the Chief Financial Officer submits a Corrective Action Plan for all findings in the audit within 60 days of receipt of the Report of Audit; and

WHEREAS, the Chief Financial Officer has prepared a Corrective Action Plan relating to the findings of the 2022 Audit.

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Andover, in the County of Sussex, New Jersey, does hereby approve the Corrective Action Plan for the year 2022 as submitted by the Chief Financial Officer.

BE IT FURTHER RESOLVED that the Borough Clerk and Chief Financial Officer are hereby directed to forward a copy of this resolution and the Corrective Action Plan to the Director of the Division of Local Government Services.

Rental Deposit Reimbursement:

R-2023-58 Matza 10/28/23 \$150.00

A MOTION was made by Mr. Dennison, seconded by Mr. Mallon to approving the reimbursement of rental deposit to Louis Matza in the amount of \$150. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

**R-2023-58
RESOLUTION AUTHORIZING REFUND**

WHEREAS, the Mayor and Council of the Borough of Andover reimburse the deposit amount for rental of park building on 10/28/2023,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Andover, County of Sussex, does hereby authorize the refund the full amount of rental escrow:

\$150.00 to Louis Matza, 9 High Street, Andover, NJ 07821

This Resolution shall take effect immediately.

R-2023-62 Lewis 10/15/23 \$100.00 (retaining \$50 cleaning fee)

A MOTION was made by Mr. Dennison, seconded by Mr. Mallon to approving the reimbursement of rental deposit to Theresa Lewis in the amount of \$100. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

**R-2023-62
RESOLUTION AUTHORIZING REFUND**

WHEREAS, the Mayor and Council of the Borough of Andover reimburse the deposit amount for rental of park building on 10/15/2023,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Andover, County of Sussex, does hereby authorize the refund a portion of amount of rental escrow due to failure to return building in clean order and leaving side door unlocked:

\$100.00 to Theresa Lewis, 10 Smith Street, Andover, NJ 07821

This Resolution shall take effect immediately.

Shared Services:

R-2023-59 County Public Works Shared Service Agreement 6/1/23-5/31/28.

A MOTION was made by Mr. Lane, seconded by Mr. Dennison to approving the execution of Shared Service Agreement for the Provision of Public Work by the County of Sussex to Andover Borough. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

R-2023-59

**RESOLUTION OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF
NEW JERSEY, AUTHORIZING EXECUTION OF SHARED SERVICE AGREEMENT FOR**

**THE PROVISION OF PUBLIC WORKS SERVICES BY THE COUNTY OF SUSSEX TO
ANDOVER BOROUGH**

WHEREAS, the Borough of Andover, in the County of Sussex, State of New Jersey, is desirous of achieving economies by having the County of Sussex, in the County of Sussex, State of New Jersey, provide certain public works services to the Borough of Andover for maintenance and upkeep of Borough streets and roads; and

WHEREAS the Borough of Andover and the County of Sussex have arrived at an understanding regarding the provision of certain public works services by the County of Sussex to the Borough of Andover for a period of two years, and this understanding has been embodied in a Shared Service Agreement; and

WHEREAS, the County of Sussex's provision of public works services to the Borough of Andover per a Shared Service Agreement is authorized by the Shared Services Act, N.J.S.A. 40A:65-1, et seq., and Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.;

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

1. The Mayor and Borough Clerk are authorized to execute the Shared Service Agreement with the County of Sussex for the provision of certain public works services for maintenance and upkeep of Borough streets and roads.
2. This Resolution shall take effect immediately.

R-2023-60 Sandyston Township Shared Service Agreement for 2024

A MOTION was made by Mr. Lane, seconded by Mr. Dennison to approving the execution of Shared Service Agreement with Sandyston Township for Lane Use Administrator, Planning Board Secretary, Zoning Officer and Municipal Recycling Coordinator. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

#R-2023-60

**RESOLUTION AUTHORIZING SHARED SERVICE AGREEMENT WITH
SANDYSTON TOWNSHIP FOR LAND USE ADMINISTRATOR, PLANNING
BOARD SECRETARY, ZONING OFFICER AND MUNICIPAL RECYCLING
COORDINATOR**

WHEREAS, the Borough of Andover wishes to enter into a shared services agreement with the Township of Sandyston whereby the Borough of Andover will provide Land Use Administrator, Planning Board Secretary, Zoning Officer and Municipal Recycling Coordinator services to the Township of Sandyston for calendar year 2024; and

WHEREAS, the provision of such services to the Township of Sandyston per a shared service agreement is authorized by the New Jersey Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., and Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Borough Council has considered this opportunity and determined that the proposed arrangement would serve the Borough's interests;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Andover that the Borough of Andover shall accordingly enter into a shared service agreement with the Township of Sandyston entitled "Shared Services Agreement Between the Borough of Andover and the Township of Sandyston for Land Use Administrator, Planning Board Secretary, Zoning Officer and Municipal Recycling Coordinator" for receipt of Land Use Administrator, Planning Board Secretary, Zoning Officer and Municipal Recycling Coordinator services for calendar year 2024; and that the Mayor and Clerk are authorized to sign said agreement on behalf of the Borough of Andover.

Water Department:

R-2023-61 Water Service reduction– 25 Brighton Avenue – block 13 lot 3

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approving the adjustment to water services at block 13 lot 3. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

R-2023-61

**RESOLUTION TO REMOVE ONE RESIDENTIAL WATER SERVICE BILLING AND
ADJUST BILLING FOR BLOCK 13 LOT 3 FOR THE YEARS 2022 & 2023**

WHEREAS, the Water Department was billing the property known as block 13 lot 3. for two residential water services;

WHEREAS, the property owner reported that she only has one residential water service;

WHEREAS, the investigation by the water department determined that there is only one residential service at this location; and

WHEREAS, the property owner has requested a correction to the 2022 & 2023 billing cycle to amend use to one residential service; and

WHEREAS, the Mayor and Council of the Borough of Andover authorize the reduction of the residential unit bill from two services to one service for water billing for block 13 lot 3, 25 Brighton Ave,

WHEREAS, annual billing for residential units is \$300.00 for 2022 and \$400.00 for 2023;

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 13 lot 3 in the following manner:

2022	1 st quarter	\$75.00	2023	1 st quarter	\$ 75.00
2022	2 nd quarter	\$75.00	2023	2 nd quarter	\$ 75.00
2022	3 rd quarter	\$75.00	2023	3 rd quarter	\$125.00
2022	4 th quarter	\$75.00	2023	4 th quarter	\$125.00

For total reduction of \$300.00 for 2022 and \$400.00 for 2023.

Best Practices:

R-2023-63 Approving 2023 Best Practices Worksheet and Inventory

A MOTION was made by Mr. Lane, seconded by Mr. Dennison to approving the 2023 Best Practices Worksheet and Inventory. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

R-2023-63

APPROVING 2023 BEST PRACTICES WORKSHEET AND INVENTORY

BE IT RESOLVED, by the Borough Council of the Borough of Andover, County of Sussex, State of New Jersey, that the 2023 Best Practices Worksheet and Inventory for the Borough of Andover is accepted and approved.

AUDIENCE PARTICIPATION: None.

MOTION TO PAY THE BILLS:

A MOTION was made by Mr. Lane, seconded by Mr. Mallon to pass the following Resolution: **BE IT RESOLVED** by the Governing Body to approve the payment of all vouchers on the bill listed November 13, 2023, submitted by the Chief Financial Officer for payment. Upon roll call the following votes were cast: YES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

MOTION TO ADJOURN:

With no further business, the Mayor adjourned the meeting.



Beth Brothman
Municipal Clerk