

**A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON MONDAY, DECEMBER 11<sup>th</sup>, 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. Smith, seconded by Mr. Lane to approve the minutes of the meeting held on November 13<sup>th</sup>, 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. Lane, seconded by Mr. Smith to accept the following reports and place on file:** Joint Court Report for October, Water Department: None. 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:**

H.E. Pellow & Associates, Inc. dated 11/20/23 re: Engineer's End-of-Year Report

SCMUA dated 11/14/23 re: FY2024 Final Rate Schedule Effective December 1, 2023

Statewide Insurance Fund dated 11/27/23 re: 2023 SIF Risk Control Grant Application Approval (\$425)

Statewide Insurance Fund dated 12/04/23 re: 2024 Fund Year Increase 6.16%

**AUDIENCE PARTICIPATION:** None.

**REPORTS OF SPECIAL COMMITTEES:**

**Board of Health:** Rabies Brochures as provided by County were discussed.

**Stormwater Plan:** The mayor reported that Mr. T. Knutelsky of H.E.P. promised the plan would be here in the office to review this week. It's not here.

**Firefighter Grant:** The Clerk is still working on this.

**Cannabis Review Committee:** No report.

## **REPORTS OF STANDING COMMITTEES:**

### **Administrative & Executive:**

Mr. Lane presented the Rules of Order to be adopted at reorganization meeting. The Mayor offered his own list of suggestions. There was some discussion regarding establishing salaries, but no action came of it. The Mayor asked for a plan for when the Municipal Clerk is absent.

### **Celebration of Public Events:**

Mr. Lane reported that the breakfast was a success. There were about 44 persons in attendance. We have the list for food and other items to work off of next year.

### **Finance:**

Mr. Lane reported that finance is doing well. The CFO explained the money expected market earnings on the CD's that were invested.

### **Parks & Playgrounds:**

Mr. Mallon reported that he is still working on the generator maintenance. He needs to purchase batteries to replace within the units. The Municipal Clerk reported that Herold's will hold their estimate until next Spring for labor only.

### **Public Bldgs. & Grounds:**

Mr. Smith reviewed the 2024 Generator Maintenance quote. Mr. Dennison recognized that the description of the schedule a&b services are reversed. The Clerk will obtain a corrected copy. Mr. Smith discussed the work that needs to be done on the borough hall, he would like to replace the windows.

### **Public Safety:**

Mr. Lane reported on that the ISO flow test was completed, the ABFD will need to complete their portion now. There was some discussion regarding the sale of the Hahn fire truck. It was suggested that it may be more effective to be in service. Some members of the Council expressed they understood that the truck would be sold and did not understand why that is not the case now. There was some concern over repairs and insurance. Mr. Lane needs to sit down with the Chief. There was some discussion regarding the annual Christmas party held by the ABFD

### **Streets & Roads:**

Mr. Dennison had no report. The Mayor reported that the Smith Street Municipal Road Grant was submitted, but not yet approved.

### **Water Utility:**

Mr. Smith reported that a new chlorinator tank and pump are needed for the pump house. A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve this purchase not to exceed \$750. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried

## **OLD BUSINESS:**

### **The Mayor reported on the following:**

- He would like to seek grant for lighting in the park for voting.
- He discussed the water rate increase and its implementation.
- He reported on the proposed liquor license reform that the current governor is considering.
- He reported that there is clean community work in the park as there is graffiti on the railing. The Clerk confirmed that T. Smith will be cleaning this up in Spring.
- He continued to report that the "Senior Freeze" program has increased the annual income requirement to \$150,000.
- He asked who our flood plain manager is. The Clerk believes it's the engineer Harold Pellow. There was some discussion regarding the effect of building along a road like Lindley Court.
- He is continuing to explore options for a pavilion at Sunset Vista Park.
- The Mayor inquired as to who will do water mark outs now that Mr. Mooney is gone.
- He reported that he has met with the Joint Court and it was determined that the Borough makes up about 1% of the work through the Joint Court. There should be some changes made to our contribution because the numbers do not add up.

### **Snow Plow Contract: Snow Plowing 2023/2024 Contract**

A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the Snow Plow Contract for 2023/2024 with Northern Rain Irrigation. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

### **Borough Hall Security:**

The proposal for the access control system as provided by Flying Locksmith was reviewed. A MOTION Was made by Mr. Lane, seconded by Mr. Mallon to approve the estimate as presented. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

## **NEW BUSINESS:**

### **Professional Service Contracts for 2024:**

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve an agreement with McGovern & Roseman for Borough Attorney Professional Services. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve an agreement with Rogut & McCarthy for Bond Attorney Professional Services. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve an agreement with J. Caldwell & Assoc., Inc. for Municipal Planner Professional Services. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve the last of a 3 year agreement with Harold E. Pellow & Assoc., Inc. for Municipal Engineer Professional Services. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve a professional service agreement with Wielkocz & Co. for Municipal Auditor Professional Services. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

**ORDINANCES:**

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

**Ordinance #2023-26 - second reading and adoption**

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

**ORDINANCE #2023-26**

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve the second reading and adoption 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.

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**Ordinance #2023-27 – second reading and adoption**

Stormwater – amending chapter 93 for Animal Waste - **amending for Stormwater Tier A requirement**

**ORDINANCE #2023-27**

A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the second reading and adoption 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.

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**Ordinance #2023-28 – second reading and adoption**

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

**ORDINANCE #2023-28**

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve the second reading and adoption 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.

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**Ordinance #2023-29 – second reading and adoption**

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

**ORDINANCE #2023-29**

A MOTION was made by Mr. Lane, seconded by Mr. Smith to approve the second reading and adoption 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.

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**RESOLUTIONS:**

***Statewide Insurance***

**R-2023-64 Resolution approving 2024 Statewide Insurance Fund Appointment of Risk Management Consultant (RMC) and execution of agreement**

MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve a resolution appointing Risk Management Consultant. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

**R-2023-64**

**WHEREAS**, Andover Borough (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

**WHEREAS**, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

**WHEREAS**, the Local Unit has complied with relevant law with regard to the appointment of a Risk Management Consultant; and

**WHEREAS**, the “Fund” has requested its members to appoint individuals or entities to that position; and

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of “Local Unit”, in the County of Sussex and State of New Jersey, as follows:

1. Andover Borough (Local Unit) hereby appoints Arthur J Gallagher Risk Management Services Inc. its Risk Management Consultant.
2. The Municipal Clerk and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2023 in the form attached hereto.

**R-2023-65                      Resolution approving 2024 Statewide Insurance Fund Appointment of Fund Commissioner**

MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve a resolution appointing fund and alternate fund commissioner. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

**R-2023-65**

WHEREAS, Borough of Andover (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Andover (Local Unit) that Beth Brothman (entity's elected official or employee) is hereby appointed as the Fund Commissioner for the Local Unit for the **Fund Year 2023**; and

BE IT FURTHER RESOLVED that William Eagen (second elected official or employee) is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the **Fund Year 2023**; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

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**Rental Deposit Reimbursement:**

**R-2023-66                      Smith                      11/19/2023                      \$150.00**

MOTION was made by Mr. Dennison, seconded by Mr. Lane to approving the reimbursement of rental deposit to Adrianna Smith 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-2023-66**

**RESOLUTION AUTHORIZING REFUND**

**WHEREAS**, the Mayor and Council of the Borough of Andover reimburse the deposit amount for rental of park building on 11/19/2023,

**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 Adrianna Smith, 9 Tranquility Road, Andover, NJ 07821

This Resolution shall take effect immediately.

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**R-2023-67 Chapter 159 – Safety Grant**

MOTION was made by Mr. Lane, seconded by Mr. Mallon to approve a resolution requesting approval of item of revenue and appropriation under NJSA 40A:4-87 for a Statewide Insurance Fund Safety Grant in the Amount of \$425.00. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

**R-2023-67**

**“RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION UNDER N.J.S.A. 40A:4-87 FOR A STATEWIDE INSURANCE FUND SAFETY GRANT IN THE AMOUNT OF \$425.00”**

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 Statewide Insurance Fund Safety Grant in the amount of \$425.00 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 \$425.00, 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:

Statewide Insurance Fund Safety Grant \$425.00

BE IT FURTHER RESOLVED that a like sum of \$425,00 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:

Statewide Insurance Fund Safety Grant \$425.00

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.

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**R-2023-68            Transfer Resolution**

MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve a resolution to transfer appropriated funds. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.

**R-2023-68  
TRANSFER RESOLUTION**

**WHEREAS**, N.J.S.A. 40A:4-58 permits appropriation transfers to be made during the last two months of the fiscal year and the subsequent three months, and

**WHEREAS**, it is necessary to transfer appropriations between line items presently located in the 2023 Budget Year, and

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Andover, County of Sussex, State of New Jersey that the following transfers be made:

<b>APPROPRIATION TRANSFER - 2023 BUDGET FOR DECEMBER 11, 2023 COUNCIL MEETING</b>		
	<u>CURRENT FUND</u>	
<b>FROM:</b>	<b>ACCOUNT No.</b>	<b>AMOUNT:</b>
COMPUTER SERVICES OE	01-201-20-140-020	4,530.00
		<b>4,530.00</b>
<b>TO:</b>	<b>ACCOUNT No.</b>	<b>AMOUNT</b>
MAYOR & COUNCIL OE	01-201-20-110-020	1,500.00
MUNICIPAL CLERK OE	01-201-20-120-020	1,000.00
ENGINEERING OE	01-201-20-165-020	1,500.00
PLUMBING SUBCODE SW	01-201-22-197-010	300.00
FIRE SUBCODE SW	01-201-22-198-010	230.00
		<b>4,530.00</b>

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**R-2023-42            Farm Agreement**

MOTION was made by Mr. Lane, seconded by Mr. Dennison to approving the following Farmland Agreement with the stipulation that cost not exceed \$1. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon, Webb. NAYS: None. ABSTAIN: None. Motion carried.



**R-2023-42**

**Authorizing Service Contract for Care/ Maintenance for block 8 lot 5**

WHEREAS, the Borough of Andover is the owner of Block 8, Lot 5 on the Andover Borough Tax Map, (referred to as the "Property"); and

WHEREAS, the Property was acquired by the Borough of Andover on March 28, 2014; and the Property had been leased for agricultural and horticultural uses by the prior owner Sussex Properties, Ltd. to Tranquility Farms, LLC, which Lease was assigned to the Borough of Andover and expired on December 31, 2014; and

WHEREAS, the Borough of Andover entered into new leases with Tranquility Farms, LLC to lease the Property to Tranquility Farms, LLC since 2015 to 2022 for agricultural and horticultural uses, and the latest lease expired on December 31, 2022; and

WHEREAS, the governing body of the Borough of Andover has determined that, until such time as the Property is needed for public use or the title is conveyed to a purchaser pursuant to applicable land sale procedures, the temporary continuance of the private agricultural or horticultural use will not compromise that public use and that it is in the Borough's interests to continue with a new lease of the Property to Ryan Sugarman for agricultural or horticultural use for the year 2023 under the terms set forth in the attached form of Lease;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Andover that the Mayor and Clerk are hereby authorized to sign the attached form of Lease between the Borough of Andover and Ryan Sugarman and to sign any related documents as may be appropriate in conjunction therewith.

**AUDIENCE PARTICIPATION:** None.

**MOTION TO PAY THE BILLS:**

**A MOTION** was made by Mr. Dennison, seconded by Mr. Lane to pass the following Resolution: BE IT RESOLVED by the Governing Body to approve the payment of all vouchers on the bill listed December 11, 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 called to adjourn the meeting.

  
Beth Brothman  
Municipal Clerk