

A REGULAR WORKSHOP MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON WEDNESDAY, JANUARY 25th, 2023 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.

PRESENT: Mayor Morgan, Council Members: Smith, Lane, Mallon, and Walter.

ABSENT: Councilperson Dennison and 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.

AUDIENCE PARTICIPATION: None.

NEW BUSINESS:

Shared Service Agreement - Certified Recycling Professional

The shared service agreement for certified recycling professional from SCMUA was reviewed.

A MOTION was made by Mr. Smith, seconded by Mr. Mallon to authorize execution of an Agreement between Borough of Andover and Sussex County Municipal Utilities Authority for Certified Recycling Professional (CRP) to Certify the 2022 Annual Recycling Tonnage Report. Upon roll call the following votes were cast: YES: Smith, Lane, Mallon, Delfing. NAYS: None. ABSTAIN: None. Motion carried.

R-2023-08
BOROUGH OF ANDOVER
COUNTY OF SUSSEX, STATE OF NEW JERSEY

RESOLUTION AUTHORIZING THE BOROUGH OF ANDOVER TO
EXECUTE A SHARED SERVICES AGREEMENT WITH SUSSEX COUNTY
MUNICIPAL UTILITIES AUTHORITY BOARD OF COMMISSIONERS FOR
THE PROVISION OF CERTIFIED RECYCLING PROFESSIONAL SERVICES
TO SUBMIT THE 2022 RECYCLING TONNAGE REPORT TO THE NJDEP

WHEREAS, the Sussex County Municipal Utilities Authority (hereinafter "SCMUA"), among other things, employs a District Recycling Coordinator as the designated operating agency within Sussex County as provided in the Sussex County District Solid Waste Management Plan; and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1, et. seq.) (hereinafter, "the Act") provides that local units of government may enter into a contract to provide or receive any service that either local unit participating in the Agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating units (N.J.S.A. 40A:65-4); and

WHEREAS, the Borough of Andover will prepare the 2021 Borough of Andover Recycling Tonnage Report; and

WHEREAS, the Borough of Andover has requested the services of the SCMUA in the form of the District Recycling Coordinator as a Certified Recycling Professional to certify and submit the required 2022 Borough of Andover Recycling Tonnage Report to NJDEP by April 30, 2023; and

WHEREAS, SCMUA has the qualified staff to certify the Recycling Tonnage Report prepared by the Borough of Andover and electronically submit it to NJDEP on behalf of the Borough of Andover under the terms and conditions set forth in the Shared Services Agreement.

NOW THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Andover hereby approves this agreement and hereby directs the following:

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute a Shared Services Agreement with the Sussex County Municipal Utilities Authority Board of Commissioners, a copy of which is attached hereto, for the provision of Certified Recycling Professional Services to certify and submit the 2022 Recycling Tonnage Report to NJDEP.
2. The Borough of Andover shall pay an annual fee of \$300 to the SCUMA for the Certified Recycling Professional's services upon 30 days of finalization of the report.
3. This Resolution shall take effect immediately.

OLD BUSINESS:

There was a brief discussion regarding the property maintenance and potentially hazardous conditions of 165 Main Street. A 6-foot chain link fence has been installed around the property.

The Mayor asked if the Water Operator is ordering Chlorine. The Clerk will confirm with the Water Department that this is being done.

There was some discussion regarding the need to do an onsite inspection on locations where residents indicated they have a lead or galvanized pipe. The Water Committee will determine how they will provide this inspection.

ORDINANCE:

Land Sale Date Change:

Ordinance #2023-3

A MOTION was made by Mrs. Delfing, seconded by Mr. Lane to approve the first reading and introduction of "AN ORDINANCE AMENDING ORDINANCE NOS. 2022-16, 2022-18, 2022-19 & 2022-20 - (amending land sale date to 3/9/23). Upon roll call the following votes were cast: YES: Smith, Lane, Mallon, Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**BOROUGH OF ANDOVER
ORDINANCE #2023-3**

AN ORDINANCE AMENDING ORDINANCE NOS. 2022-16, 2022-18, 2022-19 & 2022-20

BE IT ORDAINED by the Mayor and Council of the Borough of Andover, Sussex County, New Jersey that Ordinance Nos. 2022-16, 2022-18, 2022-19 and 2022-20, which were adopted on December 28, 2022, are each amended so as to replace Paragraph (a) with the following:

(a) Bids shall be presented on Thursday, March 9, 2023, starting at 10:00 A.M. in the manner of a public auction in accordance with procedures to be announced by the Borough Clerk. The date and time for presenting bids may be adjourned or rescheduled by resolution of the Andover Borough Mayor and Council subject to applicable advertising requirements.

BE IT FURTHER RESOLVED that all other terms and provisions of the Ordinances amended hereby remain in full force and effect as so modified. This Ordinance shall take effect upon final passage, approval and publication as required by law.

Ordinance #2023-4

A **MOTION** was made by Mr. Mallon, seconded by Mr. Lane to approve the first reading and introduction of “**AN ORDINANCE AMENDING ORDINANCE NO. 2022-17**” (*amending land sale date to 3/9/23 and 50-foot boundary of block 24 lots 34 & 35*). Upon roll call the following votes were cast: YES: Smith, Lane, Mallon, Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**BOROUGH OF ANDOVER
ORDINANCE #2023-4**

AN ORDINANCE AMENDING ORDINANCE NO. 2022-17

BE IT ORDAINED by the Mayor and Council of the Borough of Andover, Sussex County, New Jersey that Ordinance No. 2022-17 which was adopted on December 28, 2022, is amended as follows:

1. Paragraph (a) is hereby replaced with the following:

(a) Bids shall be presented on Thursday, March 9, 2023, starting at 10:00 A.M. in the manner of a public auction in accordance with procedures to be announced by the Borough Clerk. The date and time for presenting bids may be adjourned or rescheduled by resolution of the Andover Borough Mayor and Council subject to applicable advertising requirements.

2. Paragraph (g) is hereby replaced with the following:

(g) Excluded from or subject to the sale are the lands that lie within 50 feet of the boundaries of Block 24, Lots 34 and 35 (“buffer area”). Before and as a condition of closing, the Borough shall cause either a lot line adjustment, subdivision or perfection of an exclusive easement to be completed for the purpose of separating the buffer area from or impressing an easement for the buffer area over and in Block 24, Lot 36.03. The successful bidder will have no right, title or interest in the buffer area if a lot line adjustment or subdivision is completed. The Borough shall have sole discretion regarding the method to be used to preserve the buffer; i.e., lot line adjustment, subdivision or easement.

BE IT FURTHER RESOLVED that all other terms and provisions of the Ordinances amended hereby remain in full force and effect as so modified. This Ordinance shall take effect upon final passage, approval and publication as required by law.

Cannabis Manufacturing in IP Zone:

Ordinance #2023-1

The following ordinance was tabled until the 2/13/23 meeting.

A **MOTION** was made by Mrs. Mallon, seconded by Mr. Lane to table Ordinance #2023-1. Upon roll call the following votes were cast: YES: Smith, Lane, Mallon, Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Ordinance #2023-1

Tabled until 02/13/2023 **“AN ORDINANCE TO AMEND SECTION 134-66.4, ENTITLED “CANNABIS”, OF CHAPTER 134, ENTITLED “ZONING”, OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY.” – Permitting Class 2 in IP Zone**

Ordinance #2023-2

The following ordinance was tabled until the 2/13/23 meeting.

A MOTION was made by Mrs. Delfing, seconded by Mr. Smith to table Ordinance #2023-2. Upon roll call the following votes were cast: YES: Smith, Lane, Mallon, Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Ordinance #2023-2

Tabled until 02/13/2023 **“AN ORDINANCE AMENDING SECTION 66-5, ENTITLED “CANNABIS TAX” OF CHAPTER 66, ENTITLED “FEES” OF THE CODE OF THE BOROUGH OF ANDOVER, SUSSEX COUNTY, NEW JERSEY” – Cannabis Manufacturing Tax**

OLD BUSINESS:

Daniel’s Law Redactor

The governing body reviewed a resolution to appoint Beth Brothman as Daniel’s Law Redactor. **A MOTION** was made by Mrs. Delfing, seconded by Mr. Lane to approve the following resolution. Upon roll call the following votes were cast: YES: Smith, Lane, Mallon, Delfing. NAYS: None. ABSTAIN: None. Motion carried.

R-2023-09
BOROUGH OF ANDOVER
COUNTY OF SUSSEX, NJ

APPOINTING REDACTOR, AS MANDATED BY DANIEL’S LAW

WHEREAS, there exists a need for the appointment of a redactor for the Borough of Andover to carry out the redaction protection mandated by Daniels Law; and

WHEREAS, Daniel’s Law works with the state, county and local government agencies to shield the protected information of Covered Persons as the law defines them from disclosure on those agencies’ websites, so that consistent and effective privacy protections are provided to these Persons, who serve the people of the State of New Jersey; and

WHEREAS, the redactor will be registered with the Department of Community Affairs;

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Andover, County of Sussex, State of New Jersey that Beth Brothman is hereby appointed Redactor for matters pertaining to Daniel’s Law.

AUDIENCE PARTICIPATION: None.

MOTION TO PAY THE BILLS:

A MOTION was made by Mr. Smith, 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 January 25, 2023, submitted by the Chief Financial Officer for payment. Upon roll call the following votes were cast: YES: Smith, Lane, Mallon, Delfing. NAYS: None. ABSTAIN: None. Motion carried.

MOTION TO ADJOURN:

A MOTION was made by Mr. Smith, seconded by Mrs. Delfing to adjourn the meeting. AYES: All in favor. NAYS: None. Motion carried.

Beth Brothman
Municipal Clerk