

**A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON MONDAY, MARCH 13<sup>TH</sup>, 2023 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.**

**PRESENT:** Mayor Morgan, Council Members: Dennison, Smith, Lane and Delfing.

**ABSENT:** Messrs. Hoag and Mallon.

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.

**Altice USA, Inc.** – Borough of Andover Fiber to Home Project: Aeisha Hayward, and Daniel Gannon *Did not appear as scheduled.*

**Executive Session Resolution: #R-2023-13**

A MOTION was made by Mrs. Delfing, seconded by Mr. Lane to adopt Resolution to adjourn into Executive Session to discuss matters which are exempted from the public. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Lane, Mallon and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Andover will go into closed session for reasons of: Contract Agreements and attorney client privilege (7:02 p.m.)

A MOTION was made by Mr. Smith, seconded by Mr. Lane to resume the public portion of the meeting. Upon roll call the following vote was cast: AYES: Dennison, Hoag, Smith, Lane, Mallon, Delfing. NAYS: None. Motion carried. (7:26 p.m.)

**BOROUGH LAND SALE:**

After a brief discussion of the result of the land auction held on March 9<sup>th</sup>, 2023 the follow resolutions were announced:

**Parcel #1** BLOCK 1, LOT 1, ANDOVER BOROUGH, BLOCK 27, LOT 7, GREEN TOWNSHIP, AND BLOCK 166, LOT 2, ANDOVER TOWNSHIP

**Resolution #R-2023-14**

**WHEREAS**, the Borough of Andover held a Public Land Sale of Block 1, Lot 1, Andover Borough, Block 27, Lot 7, Green Township, and Block 166, Lot 2, Andover Township, in accordance with Ordinance #2022-20 as amended by Ordinance #2023-3, on March 9, 2023, and

**WHEREAS**, the highest bid was received from Airside Sheet Metal Inc./Sonick Realty LLC, whose address is 246 Brighton Road, Andover, NJ 07821, that being for the bid price of \$657,000 with a 10 percent buyer premium of \$65,700 for a total price of \$722,700;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Andover that the aforesaid bid submitted by Airside Sheet Metal Inc./Sonick Realty LLC, is accepted and that

the Contract for Sale of Real Estate for said bid shall be executed by the Mayor and Clerk of Andover Borough; and

**IT IS FURTHER RESOLVED** that the Borough Attorney is authorized to prepare the documentation in accordance with the bid requirements to complete the transaction, and that the Clerk and Mayor are authorized to execute such documents as deemed appropriate to complete the transaction, subject to the terms of the bid requirements.

**Parcel #2** BLOCK 24, LOT 25, ANDOVER BOROUGH

**Resolution #R-2023-15**

**WHEREAS**, the Borough of Andover held a Public Land Sale of Block 24, Lot 25, Andover Borough, in accordance with Ordinance #2022-16 as amended by Ordinance #2023-3, on March 9, 2023, and

**WHEREAS**, the highest bid was received from Lou Popstefanov, whose address is 139 Van Winkle Ave., Garfield, NJ 07026, that being for the bid price of \$185,000 with a 10 percent buyer premium of \$18,500 for a total price of \$203,500;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Andover that the aforesaid bid submitted by Lou Popstefanov is accepted and that the Contract for Sale of Real Estate for said bid shall be executed by the Mayor and Clerk of Andover Borough; and

**IT IS FURTHER RESOLVED** that the Borough Attorney is authorized to prepare the documentation in accordance with the bid requirements to complete the transaction, and that the Clerk and Mayor are authorized to execute such documents as deemed appropriate to complete the transaction, subject to the terms of the bid requirements.

**Parcel #5** BLOCK 24, LOT 27, ANDOVER BOROUGH

**Resolution #R-2023-16**

**WHEREAS**, the Borough of Andover held a Public Land Sale of Block 24, Lot 27, Andover Borough, in accordance with Ordinance #2022-18 as amended by Ordinance #2023-3, on March 9, 2023, and

**WHEREAS**, the highest bid was received from Isa Suqi, whose address is 148 Weimus Road, Woodcliff Lake, NJ 07677, that being for the bid price of \$30,100 with a 10 percent buyer premium of \$3,010 for a total price of \$33,110;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Andover that the aforesaid bid submitted by Isa Suqi is accepted and that the Contract for Sale of Real Estate for said bid shall be executed by the Mayor and Clerk of Andover Borough; and

**IT IS FURTHER RESOLVED** that the Borough Attorney is authorized to prepare the documentation in accordance with the bid requirements to complete the transaction, and that the Clerk and Mayor are authorized to execute such documents as deemed appropriate to complete the transaction, subject to the terms of the bid requirements.

**Parcel #4** BLOCK 24, LOT 36.03, ANDOVER BOROUGH

## Resolution #R-2023-17

**WHEREAS**, the Borough of Andover held a Public Land Sale of Block 24, Lot 36.03, Andover Borough, in accordance with Ordinance #2022-17 as amended by Ordinance #2023-4, on March 9, 2023, and

**WHEREAS**, the highest bid was received from Clarke Moynihan/MC Real Estate Holdings LLC, whose address is 229 Main Street, Andover, NJ 07821, that being for the bid price of \$7,500 with a 10 percent buyer premium of \$750 for a total price of \$8,250;

**WHEREAS**, the Governing Body has considered the bid price and has determined that it does not approach their expectation of the price the property should draw at public auction; and

**WHEREAS**, in its Ordinance, the Borough reserved the right to reject any and all bids and now determines that it is reasonable to reject the subject bid;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Sussex that the aforesaid bid submitted by Clarke Moynihan/MC Real Estate Holdings LLC is rejected and that any monies received for deposit in connection with said bid shall be refunded.

Parcels #3 and 6 are undersized lots and will be reviewed for award at the meeting to be held on 3/29/23.

### **MINUTES:**

A MOTION was made by Mr. Lane, seconded by Mrs. Delfing to approve the minutes of the meeting held on 02/13/2023. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, and Delfing. NAYS: None. ABSTAIN: Hoag and Mallon. Motion carried.

The minutes of the meeting held on 2/28/23 were tabled.

### **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, Hoag, Smith, Lane, Mallon, Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Lakeland Emergency Squad for Jan., Joint Court report for Jan, ABFD report for February, Water Department Reports: AGRA lab results for Feb 23, Operators report for Feb with Well 1 and 2,

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

Email from H.E. Pellow dated 02/21/23 re: FY2023 NJDOT Trust Fund Grant for Maple Street with detail on engineering question.

County of Sussex Dept of Health dated 03/03/23 re: Mosquito Control

Statewide Insurance Fund dated 2/28/23 re: 1995 Fund Year Return of Surplus (\$346)

Jamie Stowe email dated 3/6/23 re: Request to participate in Clean Communities event – Newton United U13 Boy Soccer

### **AUDIENCE PARTICIPATION:**

Mr. Anthony Amaducci thanked the water utility for fixing the water line in front of his home. He asked what the town has envisioned for the property that was not awarded in the land sale this evening. The Mayor stated that there were no immediate plans.

#### **REPORTS OF SPECIAL COMMITTEE:**

**SWAC & SC Water Quality Management:** Vacancy in office.

**Sussex County Open Space:** Minutes from 11/17/22 meeting.

**Borough Property Management:** Land Sale 3/9/23 report as reviewed and awarded at the beginning of the meeting was presented and placed on file.

#### **REPORTS OF STANDING COMMITTEES:**

##### **Administrative & Executive:**

Mr. Lane presented the IT estimate from Planet Network. The estimate was a broad view of the long term needs for IT support, maintenance and equipment. Also presented was the estimate from Nerds to Go and an estimate for a lap top from MSI for the zoning officer. The estimates will be reviewed further.

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

Mr. Lane reported that the next event will be the Easter Egg Hunt on April 1<sup>st</sup> and the eggs will be stuffed this week. He also reported that he is preparing for Memorial Day and will look at the flags in the parks to see if they need replacement.

##### **Finance:**

Mr. Dennison reported that the 2023 budget will be reviewed tonight.

##### **Parks & Playgrounds:**

Mr. Lane presented a draft for parks signs. The Council reviewed the draft and made some comments which will be reflected on the next review. The sign estimate will be for three each 30x36 signs. There was some discussion regarding spring cleanup and that the park employee, Tom Smith, can start anytime next week.

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

Mr. Smith had no report.

##### **Public Safety:**

Mrs. Delfing reported that a nice time was had at the ABFD installation dinner and they she will be meeting with the Fire Chief to discuss equipment and trucks.

##### **Streets & Roads:**

Mr. Hoag reported that Maple Street is the next road work to be done. The Mayor mentioned that the Borough Engineer is also taking a look at Smith Street. Mr. Hoag mentioned the intersection of Gristmill Lane and Route 206 has been reported as deteriorating. The Mayor stated that the last work to be done there was done by the County of Sussex road department. The Mayor will be calling the County road department to look into it.

##### **Water Utility:**

Mr. Smith discussed the ordinance to amend the water utility fees. The result of that discussion can be found below under Ordinance Review. A motion to take action by Mr. Dennison, seconded by Mr. Hoag to action on parts of the amendment did not move toward a roll call. No action was take on this amendment at this meeting. On another matter concerning a NJDOT pavement preservation survey, the Council quickly determined that no work is taking place in that area, no engineer fees required to be reported, information will be provided to the water administrator, Michelle LaStarza.

**OLD BUSINESS:**

The Mayor reported that the Stormwater Tier A MS4 matter has many requirements. He met with Harold Pellow and Matt Morris to go over them. A grant is available and the borough would need to map all inlets and outlets on their plan. There may be some areas where the outlet is the responsibility of NJDOT or the County.

**NEW BUSINESS:**

The workshop meeting scheduled for 3/22 will be rescheduled to 3/29 at 7 p.m.

**PREPARATION OF THE 2023 MUNICIPAL BUDGET:**

The Mayor and Council reviewed the information for Current Fund and Water Utility as prepared by the CFO.

*Transfer Resolution:*

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve the following Resolution to approve a transfer resolution in the amount of \$8560.00. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Lane, Mallon and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**R -2023-18 Transfer Resolution:**

<b>APPROPRIATION TRANSFER - 2022 BUDGET</b>		
<b>FOR FEBRUARY 28, 2023 COUNCIL MEETING</b>		
	<b>CURRENT FUND</b>	
<b>FROM:</b>	<b>ACCOUNT No.</b>	<b>AMOUNT</b>
(2022) LAND USE - OTHER EXPENSE	01-203-21-180-020	2,500.00
(2022) CODE ENFORCEMENT - S & W	01-203-22-200-020	1,000.00
(2022) STREETS AND ROAD MAINTENANCE - OTHER EXP	01-203-26-290-020	1,500.00
(2022) BUILDINGS AND GROUNDS - SALARY AND WAGES	01-203-26-310-010	1,560.00
(2022) PARKS & PLAYGROUNDS - OTHER EXPENSE	01-203-28-370-010	2,000.00
		<b>8,560.00</b>
<b>TO:</b>		
(2022) NATURAL GAS - OTHER EXPENSE	01-203-31-447-020	60.00
(2022) SHARED SVC COUNTY OF SUSSEX ROADS	01-203-43-290-020	8,500.00
		<b>8,560.00</b>

**ACTION ALLIANCE:**

**R-2023-19**

A MOTION was made by Mrs. Delfing, seconded by Mr. Mallon to approve a Resolution authorizing the submission of a revised strategic plan and execution of agreement for the Action Municipal

Alliance grant for fiscal year 2024 in the amount of: DEDR \$6037.00, Cash Match \$1509.25 and In-Kind \$4527.75. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Lane, Mallon and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**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 revised strategic plan for the **Action Municipal Alliance** grant for fiscal year 2024 in the amount of:

DEDR	<u>\$ 6,037.00</u>
Cash Match	<u>\$ 1,509.25</u>
In-Kind	<u>\$ 4,527.75</u>
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**ORDINANCE:**

*Salary 2023*

**Ordinance #2023-8**

A MOTION was made by Mr. Dennison, seconded by Mr. Hoag to approve the second reading and adoption of **“AN ORDINANCE FIXING THE SALARIES OF THE MAYOR, COUNCIL, OFFICERS AND EMPLOYEES OF THE BOROUGH OF ANDOVER, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY FOR THE YEAR 2023”**. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Lane, Mallon and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**Cap Bank**

**Ordinance #2023-9**

**A MOTION** was made by Mrs. Delfing, seconded by Mr. Mallon to approve the second reading and adoption of **“AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)”**. Upon roll call

the following votes were cast: AYES: Dennison, Hoag, Smith, Lane, Mallon and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**Ordinance #2023-7**

**A MOTION** was made by Mr. Lane, seconded by Mr. Mallon to approve the second reading and adoption of **“AN ORDINANCE TO AMEND SECTION 66-1, ENTITLED “FEES”, OF CHAPTER 66, ENTITLED “FEES”, AS TO “CHAPTER 33, ALCOHOLIC BEVERAGES”, OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY - Amendment to increase fee from \$891.88 to \$1070.00.** Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Lane, Mallon and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**Ordinance #2023-6**

**A MOTION** was made by Mr. Lane, seconded by Mr. Hoag 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 – amending the collection of vacant property registration fees according to Bill 2877** Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Lane, Mallon and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**Ordinance #2023-5**

**A MOTION** was made by Mrs. Delfing, seconded by Mr. Lane to approve the second reading and adoption of **“AN ORDINANCE TO AMEND SECTION 14, ENTITLED “VACANT AND ABANDONED PROPERTIES”, OF CHAPTER 104, ENTITLED “PROPERTY MAINTENANCE” AND ADD 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 THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY - amending VPR regulation according to Bill 2877** Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Lane, Mallon and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

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**Ordinance #2023-10**

*Zoning – Cannabis Use Setback for C1 and IP Zones:*

**A MOTION** was made by Mr. Smith, seconded by Mr. Hoag to approve the first reading and introduction of **“AN ORDINANCE TO AMEND “SCHEDULE OF DIMENSIONAL REGULATIONS”, OF CHAPTER 134, ENTITLED “ZONING”, 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, Hoag, Smith, Lane, Mallon and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Andover, in the County of Sussex, New Jersey, that Chapter 134, entitled “Zoning”, of the Code of the Borough of Andover, County of Sussex, State of New Jersey, be and is hereby amended as follows:

SECTION 1. Attachment 1, entitled "Schedule of Dimensional Regulations" of Chapter 134, entitled "Zoning", of the Code of the Borough of Andover, County of Sussex, State of New Jersey, be and is hereby amended to insert the following additional term under "Notes":

\*\*\*\* The requirements set forth in Section 134-66.4 of the Code shall control in the event of any inconsistency with the requirements of this Schedule.

SECTION 2. 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. 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 4. The Borough Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Borough Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

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

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**Ordinance #2023-11**

*New Chapter 89 – Liability insurance, Business and Rental Unit Owners*

**A MOTION** was made by Mrs. Delfing, seconded by Mr. Mallon to approve the first reading and introduction of **AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY, TO ADD NEW CHAPTER 89, ENTITLED "LIABILITY INSURANCE, BUSINESS AND RENTAL UNIT OWNERS"**. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Lane, Mallon and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**WHEREAS**, N.J.S.A. 40A:10A-1, et seq., authorizes the governing body of every municipality to make, amend, repeal and enforce ordinances to require business owners and rental unit owners to maintain certain minimum levels of liability insurance;

**NOW THEREFORE BE IT RESOLVED** 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 89, entitled "Liability Insurance, Business and Rental Unit Owners" which shall read as follows:

§ 89-1 Liability insurance, negligent acts, omission; business owners, rental unit, units owner.

A. Except as provided in Paragraph B hereof, the owner of a business or the owner of a rental unit or units shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$500,000 for combined



property damage and bodily injury to or death of one or more persons in any once accident or occurrence.

- B. The owner of a multifamily home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount no less than \$300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

§ 89-2 Annual registration required; administrative fee

- A. The owner of a business, owner of a rental unit or units, and the owner of a multifamily home of four or fewer units, one of which is owner occupied, shall annually register the certificate of insurance with the Borough Clerk.
- B. At the time of the filing of the certificate of insurance, an annual fee shall be paid to the Borough Clerk in an amount set forth in Section 66-1 of the Code.

§ 89-3 Violations and penalties.

- A. Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to the penalties provided for in Chapter 1, General Provisions, Section 1-15.
- B. The Borough Council may collect, through a summary proceeding pursuant to NJSA 2A:58-10, et seq., a fine of not less than \$500 against an owner who fails to comply with the provisions of this chapter.

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 after publication and passage according to law.

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**Ordinance #2023-12**

**Chapter 66 Fee - Liability insurance, Business and Rental Unit Owners**

**A MOTION** was made by Mr. Smith, seconded by Mr. Dennison to approve the first reading and introduction of” **AN ORDINANCE TO AMEND 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, Hoag, Smith, Lane, Mallon and Delfing. **NAYS:** None. **ABSTAIN:** None. Motion carried

**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. Section 66-1, entitled "Fees", is hereby amended to add a new subsection pertaining to "Chapter 89, Liability Insurance, Business and Rental Unit Owners" as follows:

"Chapter 89, Liability Insurance, Business and Rental Unit Owners, annual registration fee \$75.00"

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.

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**Ordinance #2023-13**      *Chapter 66 Fee – Cannabis Licensing Fee*

A MOTION was made by Mr. Lane, seconded by Mr. Mallon approve the first reading and introduction to "**AN ORDINANCE TO AMEND SECTION 66-4, ENTITLED "MISCELLANEOUS FEES AND CHARGES", OF CHAPTER 66, ENTITLED "FEES", OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY** – amending fees for cannabis licensing to include class 2 manufacturing at \$5000 and \$5000 for all other licensing to cover wholesalers (class 3) and distributors (class 4) as well as class 5 retail. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Lane, Mallon, and Delfing. NAYS: None. Motion carried.

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 (l) of Section 66-4, entitled "Miscellaneous Fees and Charges", of Chapter 66, entitled "Fees", of the Code of the Borough of Andover, County of Sussex, State of New Jersey, shall be amended to read as follows:

- I. Cannabis Application and License Review Fee. The annual application/license review fee for a cannabis facility is \$5,000.

SECTION 2. 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. 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 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 twenty-day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

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*Chapter 66 Fee – Water*

Chapter 66 – amendment increasing water utility fees - **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.** Was reviewed by the Mayor and Council. Since the ordinance was reviewed in totality there were a few items within fees that were not collected over years. Among those newly enforced fees would be fire protection and fire suppression. Mr. Smith did not think the Borough should implement the fire protection fee upon businesses or residents. The Mayor explained that if it should not be billed than it should be removed from the ordinance. There was also some discussion regarding exempted properties and making it clear that the fire department is exempt from the paying for any water fees. The clerk will have another draft prepared to reflect: repealing the section that charges a fee for fire protection, adding language that exempts the fire department from paying a fee, change the word “nonprofit” to “Church”.

**AUDIENCE PARTICIPATION: None.**

**MOTION TO PAY THE BILLS:**

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

**MOTION TO ADJOURN:**

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

Beth Brothman  
Municipal Clerk