A RESCHEDULED REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON MONDAY, APRIL 17^{TH} , 2023 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.

PRESENT: Mayor Morgan, Council Members: Hoag (5:20 p.m.), Smith, Lane, Mallon (5:07 p.m.) and Delfing.

ABSENT: Mr. Dennison.

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 Mrs. Delfing, seconded by Mr. Lane to approve the minutes of the meeting held on 02/28/23. Upon roll call the following votes were cast: AYES: Lane and Delfing. NAYS: None. ABSTAIN: Smith. Motion carried.

A MOTION was made by Mrs. Delfing, seconded by Mr. Lane to approve the regular & executive session minutes of the meeting held on 03/13/23. Upon roll call the following votes were cast: AYES: Smith, Lane, and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the minutes of the meeting held on 03/29/23. Upon roll call the following votes were cast: AYES: Smith, Lane, and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

OFFICIALS REPORTS:

CFO:

A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve a treasurer's report for December 2022. Upon roll call the following votes were cast: Upon roll call the following votes were cast: AYES: Smith, Lane, and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mrs. Delfing, seconded by Mr. Smith to accept the following reports as listed below with the addition of Water Reports. Upon roll call the following votes were cast: AYES: Smith, Lane, and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

County Health for the period 02/1/23-02/28/23, Joint Court report for February, Lakeland Emergency Squad report for February, ABFD report for March.

Water Department Reports: March Well 1&2 reports, March Operator's report,

CORRESPONDENCE: The following was presented to the Council and placed on file: County Tax Administrator re: Final Equalization Table for the County of Sussex for Year 2023

SCMUA re: considering 2024 rate increase as of 12/1/23

Public Notice from Veolia Water re: BPU Docket Approval to Defer Costs Related to Lead Service Line Replacement

** Mr. Mallon entered the meeting 5:07 p.m. **

County of Sussex Dept. of Health re: Hepatitis B Vaccination Letter of Understanding 2023 A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve execution of letter of understanding to include the members of the ABFD and any Lakeland Emergency Squad members who reside within the Borough of Andover. Upon roll call the following votes were cast: AYES: Smith, Lane, Mallon and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

AUDIENCE PARTICIPATION:

Mr. William Haggerty of Dolan and Dolan introduced himself to the Council and inquired about the cannabis ordinance on the agenda. He asked if the setbacks for cannabis were changing. The Municipal Clerk clarified that the amendment was to apply the change already adopted by ordinance to the schedule of limitations / bulk requirements within the code for consistency.

Alison Bartholomew of Gristmill Lane mentioned that she still needs help with the wall on her property at the intersection of Gristmill and Route 206. She stated that in about 2004 a truck hit the guardrail and now the rain water is compromising the wall and causing it to collapse. The Mayor stated that he is aware that the County has tried to reach out to her a couple of times. The Mayor continued to State that the roadway appears to be a County Road classified as Cty 517. He stated that they are not aware of whose responsible for the repair. He will talk with the County Engineer and continue to work on it.

Mr. Richard Mooney asked if the County can pave the driveway to the pump house.

REPORTS OF SPECIAL COMMITTEE:

Sussex County Open Space Committee: Minutes from 02/23/23

Sussex County Planning Board: Minutes from 02/06/23 and 03/06/23

Cannabis Review Committee: No change since 03/29/23. Waiting on planning board applications

REPORTS OF STANDING COMMITTEES:

Administrative & Executive:

Mr. Lane reported that he is still looking for an IT solution for the office. Phone and internet service are an immediate need that needs to be changed over first. Internet has been approved. VOIP phone service estimate was approved, but an action tonight will initate the change over

A MOTION was made by Mrs. Delfing, seconded by Mr. Mallon to approve the changeover of phone to the Planet Network VOIP as per the estimate. Upon roll call the following votes were cast: Upon roll call the following votes were cast: AYES: Smith, Lane, and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Celebration of Public Events:

Mr. Lane reported that the Easter Egg Hunt on April 1st was a success even with the rain. He mentioned that the next celebration is Memorial Day which will require small flags and a wreath forth ceremony. Mr. Lane suggested an amount of about \$100 for the Memorial Day purchases if any are necessary.

A MOTION was made by Mr. Lane, seconded by Mrs. Delfing to approve an amount not to exceed \$100 for Memorial Day supplies. Upon roll call the following votes were cast: Upon roll call the following votes were cast: AYES: Smith, Lane, and Delfing. NAYS: None. ABSTAIN: None. Motion carried

Finance:

Mr. Dennison reported that the 2023 budget will be introduced on this evening.

^{**} Mr. Hoag entered the meeting after attending fire call 5:20 p.m. **

Parks & Playgrounds:

Mr. Hoag and Mr. Smith discussed the equipment in the park and it was determined that the equipment has been serviced and is ready for Spring. Mr. Smith stated that the park laborer, Tom Smith, has already started to clean up.

Public Bldgs. & Grounds: Mr. Smith discussed the need to repair parts of the Borough Hall. He asked Mr. Mallon to take a look at the stairwell for an idea of conditions. He said the air conditioning can be turned on at any time.

Public Safety:

Mrs. Delfing has no report.

Streets & Roads:

Mr. Hoag reported on the Gristmill Lane wall matter. He asked if the County had taken a look at it yet. The Mayor added that he is in talks with the County Road Superintendent on the matter. It may be under the NJDOT as it seems that they did the last repair. The Mayor reported that Smith Street should be submitted for the Municipal Aid Grant and asked the Municipal Clerk to find out where that stands.

Water Utility:

Mr. Smith reported that Mr. Mooney will start the daily water monitoring after the 22nd. He also stated that Sam Brothman should work through the 22nd. He stated that the water is doing well.

OLD BUSINESS:

2023 MUNICIPAL BUDGET:

Introduction of 2023 MUNICIPAL BUDGET

A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the introduction of the 2023 Municipal Budget: AYES: Hoag, Smith, Lane, Mallon and Delfing. NAYS: None. ABSTAIN: None. Absent: Dennison. Motion carried.

R-2023-23

2023 Municipal Budget

of the Borough of Andover, County of Sussex for the Fiscal Year 2023

Revenue and Appropriation Summaries

Summary of Revenues	Anticipated	
	2023	2022
		\$
1. Surplus	68,200.00	68,000.00
2. Total Miscellaneous		\$
Revenues	248,124.26	225,354.18
		\$
3. Receipts from Delinquent Taxes	61,000.00	66,000.00
		\$
4. a) Local Tax for Municipal Purposes	375,972.27	361,022.00
b) Addition to Local District School Tax		
Total Amount to be Raised for		

	\$	\$
Support of Municipal Budget	375,972.27	361,022.00
	\$	\$
Total General Revenues	753,296.53	720,376.18

		Final 2022
Summary of Appropriations	2023 Budget	Budget
	\$	\$
1. Operating Expenses: Salaries and Wages	184,588.00	178,056.00
	\$	\$
Other Expenses	304,230.53	303,649.18
	\$	\$
2. Deferred Charges & Other Appropriations	54,033.00	80,266.00
	\$	\$
3. Capital Improvements	121,260.00	72,000.00
	\$	\$
4. Debt Service (Included for School)	-	_
	\$	\$
5. Reserve for Uncollected Taxes	89,185.00	86,405.00
	\$	\$
Total General Appropriations	753,296.53	720,376.18
Total number of Employees	18	18

2023 Dedicated Water Utility Budget		
Summary of Revenues	Anticipated	
	2023	2022
	\$	\$
1. Surplus	28,300.00	24,540.00
	\$	\$
2. Rents	103,000.00	104,000.00
	\$	
3. Additional Rents	15,000.00	
4. Deficit (General Budget)		
	\$	\$
Total Revenues	146,300.00	128,540.00

		Final 2022
Summary of Appropriations	2023 Budget	Budget
	\$	\$
1. Operating Expenses: Salaries and Wages	38,000.00	24,600.00
	\$	\$
Other Expenses	81,800.00	77,400.00
	\$	\$
2. Capital Improvements	22,500.00	22,500.00
3. Debt Service		

	\$	\$
4. Deferred Charges & Other Appropriations	4,040.00	4,040.00
5. Surplus (General Budget)		
	\$	\$
Total Appropriations	146,340.00	128,540.00
Total number of Employees	6	5

Balance of Outstanding Debt			
	General	Utility	Utility
Bond and Loan Interest	N/A	N/A	N/A
Bond and Loan Principal	NO DEBT	NO DEBT	
Bond Anticipation Notes			
Bond Anticipation Notes			
Authorized but Not Issued			
	\$	\$	\$
Total Outstanding	-	-	-

NEW BUSINESS:

Farm Lease:

Discussion to extend farm lease in 2023.

A MOTION was made by Mrs. Delfing, seconded by Mr. Lane to approve a Resolution Authorizing Farm Land Lease Agreement. Upon roll call the following votes were cast: AYES: Hoag, Smith, Lane, Mallon and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Resolution #R-2023-24

AUTHORIZATION TO SIGN LEASE

WHEREAS, the Borough of Andover is the owner as Block 1, Lot 1 and Block 8, Lot 5 on the Andover Borough Tax Map, Block 166, Lot 2 on the Andover Township Tax Map and Block 27, Lot 7 on the Green Township Tax Map, Sussex County, New Jersey (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

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continue to lease the Property to Tranquility Farms, LLC 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 Tranquility Farms, LLC and to sign any related documents as may be appropriate in conjunction therewith.

Shared Service Agreement – Sussex County Fire Marshal – for term 7/1/23-6/30/28

A MOTION was made by Mrs. Delfing, seconded by Mr. Hoag to approve a Resolution Authorizing Execution of a Shared Service Agreement with the County of Sussex for the Provision of Enforcement Agency Services as Set Forth in the New Jersey State Uniform Fire Code Regulations. Upon roll call the following votes were cast: AYES: Hoag, Smith, Lane, Mallon and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Resolution #R-2023-25

RESOLUTION AUTHORIZING EXECUTION OF SHARED SERVICE AGREEMENT WITH THE COUNTY OF SUSSEX FOR PROVISION OF ENFORCEMENT AGENCY SERVICES AS SET FORTH IN THE NEW JERSEY STATE UNIFORM FIRE CODE REGULATIONS

WHEREAS, the Borough of Andover, in the County of Sussex, New Jersey, is desirous of achieving economies by having the County of Sussex, in the County of Sussex, New Jersey, provide enforcement agency services to the Borough of Andover as set forth in the New Jersey Uniform Fire Safety Act and applicable laws and regulations; and

WHEREAS the Borough of Andover and the County of Sussex have arrived at an understanding regarding the provision of said services by the County of Sussex to the Borough of Andover from July 1, 2023 to June 30, 2028, and this understanding has been embodied in a Shared Service Agreement; and

WHEREAS, the County of Sussex's provision of such 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, 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 enforcement agency services to the Borough of Andover as set forth in the New Jersey Uniform Fire Safety Act.
- 2. This Resolution shall take effect immediately.
- Certified copies of this Resolution and the Agreement shall be forwarded to Teresa Lyons, Clerk, Sussex County Board of Commissioners; Virgil Rome, Sussex County Fire Marshal; Jacquelyn Suarez, Director, New Jersey Division of Local Government Services, P.O. Box 803, Trenton, NJ 08625.

Water Maintenance Service Agreement

A MOTION was made by Mr. Lane, seconded by Mr. Lane to approve a Resolution authorizing the renewal of water maintenance service agreement with Marksmen Enterprises, LLC for the term May 1, 2023 to June 30th, 2024. Upon roll call the following votes were cast: AYES: Hoag, Smith, Lane, Mallon and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Resolution #R-2023-26

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT FOR WATER MAINTENANCE SERVICES FOR 2023

WHEREAS, the Borough of Andover entered into a Contract with **MARKSMEN ENTERPRISES**, **LLC** for water system maintenance and repair services; and

WHEREAS, the contract term shall be for a period from May 1, 2023 to June 30th, 2024; and

WHEREAS, said conditions are met as follows: (a) the Andover Borough Mayor and Council find that **MARKSMEN ENTERPRISES**, **LLC** services during the May 1, 2022 to April 30th, 2023 contract year were performed in an effective and efficient manner; (b) the price terms and other terms and conditions of the contract shall remain the same as during the initial one-year term; and (c) the Mayor and Council have determined that sufficient funds shall be appropriated and available to meet the extended obligation; and (d) both parties shall execute such documents as the Borough of Andover deems necessary to confirm the parties' agreement;

BE IT RESOLVED, therefore, by the Mayor and Council of the Borough of Andover, County of Sussex and State of New Jersey that the contract for water system maintenance and repair services between the Borough of Andover and contractor **MARKSMEN ENTERPRISES, LLC** be and is hereby renewed for a term of 14 months starting May 1, 2023 and ending June 30, 2024 on condition that contractor **MARKSMEN ENTERPRISES, LLC** execute the attached form of Agreement to Renew Contract; and that the Andover Borough Mayor and Andover Borough Clerk are authorized to sign the attached form of Agreement to Renew Contract on behalf of Andover Borough.

RESOLUTIONS:

Tax Refund Cert #2018-002:

A MOTION was made by Mrs. Delfing, seconded by Mr. Lane to approve a Resolution to refund lienholder for redemption of tax sale certificate #2018-002 for Block 15 lot 1 in the amount of \$1330.88 to NJSL 301, LLC - RESOLUTION TO REFUND LIENHOLDER FOR REDEMPTION OF TAX SALE CERTIFICATE - BLOCK 15– LOT 1 - CERTIFICATE # 2018-002. Upon roll call the following votes were cast: AYES: Hoag, Smith, Lane, Mallon and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Resolution #R-2023-27

RESOLUTION TO REFUND LIENHOLDER FOR REDEMPTION OF TAX SALE
CERTIFICATE
BLOCK 15- LOT 1
CERTIFICATE # 2018-002

WHEREAS, the Tax Collector recommends the Mayor and Council of the Borough of Andover reimburse funds for the redemption of Certificate # 2018-002

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Andover, County of Sussex, State of New Jersey does hereby authorize the refund of

\$1,330.88 to NJSL 301, LLC (redemption)

Water Service Reimbursement:

A MOTION was made by Mrs. Delfing, seconded by Mr. Hoag to approve a Resolution to reimburse water service fees for Mario Portilla dba NexLevel Contracting in the amount of \$200 for canceled services at location 186 Main Street, Andover - Block 24 Lot 23. Upon roll call the following votes were cast: AYES: Hoag, Smith, Lane, Mallon and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Resolution #R-2023-28 RESOLUTION AUTHORIZING REFUND

WHEREAS, the Water Collection Department recommends the Mayor and Council of the Borough of Andover reimburse funds for canceled water service application,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Andover, County of Sussex, does hereby authorize the refund of

\$200.00 to Mario Portilla dba NexLevel Contracting 902 Mountain View Ter. Newton, NJ 07860

This Resolution shall take effect immediately.

ORDINANCE:

Water Rates:
Ordinance #2023-16

A MOTION was made by Mrs. Delfing, seconded by Mr. Lane to approve the first reading and introduction of "AN ORDINANCE TO AMEND

SECTION 130-7, ENTITLED "METERED AND UNMETERED

CONSUMPTION FEES", OF CHAPTER 130, ENTITLED "WATER", OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY. Upon roll call the following votes were cast:

AYES: 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 Section 130-7, entitled "Metered and Unmetered Consumption Fees", of Chapter 130, entitled "Water", of the Code of the Borough of Andover, be and is hereby amended as follows:

SECTION 1. Subparagraph (1) of Paragraph B of Section 130-7 is hereby amended to read as follows:

(1) Intentionally omitted.

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

Zoning – Cannabis Use Setback for C1 and IP Zones: Ordinance #2023-10

A MOTION was made by Mrs. Delfing, seconded by Mr. Lane to approve the second reading and adoption 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: Hoag, Smith, Lane, Mallon and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

New Chapter 89 – Liability insurance, Business and Rental Unit Owners **Ordinance #2023-11**

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

Chapter 66 Fee - *Liability insurance, Business and Rental Unit Owners* **Ordinance #2023-12**

A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the second reading and adoption 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: Hoag, Smith, Lane, Mallon and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

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

A MOTION was made by Mr. Lane, seconded by Mr. Smith approve the first second reading and adoption 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: Hoag, Smith, Lane, Mallon and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

AUDIENCE PARTICIPATION:

Mr. Ken Leil asked the governing body what not allow more licensing for cannabis. He also asked if the 50-foot setback for cannabis could be too dangerous and why they would create a different setback for cannabis use than the zones already allow. The Mayor stated that was just how the ordinance was reviewed and we're going to keep it that way.

Alison Bartholomew stated that she felt a 50-foot setback for cannabis retail makes her extremely nervous. The Mayor invited her to attend the planning board meeting being held on this evening.

MOTION TO PAY THE BILLS:

A MOTION was made by Mrs. Delfing, seconded by Mr. Lane to approve the following Resolution: BE IT RESOLVED by the Governing Body to approve the payment of all vouchers on the bill listed April 17, 2023, submitted by the Chief Financial Officer for payment. Upon roll call the following votes were cast: AYES: Hoag, Smith, Lane, Mallon and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

MOTION TO ADJOURN:

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

Beth Brothman Municipal Clerk