

A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON MONDAY, MAY 8th, 2023 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.

PRESENT: Mayor Morgan, Council Members: Dennison (until 8:15 p.m.), Hoag, Smith, Lane, and Delfing.

ABSENT: Mr. 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.

MINUTES:

The minutes of 04/1723 were tabled.

OFFICIALS REPORTS:

CFO – No Treasurer’s Report

A MOTION was made by Mr. Dennison, seconded by Mrs. Delfing 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, and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

ACO report Jan-March 2023, BOH March Activity Report, Joint Court report for March, ABFD report for April, and Water Department Reports: Operators report for April with Andover Well 1 and 2, AGRA Water results for invoice #146852,

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

County of Sussex, Clerk of Commissioners dated 05/02/23 re: Capital and Bond Ordinances

NJDEP Water System Operations Element dated 04/25/23 re: Notice of Non-Compliance – Monitoring and Reporting Violation

NJDOT dated 4/25/23 re: FY2023 State Aid Programs

L. Delfing dated 05/03/23 re: Resignation effective June 2023

A MOTION was made by Mr. Dennison, seconded by Mr. Lane to accept this resignation with regrets and wishing her the best on her retirement and thanks for her dedication to Andover Borough. Upon roll call the following votes were cast: AYES: Dennison, Hoag, Smith, Lane, and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

S. VerSprill dated 05/01/23 re: Tractor Trailers on Morris Sussex Turnpike.

NJ Health Dept. dated 04/13/23 re: Animal Cruelty Investigator (ACI) Title no longer exists in NJ

NJDOT dated 04/10/23 re: Pavement Preservation Project – Slurry Seal application

Andover Regional Board of Education dated 05/01/23 re: 2023-2024 School Year Tax Payments and form A4F

AUDIENCE PARTICIPATION:

Mr. Richard Mooney inquired about limbs falling on a property and who is responsible when they fall by utilizing a metaphor. The Mayor stated that the property owner cleans them up. Mr. Mooney disagreed and stated he would contact his attorney. He also asked what is going on with water compliance on the agenda. Mr. Smith stated there is nothing to worry about.

Mr. Joel Schmiedeke of 12 West Maple introduced himself. He thanked the governing body for taking care of the tree that fell off his property onto the roadway about a week ago. He asked if there was anything he would be responsible for. He was informed the town would be requesting him to reimburse it in the amount of \$700 as per the invoice from JCL Tree Service LLC. He agreed to do so and to take care of the other trees on his property that are in bad shape.

REPORTS OF SPECIAL COMMITTEE:

SWAC & SC Water Quality Management: Vacancy in office.

Sussex County Open Space Committee: Minutes of 03/23/23

Sussex County Economic Development Partnership: Certified Economic Development Friendly Local Government Checklist

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

REPORTS OF STANDING COMMITTEES:

Administrative & Executive:

Mrs. Delfing reported that there was an email from the OEM coordinator explaining that compensation is necessary for this position beyond the stipend provided. There are many more hours that need to be dedicated to this position to include training. Mr. Hoag stated that position has grown. He can continue the position as it until the end of the year. Mrs. Delfing segued that conversation pertaining to compensation to the job responsibility for the new ordinance #2023-11 under the purview of the municipal clerk. This ordinance addresses the that requires the gathering and reporting of information pertaining to liability insurance. The guesstimate for the number of properties affected would be more than 60%. Mrs. Delfing suggested compensation to be determined by the property or line item. The Municipal Clerk suggested that the requirement would be in effect by January 1st, 2024. CFO Bill Eagen stated that since this wasn't budgeted for a dedication by rider may be necessary to pay within this year. The Municipal Clerk will begin the process of determining the list of those affected. There was some discussion as to what this work will entail. The salary ordinance will need to be amended to reflect the rate of pay.

Celebration of Public Events:

Mr. Lane reported that the Memorial Day event will be taking place this month. Flags have been ordered and the wreath will be delivered to his house. The event starts at 9 a.m. The Mayor reported that he asked a person training their German shepherd to leave the park area.

Finance:

Mr. Dennison reported that he has no report. There was a discussion that the funds received from the land sale should be invested in whatever way is proper for a municipality. The CFO suggested a couple of options such as CD's or Cash Management program. The CFO reported that quarterly invoicing from the Borough Attorney has come in at \$12,000. The majority of that billing was from the land sale. Mr. Dennison was directed to find investment information.

Parks & Playgrounds:

Mr. Hoag reported that the park is operating fine. He asked if we need to lay mulch. It was determined that we do not need any this year. There was some discussion that the basketball court is still in good condition after the recent work.

Public Bldgs. & Grounds: Mr. Smith reported that his attention is on the Borough Hall. He knows that roof work needs to be done. There was some discussion regarding needed estimates and what contractors can do that work. The generator estimate was provided and denied.

Public Safety: Mrs. Delfing reported that the flower sale and fish & chips dinner was very successful. Another flower sale is scheduled for 5/12 & 13. The Mayor reported that there is a new round of grants available for the fire department. Mrs. Delfing is retiring soon so the Fire Chief will be provided this information to move forward.

Streets & Roads:

Mr. Hoag reported that potholes were filled by the County which amounted to about two tons of asphalt. The Mayor reported that he is in communication with the County to continue our shared service agreements. He stated that they considered not continuing it due to their lack of staff. He also reviewed the last few invoices and thinks there is a mistake. The rates aren't matching up. He asked them to look into it.

Water Utility:

Mr. Smith reported that the Water Operator has been out due to shoulder surgery. He continued to report that there is a request to rent a fire hydrant by the construction crew that is working on the train station on Roseville Road in Andover Township. The Council reviewed the request. The Water Superintendent, Robert Smith, denied the request.

OLD BUSINESS: Farm Lease - The property in question is block 1 lot 1. This property was sold. The farmer requested that the governing enter into another lease agreement with submission of a certificate of insurance so that he can get his plantings done. He will then enter into another agreement with the current owner of the property. There was some discussion regarding the lands which are leased and if this included block 8 lot 5 which is also owned by the Borough. The land closing is scheduled for tomorrow.

***Frank McGovern, Borough Attorney, was contacted by phone to communicate on this issue. The Council did not approve the request for block 1 lot 1. They are agreeable to continue the agreement for block 8 lot 5. The farmer will be contacted to see if he is still interested in continuing the agreement for block 8 lot 5. Mr. McGovern will contact him and concluded his conference call.

Mr. Smith reported to the Mayor and Council that a group home is being moved into 31 West High Street. He is getting feedback from the neighbors that they are very upset. There was some consideration if a variance is necessary. This will be investigated by the zoning officer.

***Mr. Dennison recused himself from the remainder of this meeting 8:15 p.m. ***

NEW BUSINESS:

Sussex County Division of Emergency Management – Letter of Intent to Participate 2023. This information will be completed and forwarded.

The Mayor asked with the resignation of Mrs. Delfing when the list of three names should be expected. The Municipal Clerk advised within 15 days of her last date. The Mayor would like the anticipated newly appointed councilperson to come on board as soon as possible. The Municipal Clerk will reach out to the municipal Republication committee with the timeline information.

The Mayor asked if the enforcement on 229 Main was completed. The matter is continuing to with the court.

The Mayor reported that the new Stormwater requirements will require the municipality to address several ordinances. Specifically, it would seem that “street trees” will need to be addressed. The Mayor continued to report that a member of the Council needs to take over the Stormwater requirements. Mr. Lane suggested Mr. Mallon would be a good candidate. The other members present agreed. Mr. Mallon will be notified.

The Mayor continued to report that the Chamber of Commerce meetings being held. Council members are always invited.

The Mayor asked about the payment for the Smoke Inspector to do computer work. The Municipal Clerk explained that situation worked itself out. She explained that the Smoke Inspector is paid per inspection. Coincidentally the smoke inspector is also the Code Enforcement officer. The work on the computer for enforcement of smoke inspection violations will be billed through the enforcement calculations. There difference is minimal.

RESOLUTIONS:

Water Utility:

A MOTION was made by Mrs. Delfing, seconded by Mr. Lane approving reimbursement to the ABFD in the amount of \$73 for rented equipment ordered by the water department for repair on 01/05/23 at 8 Brighton Avenue. Upon roll call the following votes were cast: AYES: Smith, Lane, and Delfing. NAYS: None. ABSTAIN: Hoag. Motion carried.

Action Alliance: *Resolution #R-2023-29*

A MOTION was made by Mrs. Delfing, seconded by Mr. Lane to authorize execution of Action Alliance - Grant Term Two (9/1/23 – 9/30/25). Upon roll call the following votes were cast: AYES: Hoag, Smith, Lane, and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

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

Escrow/Rental Reimbursement: *Resolution #R-2023-30*

A MOTION was made by Mrs. Delfing, seconded by Mr. Lane to approve reimbursement of park rental deposits. Upon roll call the following votes were cast: AYES: Hoag, Smith, Lane, and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Manuzzi	4/23/23	\$150.00
Coleman	5/6 & 5/7	\$300.00
Rush	canceled 6/4	\$150.00

Planet Network: *Resolution #R-2023-31*

A MOTION was made by Mr. Lane, seconded by Mrs. Delfing to approve a “Resolution of Consent Authorizing Assignment of a certain approval to use the public rights of way of the Borough of Andover”. Upon roll call the following votes were cast: AYES: Hoag, Smith, Lane, and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

WHEREAS, Planet Networks, Inc. (“PNI”) is a fiber based broadband communications services provider authorized by the New Jersey Board of Public Utilities (“NJBPU”) to provide local exchange and interexchange telecommunications services throughout the State of New Jersey¹; and

WHEREAS, PNI has obtained authorization from the Borough of Andover for use of its public rights-of-way by way of Resolution dated April 13, 2020 (“Local Approval”) for the provision of its services; and

WHEREAS, Planet Fiber NJ LLC, a New Jersey limited liability company (“PFN”), is a wholly owned subsidiary of PNI; and

WHEREAS, PFN has a mailing address of 4 Park Place, Newton, New Jersey 07860.; and

WHEREAS, as part of a corporate restructuring, PNI intends to assign its right-of-way agreements to PFN.; and

WHEREAS, such a transfer will have no impact or effect on PNI’s customers and will allow for greater expansion of PNI’s existing broadband footprint.; and

WHEREAS; the above referenced corporate restructuring requires NJBPU approval; and

WHEREAS; PFN petitioned the NJBPU for said approval by way of a matter entitled In the Matter of the Petition of Planet Fiber NJ, LLC. for Authorization to Provide Local Exchange Telecommunications Services Through the State of New Jersey, Docket Number TE23030140 (“PFN Petition”), which is currently pending; and

WHEREAS, PNI has requested that Borough of Andover approve the assignment of the Local Approval to PFN; and

WHEREAS, it is in the best interest of the Borough of Andover and its citizens to approve the assignment of the Local Approval from PNI to PFN.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Andover, County of Sussex, State of New Jersey, hereby approves of the above referenced assignment from PNI to PFN, which shall become effective upon the date that the NJBPU approves the PFN Petition.

ORDINANCE:

Dog Licensing:

Ordinance #2023-17

A MOTION was made by Mrs. Delfing, seconded by Mr. Lane to approve the first reading and introduction of **“AN ORDINANCE TO AMEND SECTION 66-1, ENTITLED “FEES”, OF CHAPTER 66, ENTITLED “FEES”, AS TO “CHAPTER 60, DOMESTIC ANIMALS”, 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, 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. The portion of Section 66-1, entitled "Fees", which reads:

Chapter 60, Domestic Animals

is

Dog license, per year	\$6.80
Renewal, each	\$6.80

amended to read:

Chapter 60, Domestic Animals

Dog license, per year	\$8.80
Renewal, each	\$8.80

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 on January 1, 2024.

ORDINANCES:

Ordinance #2023-14 A MOTION was made by Mr. Smith, seconded by Mr. Hoag 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 130, 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, and Delfing. NAYS: None. ABSTAIN: None. Motion carried. **(Increasing water rates)**

Ordinance #2023-15 A MOTION was made by Mr. Smith, seconded by Mr. Hoag to approve the second reading and adoption of "**AN ORDINANCE TO AMEND SECTION 130-7, ENTITLED "METERED AND UNMETERED CONSUMPTION FEES", OF CHAPTER 130, ENTITLED "ANNUAL RENTAL FEE", 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, and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Ordinance #2023-16 A MOTION was made by Mr. Smith, seconded by Mr. Hoag to approve the second reading and adoption of "**AN ORDINANCE TO AMEND SECTION 130-7, ENTITLED "METERED AND UNMETERED**

CONSUMPTION FEES”, OF CHAPTER 130, ENTITLED “ANNUAL RENTAL FEE”, 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, and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

AUDIENCE PARTICIPATION:

Mr. Richard Mooney asked if the town has anything to do with the cemetery because its in bad shape.

MOTION TO PAY THE BILLS:

A MOTION was made by Mr. Hoag, 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 May 8, 2023, submitted by the Chief Financial Officer for payment. Upon roll call the following votes were cast: AYES: Hoag, Smith, Lane, and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

MOTION TO ADJOURN:

A MOTION was made by Mr. Lane. AYES: All in favor. NAYS: None. Mayor adjourned the meeting.


Beth Brothman
Municipal Clerk