

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 8th, 2014 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.

PRESENT: Mayor Morgan, Council Members: Dennison Pearson, Smith, Delfing and Danielson (excused 8:15 p.m.)

ABSENT: Mrs. McGowan (excused absence)

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 and posting copy of notice in the Borough Hall.

MINUTES:

A MOTION was made by Mr. Smith, seconded by Mrs. Delfing to approve the minutes of September 8th, 2014 as presented. Upon roll call the following votes were cast: AYES: Pearson, Smith, Delfing, and Danielson. NAYS: None. ABSTAIN: Dennison. Motion carried.

OFFICIALS REPORTS:

A MOTION was made by Mrs. Delfing, seconded by Mr. Smith to approve the Treasurer's Report for December 8th, 2014 as presented and waive the reading. Upon roll call the following votes were cast: AYES: Pearson, Smith, Delfing, Dennison and Danielson. NAYS: None. Motion carried.

A MOTION was made by Mr. Smith, seconded by Mrs. Delfing to accept the following reports and place on file: ABFD report for November. Upon roll call the following votes were cast: AYES: Pearson, Smith, Delfing, Dennison and Danielson. NAYS: None. Motion carried.

CORRESPONDENCE:

A letter from NJ Division of Rate Counsel re: I/M/O Govt. Energy Aggregation Program Commercial Utility Consultants, Inc. and Concord Engineering Group d/b/a Concord Energy Services County of Passaic and twelve participating municipalities was presented to the Council and placed on file.

A letter from Sussex County re: Municipal Chapter for County Wastewater Plan was presented to the Council and placed on file.

A letter from Jersey Central Power & Light re: proposed Increase in non-utility generation charge was presented to the Council and placed on file.

An email from C. Stoner of H. Pellow re: Andover Borough Zoning Map was presented to the Council and placed on file. – The Clerk was instructed to inquire as to the ownership of the digital map if it was approved.

AUDIENCE PARTICIPATION: None.

REPORTS OF SPECIAL COMMITTEE:

No SWAC report. Mr. Landrith absent.

REPORTS OF STANDING COMMITTEES:

Administrative & Executive: Mr. Pearson reported that he will be looking into some Statewide Insurance Fund grants which cover many items such as safety equipment. Mr. Pearson also mentioned that an interlocal agreement with Sandyston Twp. for the services to be provided by Mrs. Brothman will be reviewed later in the meeting.

Celebration of Public Events: Mrs. Delfing reported that the community breakfast held on 12-6-14 was a great success. 77 people attended and a fun time was had by all. Next year we will hold it for 2 hours rather than 3.

Finance: Mr. Dennison reported that he will be meeting with Michelle regarding the year end finances and he is continuing to review the JCPL information.

Parks & Playgrounds: Mr. Danielson no report.

Public Bldgs. & Grounds: Mr. Smith reported he will be looking into bids to paint the inside of park building and the basement of park building. He also reported that oil has been ordered for both public buildings and that he will be addressing the list of minor fixes given to him by the Fire Official.

Public Safety: Mrs. Delfing reported she has a meeting with Ivan Cohen of Statewide on 12-9-14.

Streets & Roads: Mr. Danielson reported that there were complaints on the last snow plowing. He will look into the issue.

Water Utility: Mr. Smith reported that the water department is operating as usual and that they will be having the meters on the wells in the pump house calibrated.

WATER UTILITY:

The Water Maintenance & Repair Service Contract bid submissions were reviewed.

A MOTION was made by Mr. Smith, seconded by Mrs. Delfing to award the water maintenance repair & service contract to Dick Mooney and approve the signing of the contract. Upon roll call the following votes were cast: AYES: Dennison, Danielson, Smith, Pearson, Delfing. NAYS: None. Motion carried.

*****Mr. Danielson excused himself from the meeting 8:15 p.m. *****

OLD BUSINESS:

The PEG Bandwidth Rights of Way Agreement and Resolution were reviewed by the governing body. After some discussion the following resolution was passed:

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approved a RESOLUTION AUTHORIZING EXECUTION OF RIGHTS-OF-WAY USE AGREEMENT BETWEEN ANDOVER BOROUGH AND PEG BANDWIDTH NJ, LLC. Upon roll call the following votes were cast: AYES: Dennison, Smith, Pearson, Delfing. NAYS: None. Motion carried.

WHEREAS, PEG Bandwidth NJ, LLC (“PEG”) has been authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services in New Jersey; and

WHEREAS, PEG intends to install its fiber optic cabling on or in existing telephone, electric or cable conduit and poles in the public Rights-of-Way through agreement with other utility companies, some of which are located in the Borough of Andover; and

WHEREAS, the Borough of Andover is empowered to enter into a Rights-of-Way Use Agreement pursuant to N.J.S.A. 48:17-10 through 48:17-12; and

WHEREAS, a Rights-of-Way Use Agreement has been prepared and mutually agreed upon by all parties with terms and conditions set forth therein, a copy of which is attached and made a part of this Resolution;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Andover that the Mayor and Clerk are hereby authorized to execute the attached Rights-of-Way Use Agreement.

NEW BUSINESS:

INTERLOCAL AGREEMENT with Sandyston Township:

The governing body reviewed the Interlocal Agreement with Sandyston Twp. for a Land Use Administrator, Planning Secretary and Zoning Officer. There was some discussion regarding the omission from the agreement of the contribution from Sandyston toward the payroll tax, pension and workers comp for Mrs. Brothman to perform these duties.

A MOTION was made by Mr. Smith, seconded by Mrs. Delfing to approve the Interlocal agreement with Sandyston Twp for the services of a Land Use Administrator, Planning Secretary and Zoning Officer to be provided by Beth Brothman with the condition that the payroll compensation as indicated by the Andover Borough CFO (salary: \$13,000.00 , Payroll Tax: \$ 995.00, Pension: \$ 1,549.00 and W. Comp: \$56.00 for a total of **\$15,600.00**) is included with the agreement as well as an additional \$500 is included for the administration/processing of the payroll. Upon roll call the following votes were cast: AYES: Dennison, Pearson, Smith, Delfing. NAYS: None. Motion carried.

WHEREAS, the Township of Sandyston wishes to enter into a shared services agreement with the Borough of Andover pursuant to the authority of N.J.S.A. 40A:65-1 et seq., whereby the Borough would provide Land Use Administrator, Planning Board Secretary and Zoning Officer services to Sandyston Township for calendar year 2015 and receive payment for same, including salary: \$13,000.00 , Payroll Tax: \$ 995.00, Pension: \$ 1,549.00 and W. Comp: \$56.00 for a total of **\$15,600.00** for the provision of services, \$500 administration fee and a portion of zoning permit fees; and

WHEREAS, the Borough Council has considered this opportunity and has determined that the proposed arrangement would serve the Borough's interests;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Andover that the Borough of Andover shall enter into a shared service agreement with the Township of Sandyston for the provision of Land Use Administrator, Planning Board Secretary and Zoning Officer services with said agreement to have a one-year duration commencing January 1, 2015; that the Mayor in consultation with the Borough Attorney shall review, negotiate, finalize and approve the details of the agreement; and that the Mayor and Clerk are authorized to sign an agreement if and as the Mayor deems appropriate in consultation with the Borough Attorney to accomplish the purposes set forth herein.

The governing body reviewed the Passaic County Cooperation Pricing System – participation response request for the Municipality.

A MOTION was made by Mr. Pearson, seconded by Mrs. Delfing to to approve the continuation of participation in the PCCP program. Upon roll call the following votes were cast: AYES: Dennison, Pearson, Smith, Delfing. NAYS: None. Motion carried.

ORDINANCE:

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve the second reading and adoption of “ **AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ANDOVER BY REPEALING CHAPTER 6, ENTITLED “COURT, JOINT MUNICIPAL” IN ITS ENTIRETY AND ADDING NEW CHAPTER 6, ENTITLED “COURT, JOINT MUNICIPAL”**. Upon roll call the following votes were cast: AYES: Dennison, Smith, Pearson, Delfing. NAYS: None. Motion carried.

RESOLUTIONS:

A MOTION was made by Mrs. Delfing, seconded by Mr. Pearson to approve the RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF GOVERNMENT ENERGY AGGREGATION PROGRAM AGREEMENTS. Upon roll call the following votes were cast: AYES: Dennison, Smith, Pearson, Delfing. NAYS: None. Motion carried.

TRANSFER RESOLUTION:

A MOTION was made by Mr. Dennison, seconded by Mr. Pearson to approve the following Transfer Resolution in the amount of \$2496.00. Upon roll call the following votes were cast: AYES: Dennison, Smith, Pearson, Delfing. NAYS: None. Motion carried.

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

WHEREAS, it is necessary to transfer appropriations between line items presently located in the Current Year Budget;

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.

<u>FROM:</u>	CURRENT FUND	<u>TO:</u>	
Building and Grounds	1,510.00	Fuel Oil	2,310.00
Other Expenses		Other Expenses	
Parks and Playgrounds	800.00		
Other Expenses			
Computer Services	36.00	Tax Assessor	36.00
Other Expenses		Other Expenses	
Electric Sub Code	150.00	UCC	150.00
Salaries and Wages		Other Expenses	
Total Transfers:	2,496.00		2,496.00

ANY OTHER BUSINESS:

The Mayor reported that the Elizabethtown matter was forwarded to the BPU.

AUDIENCE PARTICIPATION:

Mr. Mooney asked about the Elizabethtown agreement and whether it has been finalized. There has been no word yet regarding the BPU's decision.

MOTION TO PAY THE BILLS PLUS AD ONS:

A MOTION was made by Mr. Smith, seconded Mr. Dennison to pass the following Resolution: BE IT RESOLVED by the Governing Body to approve the payment of all vouchers on the bill listed December 8th, 2014, submitted by the Chief Financial Officer for payment. Upon roll call the following votes were cast AYES: Pearson, Smith, Dennison, Delfing. NAYS: None. Motion carried.

MOTION TO ADJOURN:

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

Beth Brothman, RMC
Borough Clerk