

**A SPECIAL MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON MONDAY, FEBRUARY 24<sup>th</sup>, 2014 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.**

**PRESENT:** Mayor Morgan, Council Members: Dennison, Pearson (7:35 p.m.), Danielson, Smith and Delfing.

**ABSENT:** Mrs. McGowan

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.

**PREPARATION OF THE 2014 MUNICIPAL BUDGET:**

The Council reviewed the information provided by CFO, Michelle LaStarza for the 2014 budget. Introduction scheduled for 3/10/14

**SALARY ORDINANCE:**

A MOTION was made by Mr. Dennison, seconded by Mrs. Delfing to approve the introduction and publication of the Andover Borough 2014 Salary Ordinance. Upon roll call the following votes were cast: AYES: Dennison, Danielson, Smith, Delfing, Pearson. NAYS: None. Motion carried.

**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 2014.**

BE IT ORDAINED by the Mayor and council of the Borough of Andover, in the County of Sussex and State of New Jersey, that:

The salaries attached to the office of Mayor, Council, Chief Financial Officer/Treasurer, Tax Assessor, Assessor's Secretary, Tax Collector, Asst. Tax Collector/Tax Clerk, Tax Search Officer, Assessment Search Officer, Borough Clerk, Deputy Borough Clerk, Registrar, Licensed Water Operator, Assistant Water Operator, Water Collector, Water Meter Reader, Utility Labor Class I, Utility Labor Class II, Utility Labor Class III, Board of Health Secretary, Board of Health Members, Planning/Zoning Board Secretary, Construction Official/Building Inspector, Permit Control Officer, Zoning/Housing Officer, Fire Prevention Officer, Fire Sub-Code Official, Plumbing Inspector, Electrical Inspector, Emergency Management Coord., Deputy Emergency Management Coordinator, Animal Control Officer, Dog License Clerk, Boro Hall Caretaker, Crossing Guard, Deputy Crossing Guard, Alternate Deputy Crossing Guard, Constable I, Constable II, Special Police/Fire Police, Labor Class I, Labor Class II, Labor Class III, Overtime Salaries, Clerk Typist are:

Position	Hourly/Salary	Pay Period	Amount
Mayor	S	Q	\$ 3,783.00
Council	S	Q	2,207.00
CFO/Treasurer	S	M	15,762.00
Tax Assessor	S	M	11,022.00
Tax Assessor Sec.	H	Q	11.00 (f)
Tax Collector	S	M	5,520.00
Tax Search Officer	Each	Annual	11.00 (g)
Assessment Search Officer	Each	Annual	11.00 (g)
Asst. Tax Collector / Tax Clerk	S	Q	6,624.00
Borough Clerk	S	M	44,150.00
Deputy Boro Clerk	H	Q	9 to 10
Registrar	S	Q	541.00

Licensed Water Operator	S	M	4,895.00	
Asst. Water Operator	H (1 hour per day)	Q	21.00	
Water Collector	H	M	5,216.00	
Water Meter Reader	H	Q	0.00	(f)
Board of Health Sec.	S	Q	500.00	
Board of Health Members	S	Per Meeting Attended	5.00	
Planning/Zoning Secretary	S	M	6,284.00	
Construction Official	S	M	5,658.00	
Permit Control Officer	S	M	3,393.00	
Zoning/Housing Officer	S	M	8,970.00	
Fire Prevention Officer	S	M	580.00	
Fire Sub-Code Official	S	M	5,375.00	
Plumbing Inspector	Each permit	Max	1,000.00	
Electrical Inspector	Each permit	Max	1,000.00	
Emerg. Mang. Cord.	S	A	597.00	
Deputy Emerg. Cord.	S	A	415.00	
Animal Control Officer	Per call	3 hour min.	60.00	
Dog License Clerk	each license	A	0.25	
Boro Hall Caretaker	S	M	1,970.00	
Crossing Guard	H	M	11.74	
Deputy Crossing Guard	H	M	10.00	
Alternate Deputy Crossing Guard		H	M	10.00 (h)
Constable I	H	M	15.00	
Constable II	H	M	10.00	
Special Police/Fire	H	M	13.25	
Labor Class I	H	M	15.00	
Labor Class II	H	M	12.50	
Labor Class III	H	M	9.00	(f)
Overtime Salaries	Max	M	4,100.00	
Clerk Typist	H	M	10.00	(f)

**Notes:**

(f) or minimum wage, whichever is greater

(g) \$200 annual maximum

(h) as an addendum to the salary ordinance

**RESOLUTIONS:**

A MOTION was made by Mr. Smith, seconded by Mr. Pearson to approve a Resolution for Authorization to close on Acquisition of Certain Real Properties Conclude Litigation and Execute Related Documents. Upon roll call the following votes were cast: AYES: Dennison, Danielson, Pearson, Smith, Delfing. NAYS: None. Motion carried.

**AUTHORIZATION TO CLOSE ON ACQUISITION OF CERTAIN REAL PROPERTIES,  
CONCLUDE LITIGATION AND EXECUTE RELATED DOCUMENTS**

WHEREAS, Sussex Properties, Ltd. and/or related entities ("Sussex Properties") is the owner of certain real properties known as Block 1, Lot 1; Block 8, Lot 5; Block 12, Lot 1, 4 and 6; Block 23, Lot 22; Block 30, Lot 1; and Block 31, Lot 1, as shown on the Tax Map of the Borough of Andover; Block 161, Lot 4, Block 163, Lots 1 and 3 and Block 166, Lot 2, as shown on the Tax Map of Andover Township; and Block 26, Lot 1.01 and Block 27, Lot 7, as shown on the Tax Map of Green Township (together referred to as the "Property");

WHEREAS, in connection with the Property, litigation was instituted against the Borough of Andover, the Mayor and Council of Borough of Andover and Planning/Zoning Board of Borough of Andover by Beazer Homes Corp. and Sussex Properties, Ltd, Superior Court of New Jersey, Law Division, Sussex County, Doc. Nos. SSX-L-139-06 and SSX-L-198-06 (the "Action"); and

WHEREAS, by May 17, 2010 Order entered in the Action, Sussex Properties was permitted an opportunity to submit a preliminary site plan application to the Andover Borough Planning/Zoning Board ("Board") by a court-ordered deadline, which deadline has been extended by the Board with the consent of the Mayor and Council for specified periods to allow Sussex Properties time to pursue an alternative arrangement with the Trust for Public Lands ("Trust") for the sale of all or a large portion of the Property and the meeting of certain benchmarks necessary to complete that process; and

WHEREAS, an agreement was entered into between the Trust and Sussex Properties for the purchase of all or most of the Property; and the Trust proposes to enter into an agreement with the Borough, the County of Sussex, State of New Jersey and The Land Conservancy of New Jersey (and possibly other parties) for the purpose of having same acquired to ensure protection of their significant environmental and open space attributes; and

WHEREAS, the Borough of Andover endorses the plans and proposal by and purposes of the Trust in connection with the Property and has cooperated and used its efforts to see that those goals be accomplished; and

WHEREAS, the Borough of Andover has -- by Ordinance adopted on November 12, 2013 -- been authorized to acquire real property within the Property for open space and other municipal purposes by and for the Borough, to appropriate funds and to undertake action to accomplish that end, which acquisition must be undertaken in coordination with the Trust's procedures in closing on its purchase per its agreement with Sussex Properties; and

WHEREAS, the Mayor and Council have determined that a condition for the Borough's acquisition of property as contemplated herein and payment for same shall include full dismissal of the Action with prejudice and without costs and receipt by the Borough of properly executed general release(s) satisfactory in form and content to the Borough; and

WHEREAS, the legal representative for Sussex Properties represented to the Mayor and Council at the February 10, 2014 Council meeting that the foregoing condition will be satisfied at closing; and

WHEREAS, the Borough further conditions acquisition on the conveyance to the Borough of marketable and insurable fee simple title subject, however, to restrictions as shall be necessary to comply with applicable open space, Sussex County and New Jersey Green Acres requirements; and

WHEREAS, the Borough anticipates -- based on representations by Sussex Properties and the Trust -- that closing on the contemplated acquisition may take place on or about March 4, 2014; and

WHEREAS, the Borough has determined that the Borough's acquisition of a portion of the Property and the Borough's participation in the acquisition of other portions of the Property by the State of New Jersey will serve important public purposes and provide substantial benefits which will enhance the welfare of the Borough's residents;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Andover, as follows:

1. The Andover Borough Mayor and Clerk are hereby authorized to sign such documents as they deem appropriate in consultation with the Borough attorney to enable the Borough to acquire title to certain real property as contemplated by this Resolution and to sign such documents as they deem appropriate to cause the Action to be dismissed with prejudice and without costs, including but not limited to releases that may be requested by Sussex Properties;
2. The Andover Borough Mayor and Clerk are hereby authorized to sign such documents as they deem appropriate in consultation with the Borough attorney to enable the Borough to cooperate and participate in the acquisition by others of interests in portions of the Property as contemplated by the Trust including, without limitation, the signing of title documents for the purpose of transferring interest in and to portions of the Property;
3. Closing on the acquisition of real properties, including payment therefor and in connection therewith, shall be conditioned on the receipt of executed documents necessary to cause the dismissal of the Action with prejudice and without costs and of executed release(s) satisfactory to the Mayor in consultation with the Borough attorney;
4. Closing on the acquisition of real properties, including payment therefor and in connection therewith, shall be conditioned on the Borough's receipt of executed documents necessary to cause the conveyance to the Borough of title to properties as determined to be satisfactory to the Mayor in consultation with the Borough attorney;
5. This Resolution shall not be construed to be an offer or contract (or evidence of an offer or contract) to acquire real properties from Sussex Properties or any other person or entity or to transfer any interest or title in and to same, nor has such an offer or agreement been made; however, the Mayor and Clerk are hereby authorized to sign such documents if and as the Mayor deems necessary or appropriate for the Borough to enter into a contract to purchase a portion of the Property consistent with the provisions of this Resolution and the Bond Ordinance referred to herein; and
6. The Mayor and Clerk are hereby further authorized to sign an agreement if and as the Mayor deems necessary or appropriate in consultation with the Borough Attorney between the Borough (together with the State of New Jersey, Department of Environmental Protection, the County of Sussex and the Land Conservancy of New Jersey) and the Trust in furtherance of and to accomplish the purposes set forth herein; and
7. The Mayor and Clerk are authorized to take such actions and sign such documents as necessary to meet the requirements of this Resolution and the Bond Ordinance referred to herein.

**AUDIENCE PARTICIPATION:** None.

**MOTION TO ADJOURN:**

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

Beth Brothman, RMC  
Borough Clerk