

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 10TH, 2014 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.

PRESENT: Mayor Morgan, Council Members: Danielson, Pearson, Dennison, Smith and McGowan.

ABSENT: Mrs. Delfing

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.

- The Mayor and Council expressed its happiness to have Mrs. McGowan back.

MINUTES:

A MOTION was made by Mr. Dennison, seconded by Mr. Danielson to approve the minutes of the meeting of February 11th, 2013 as presented. Upon roll call the following votes were cast: AYES: Dennison, Pearson McGowan NAYS: None. ABSTAIN: Danielson & Smith. Motion carried.

A MOTION was made by Mr. Dennison, seconded by Mr. Danielson to approve the minutes of the meeting of February 13th, 2013 as presented. Upon roll call the following votes were cast: AYES: Dennison, Pearson, Danielson, McGowan & Smith. NAYS: None. Motion carried.

A MOTION was made by Mr. Dennison, seconded by Mr. Danielson to approve the minutes of the meeting of March 11th, 2013 as presented. Upon roll call the following votes were cast: AYES: Dennison, Pearson, Danielson, McGowan & Smith. NAYS: None. Motion carried.

A MOTION was made by Mr. Dennison, seconded by Mr. Danielson to approve the executive session minutes of the meeting of March 11th, 2013 as presented. Upon roll call the following votes were cast AYES: Dennison, Pearson, Danielson, McGowan & Smith. NAYS: None. Motion carried.

A MOTION was made by Mr. Dennison, seconded by Mr. Danielson to approve the minutes of the meeting of April 8th, 2013 as presented. Upon roll call the following votes were cast: AYES: Dennison, Pearson, Danielson, McGowan & Smith. NAYS: None. Motion carried.

A MOTION was made by Mr. Dennison, seconded by Mr. Danielson to approve the minutes of the meeting of January 13th, 2014 as presented. Upon roll call the following votes were cast: AYES: Dennison, Pearson, McGowan & Smith. NAYS: None. ABSTAIN: Danielson. Motion carried.

A MOTION was made by Mr. Dennison, seconded by Mr. Danielson to approve the minutes of the meeting of January 22nd, 2014 as presented. Upon roll call the following votes were cast AYES: Dennison, Pearson, Danielson, McGowan & Smith. NAYS: None. Motion carried.

A MOTION was made by Mr. Dennison, seconded by Mr. Danielson to approve the minutes of the meeting of February 24th, 2014 as presented. Upon roll call the following votes were cast: AYES: Dennison, Pearson, Danielson, Smith. NAYS: None. ABSTAIN: McGowan. Motion carried.

OFFICIALS REPORTS:

A MOTION was made by Mr. Smith, seconded by Mr. Pearson to accept the following reports and place on file: Lakeland Emergency Squad year to date and January 2014 report, Joint Municipal Court report for February, NJ Water Supply Community Confidence Report for 2013
Upon roll call the following vote was cast: AYES: Pearson, Dennison, McGowan, Danielson and Smith. NAYS: None. Motion carried.

CORRESPONDENCE: None.

AUDIENCE PARTICIPATION: None.

REPORTS OF SPECIAL COMMITTEE: Mr. Landrith was present and discussed the SWAC was looking for ways to meet the 50% requirement set by the State.

REPORTS OF STANDING COMMITTEES:

Administrative & Executive: Mr. Pearson reported that there have been on-going problems with the CFO's computer and the server. This matter is a priority and both need to be replaced immediately. There was also some discussion over the timesheets needing to be utilized.

Celebration of Public Events: Mrs. Delfing was absent. It was discussed that the ABFD installation dinner is scheduled for 4/26. There was also some discussion on which day to hold the Easter Egg Hunt. The Egg Hunt is scheduled for 4/12/13 at 10 a.m. rain/shine.

A MOTION was made by Mr. Dennison, seconded by Mr. Danielson to approve up to \$250 for the purchase of candy and eggs for this event. Upon roll call the following votes were cast: AYES: Dennison, Danielson, McGowan, Pearson, Smith. NAYS: None. Motion carried.

Finance: Mr. Dennison reported that the budget is set for introduction.

Parks & Playgrounds: Mr. Danielson reported that the parks are snow covered.

Public Bldgs. & Grounds: Mr. Smith reported the sump pump in the Borough Hall needed to be replaced. He also mentioned other items to be added to the list of things to do: vent pipe/leak to be checked, roof to be checked, antenna to be installed. Also the Borough Clerk will obtain estimates to paint the Borough Hall.

Public Safety: Mrs. Delfing was absent. The replacement of radios and antenna should be considered when she is available.

Streets & Roads: Mr. Danielson discussed pot hole repair and repair to Old Creamery as the road seems to be heaved from ice/snow.

Water Utility: Mr. Smith discussed the water main repair on 3/1/14. The pipe in the ground needs to be insulated. The Mayor reported that the FEMA paperwork is completed.

2014 Municipal Budget: was presented by Michelle LaStarza, CFO and reviewed by the governing body.

A MOTION was made by Mr. Dennison, seconded by Mr. Smith to approve the introduction and publication of the 2014 Municipal Budget with discussed changes. Upon roll call the following votes were cast: AYES: Dennison, Danielson, McGowan, Smith, Pearson. NAYS: None. Motion carried.

- There was some discussion over the need to amend the salary ordinance to include a stipend for the Water Supervisor.

A MOTION was made by Mr. Dennison, seconded by Mrs. McGowan to approve a stipend of \$2500 per year paid quarterly. Upon roll call the following votes were cast: AYES: Dennison, Danielson, McGowan, Pearson. NAYS: none. ABSTAIN: Smith. Motion carried.

A MOTION was made by Mr. Pearson, seconded by Mr. Smith to set the open space tax amount for 2014 at 4 cents. Upon roll call the following votes were cast: AYES: Dennison, Danielson, McGowan, Smith, Pearson. NAYS: None. Motion carried.

SHARED SERVICE AGREEMENT: County Administration to submit agreement. This matter tabled until agreement is received.

OLD BUSINESS: PEG Bandwith re: Proposed Rights of Way Use Agreement – *still under review by the Borough Attorney.*

RESOLUTIONS:

A MOTION was made by Mr. Pearson, seconded by Mr. Dennison to approve a resolution to redeem tax sale certificate #2012-05 in the amount for \$9,321.18 for block 18 lot 14. Upon roll call the following votes were cast: AYES: Pearson, Smith, McGowan, Dennison, Danielson. NAYS: None. Motion carried.

WHEREAS, Jessica M. Caruso, Tax Collector, has received \$9,321.18 from Toni Brewer for the redemption of Tax Sale Certificate 2012-05 on Block 18 Lot 14 and is requesting that \$9,321.18 plus a \$3,000.00 premium which was paid at the tax sale and the Borough is holding for a total of \$12,321.18 be refunded to the lien holder, FWDSL & Associates LP, 5 Cold Hill Road South #11 Mendham, New Jersey 07945.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Andover, County of Sussex, State of New Jersey to authorize the Tax Collector to refund \$9,321.18 for the redemption of Tax Sale Certificate 2012-05 plus a \$3,000.00 premium which was paid at the tax sale for a total of \$12,321.18 on Block 18 Lot 14 to the lien holder FWDSL & Associates LP, 5 Cold Hill Road South #11 Mendham, New Jersey 07945.

A MOTION was made by Mr. Danielson, seconded by Mr. Pearson to approve a resolution authorizing the Mayor, Borough Clerk, Chief Financial Officer and other Borough officials to take such action as they may deem necessary or advisable to effect such compliance and designating a \$400,000 bond anticipation note, dated March 3rd, 2014, payable March 3, 2015, as a "Qualified Tax-Exempt Obligation" pursuant to section 265 (b) (3) of the Internal Revenue code of 1986 as amended. Upon roll call the following votes were cast: AYES: Pearson, Smith, McGowan, Dennison, Danielson. NAYS: None. Motion carried.

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ANDOVER, IN THE COUNTY OF SUSSEX, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF ANDOVER AND AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$400,000 BOND ANTICIPATION NOTE, DATED MARCH 3, 2014, PAYABLE MARCH 3, 2015, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of Andover, in the County of Sussex, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations the interest on which is excluded from gross income for Federal income tax purposes and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough intends to issue a \$400,000 bond anticipation note, dated March 3, 2014 and payable March 3, 2015 (the "Note"); and

WHEREAS, the Borough desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Andover, in the County of Sussex, New Jersey, as follows:

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations it issues (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not

reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2014.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2014.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2014 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was adopted by the following roll call vote:

Ayes: Mr. Dennison, Mr. Danielson, Mrs. McGowan, Mr. Pearson, Mr. Smith

Nays: None.

Absent: Mrs. Delfing

NEW BUSINESS:

The Mayor reported that he has completed the Water Audit for the Delaware River Basin Commission.

Mr. Danielson reported that a recent fire call at on Smith Street revealed zoning issues and possible hazardous conditions which Mr. Paterson should investigate.

RESOLUTION:

A MOTION was made by Mr. Smith, seconded by Mr. Pearson to approve a Transfer Resolution in the amount of \$225.00. Upon roll call the following votes were cast: AYES: Dennison, Danielson, McGowan, Pearson, Smith. NAYS: None. Motion carried.

ORDINANCE:

A MOTION was made by Mr. Smith, seconded by Mr. Pearson to approve the second reading and adoption of "AN ORDINANCE REVISING THE BOROUGH OF ANDOVER CODE, CHAPTER 66, "FEES", TO ADOPT A FEE FOR CERTAIN APPLICATIONS TO THE ZONING/PLANNING BOARD AND REVISIONS TO CHAPTER 134, CLARIFYING DEMENSIONAL REGULATIONS FOR ZONING DISTRICTS WITHIN THE BOROUGH OF ANDOVER". Upon roll call the following votes were cast: AYES: Dennison, Danielson, McGowan, Pearson, Smith. NAYS: None. Motion carried.

AUDIENCE PARTICIPATION: None.

MOTION TO PAY THE BILLS PLUS AD ONS:

A MOTION was made by Mr. Danielson, 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 March 10th, 2014, submitted by the Chief Financial Officer for payment. Upon roll call the following votes were cast AYES: Pearson, Danielson, Dennison, McGowan, Smith, NAYS: None. Motion carried.

MOTION TO ADJOURN:

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

Beth Brothman, RMC
Borough Clerk