

**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 11<sup>th</sup>, 2015 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.**

**PRESENT:** Mayor Morgan, Council Members: Danielson (7:30 p.m.), Figueiredo, Pearson, Smith, and Delfing.

**ABSENT:** Mr. Dennison and 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.

**MINUTES:**

A MOTION was made by Mr. Danielson, seconded by Mr. Pearson to approve the minutes of the special meeting of the Mayor and Council held on March 9, 2015 as per copies furnished to each member. Upon roll call the following votes were cast: AYES: Danielson, Figueiredo, Pearson, Smith. NAYS: None. Motion carried.

A MOTION was made by Mr. Danielson, seconded by Mr. Pearson to approve the minutes of the special meeting of the Mayor and Council held on April 27<sup>th</sup>, 2015 as per copies furnished to each member. Upon roll call the following votes were cast: AYES: Danielson, Figueiredo, Smith. NAYS: None. ABSTAIN: Pearson. Motion carried.

**OFFICIALS REPORTS:**

A Motion was made by Mr. Pearson, seconded by Mr. Danielson to approve the Treasurer's Report for May 11<sup>th</sup>, 2015 as presented and waive the reading. Upon roll call the following votes were cast: AYES: Danielson, Figueiredo, Pearson, Smith. NAYS: None. Motion carried

Municipal Assessor Report of appeals and reassessment was presented to the Board. Mr. Ferraris the Assessor will be asked to attend the June 8<sup>th</sup> meeting to report on the appeals and reassessment.

**A MOTION was made by Mr. Danielson, seconded by Mr. Figueiredo to accept the following reports and place on file:** NJDEP Water Supply Disinfectant Residuals Reporting Form dated 4-7-15 & 5-4-15, Water Monthly Operating Report dated 4-7-15 & 5-4-15, Joint Court Report for month of March

**CORRESPONDENCE:**

Letter from NJ General Assembly re: Resolution Supporting Transparent Tax Act of 2015 was reviewed by the governing body. A MOTION was made by Mr. Pearson, seconded by Mr. Danielson to pass the following Resolution. Upon roll call the following votes were cast: AYES: Danielson, Pearson, Smith. NAYS: None. ABSTAIN: Figueiredo. Motion carried

WHEREAS, Assembly Bill No. A-4325 supplementing chapter 4 of Title 54, RS 54:4-65 and designated the "Transparent Tax Act of 2015" is being considered for adoption by the New Jersey State Assembly; and,

WHEREAS, the amendment would permit the local jurisdiction to print separate tax bills to each taxpayer, one showing the amount of property taxes due and payable for municipal tax purposes, the other shall state the amount of property taxes due and payable for county purposes, school purposes, fire district purposes, and for the purposes of any other special district on behalf of which the municipality collects property taxes; and,

WHEREAS, both bills shall include a brief tabulation showing the distribution of the total amount to be raised by taxes; and,

WHEREAS, A-4325 would require the municipal tax collector to send notice of the pro rata share, if any, of the property tax appeal refunds paid by the municipality during the tax year to the county, school districts and fire districts for inclusion in their annual budgets;

WHEREAS, in the following tax year in which the refunds were paid, the municipal tax collector is then required to deduct the applicable pro rata share of the property tax refund from the amounts to be paid to the county, and each school and fire district; and,

WHEREAS, these amendments, if adopted, will assist the general public to understand the tax bill, the structure of the taxes, and the level of support for each agency, and will further provide a more equitable structure to share the obligation of paying approved tax appeals as the title states, creates transparency in the tax supporting local assessments.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Andover, County of Sussex and State of New Jersey, hereby supports Assembly Bill A-4235 amending Title 54:4-65 and urges the Legislature to approve and pass the bill for the reasons expressed herein; and,

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the members of the NJ State Assembly, the members of NJ Senate, and the Governor of the State of NJ, the New Jersey State League of Municipalities, the Municipal Clerks' Association of New Jersey, and all Sussex County municipalities.

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Letter from NJ Dept. of Education re: 2015-2016 Municipal Percentage Shares for Tax Levies for Regional School Districts was presented to the Council.

Letter from NJ State Dept. of Transportation re: Municipal Aid for Lindley Court Resurfacing was presented to the Council.

Letter from NJ State Dept. of Transportation re: Municipal Aid for West High Street Resurfacing was presented to the Council.

**AUDIENCE PARTICIPATION:** Bea Rush thanked the governing body for their support of NORWESCAP by passing a proclamation for its 50<sup>th</sup> anniversary.

**REPORTS OF SPECIAL COMMITTEE:**

Letter to S.W.A.C. from Cavalier Environmental Compliance Services

Re: John Hatzelis SCMUA Letter dated 3/5/15 – Proposed Grinnell Recycling SWMP Amendments  
Was presented to the Council.

**REPORTS OF STANDING COMMITTEES:**

**Administrative & Executive:** Mr. Pearson reported that the Borough is 100% in compliance with the filing of the Financial Disclosure Forms which are required by the State. The Administrative Committee are in the process of review the ordinances such as "Fees" and "Commercial Vehicles".

**Celebration of Public Events:** Mrs. Delfing absent. It was reported that the Princess Pageant will be held on 6/8/15, Sussex County Day was a success even though a table for the Borough was not in place, the Memorial Day Wreath laying ceremony is scheduled for 5/25/15 at a 10 a.m. and Mr. Figueiredo will go with the Mayor to find a tree to place in the park for former Mayor Bollard.

**Finance:** Mr. Dennison had no report.

**Parks & Playgrounds:** Mr. Smith reported that he had located a contractor to mow Sunset Vista Park for about \$75-\$100 each time.

**Public Bldgs. & Grounds:** Mr. Smith reported that the ridge vent on the park building is fixed, but that the roof needs tar and some work. He also reported that the steps leading to the building from the parking lot need to be repaired by a mason. Quotes will be gathered for that work and approval. The same mason will repair the sidewalk on Smith Street that was taken up to repair a leak inside 8 Smith Street. The brush behind the homes in the park need to be cleaned up.

**A MOTION** was made by Mr. Smith, seconded by Mr. Pearson to approve work to be performed by a mason, not to exceed \$5000. Upon roll call the following votes were cast: AYES: Danielson, Figueiredo, Pearson, Smith. NAYS: None. Motion carried.

**Public Safety:** Mrs. Delfing was absent. Mr. Smith mentioned that the ABFD need to submit a copy of a repair quote for payment. Mr. Danielson also mentioned that the Generators are at the County to be picked up.

**Streets & Roads:** Mr. Danielson reported that streets have been swept. The Mayor reported that he will be attending a road crack filling seminar.

**Water Utility:** Mr. Smith reported that water usage is up again, the asphalt on 517 has been repaired again as per the County request and that grass at the pump house need to be mowed.

### **OLD BUSINESS:**

The governing body reviewed the following quotations for laboratory services:

Laboratory Services Quotation from QC Laboratories

Laboratory Services Quotation from Agra Environmental & Laboratory Svcs.

These were tabled until the next meeting where Mr. Grodeska the Water Operator will attend.

### **NEW BUSINESS:**

The Council reviewed the Lease Agreement for Tranquility Farms LLC.

**A MOTION** was made by Mr. Danielson, seconded by Mr. Figueiredo to approve a Resolution granting lease agreement with Tranquility Farms and authorizing Mayor's signature on agreement. Upon roll call the following votes were cast: AYES: Danielson, Figueiredo, Pearson, Smith. NAYS: None. Motion carried.

A request from Troop 85 to use Park and Park Building on June 13<sup>th</sup> from noon to 5 p.m. was considered by the governing body.

**A MOTION** was made by Mr. Smith, seconded by Mr. Pearson to approve this request with the submission of a completed agreement, certificate of insurance and deposit. Upon roll call the following votes were cast: AYES: Danielson, Figueiredo, Pearson, Smith. NAYS: None. Motion carried.

A review of the proposal to do road crack repair on Prospect & Lakeview was tabled until the next regular meeting.

### **RESOLUTIONS:**

**A MOTION** was made by Mr. Pearson, seconded by Mr. Smith to approve a TAX REFUND RESOLUTION for \$154.00 block 23 lot 9 to reimburse Pro Cap for monies paid after the redemption of the tax sale certificate. Upon roll call the following votes were cast: AYES: Danielson, Figueiredo, Pearson, Smith. NAYS: None. Motion carried.

**A MOTION** was made by Mr. Danielson, seconded by Mr. Figueiredo to approve a Resolution supporting the Continuation of the Sussex County Farmland Preservation, Recreation and Open Space Trust Fund. Upon roll call the following votes were cast: AYES: Danielson, Figueiredo, Pearson, Smith. NAYS: None. Motion carried.

**CONTINUATION OF SUSSEX COUNTY FARMLAND PRESERVATION,  
RECREATION AND OPEN SPACE TRUST FUND**

**WHEREAS:** The State of New Jersey has enacted legislation allowing counties to establish a County Farmland Preservation, Recreation and Open Space Trust Fund pursuant to P.L. 1997, c 24; and

**WHEREAS:** In November 2000 and again in November 2005 the voters of Sussex County in a general election referendum approved public questions creating a Farmland Preservation Recreation and Open Space Trust Fund; and

**WHEREAS:** In the 15 years of the existence of the County program the County has preserved in excess of 17,640 acres of farmland and 2,552 acres of open space. Said accomplishments being achieved in cooperation with municipal, state and private partners; and

**WHEREAS:** Both prior public authorizations provided for the expiration of the authorization after a period of 10 years. The November 2000 authorization expired on January 1, 2011 and the 2005 authorization is scheduled to expire on January 1, 2016; and

**WHEREAS:** There still exists a significant need for Farmland and Open Space preservation within Sussex County; and

**WHEREAS:** In the absence of stable source of funding, land preservation efforts within Sussex County will cease.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE  
BOROUGH OF ANDOVER AS FOLLOWS:**

1. We call upon the Board of Chosen Freeholders to adopt the necessary resolution pursuant to the provisions of NJSA 40:12-15-15.2, to authorize a public referendum to appear on the November 3, 2015 general election ballot to seek voter approval to continue the Sussex County Farmland Preservation, Recreation and Open Space Trust Fund for an additional 10 year time period, and

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A MOTION was made by Mr. Danielson, seconded by Mr. Pearson to approve a refund for overcharge on Construction permit # 2-15 blk 13 lot 2.01 in the amount of \$26. Upon roll call the following votes were cast: AYES: Danielson, Figueiredo, Pearson, Smith. NAYS: None. Motion carried.

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A MOTION was made by Mr. Pearson, seconded by Mr. Smith to adopt the following Resolution. Upon roll call the following vote was cast: AYES: All in favor. NAYS: None. Motion carried  
WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss: litigation

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Andover will go into closed session: 8:47 p.m.

A MOTION was made by Mr. Smith, seconded by Mr. Pearson to resume the public portion of the meeting. Upon roll call the following vote was cast: AYES: All in favor. NAYS: None. Motion carried: 8:53 p.m.

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\*\*\*\* Mr. Danielson recused himself from the following discussion.

A MOTION was made by Mr. Pearson, seconded by Mr. Smith to approve the hiring of Sharon Yarouz, zoning officer, at a rate of \$35 per hour for special limited zoning officer duties. Upon roll call the following votes were cast: AYES: Danielson, Figueiredo, Pearson, Smith. NAYS: None. Motion carried.

\*\*\*\* Mr. Danielson rejoined the discussion.

**AUDIENCE PARTICIPATION:** None.

**MOTION TO PAY THE BILLS PLUS AD ONS:**

A MOTION was made by Mr. Danielson, seconded Mr. Figueiredo to pass the following Resolution: BE IT RESOLVED by the Governing Body to approve the payment of all vouchers on the bill listed May 11<sup>th</sup>, 2015, submitted by the Chief Financial Officer for payment. Upon roll call the following votes were cast AYES: Danielson, Figueiredo, Pearson, Smith, NAYS: None. Motion carried.

**MOTION TO ADJOURN:**

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

Beth Brothman, RMC  
Borough Clerk