

THE REORGANIZATION MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON MONDAY, JANUARY 3rd, 2018 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.

PRESENT: Mayor Morgan, Council members Dennison (7:05), Hoag, Figueiredo, Pearson, Smith and Delfing

ABSENT: None.

Mayor John A. Morgan brought 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.

Mayor Morgan read the Statement of Election

The Municipal Clerk administered the Oath of Office to Councilmembers John Hoag and Lynn Delfing.

Municipal Clerk administered the Oath of Office to the following officers:

Jessica Casella - Chief
Brian Stang – Assistant Chief
Mark Bernabei – Captain
Steve Masnaghetti - Lieutenant

John Hoag - President
Richard Mooney - Vice President
Nicholas Santomartino – Secretary
David Hergert - Treasurer
Lou Casella – Asst. Treasurer

Municipal Clerk administered the Oath of Office to members of the Fire Police.

A MOTION was made by Mr. Smith, seconded by Mr. Figueiredo to adopt the following Resolution for Reorganization. Upon roll call the following vote was cast: AYES: Dennison, Hoag, Figueiredo, Pearson, Smith, Delfing. NAYS: none. Motion carried.

BE IT RESOLVED that the regular meeting of the Mayor and Council be held on the second Monday of each month, except that on Holiday Mondays the meeting be held the next day, Tuesday, at the Borough Hall, beginning at 7:00 p.m.,

BE IT FURTHER RESOLVED that the Borough Attorney shall be Frank McGovern of McGovern & Roseman, and

BE IT FURTHER RESOLVED that the Borough Engineer shall be Harold E. Pellow of Harold E. Pellow & Associates, and

BE IT FURTHER RESOLVED that the Official Newspaper of the Borough shall be the New Jersey Herald and Sunday Herald, and

BE IT FURTHER RESOLVED that Thomas Perry of Ferraioli, Wielkotz, Cerullo & Cuva be designated as official auditor for the purpose of preparing the 2018 Municipal Budget and auditing the accounts of the Borough,

BE IT FURTHER RESOLVED that Steven Rogut of Rogut McCarthy LL be designated as official Bond Counsel for the purpose of preparing Bond Ordinances of the Borough,

BE IT FURTHER RESOLVED that Beth Brothman be designated as official Borough Assessment Search Officer for the ensuing year, and

Public Safety: Mrs. Delfing reported that the Fire Chief has a price for 2 full sets of gear plus coats, etc. for \$5071 and confirmed that it would gear up 5 people. The gear is part of an over stock of items for another town and is being offered to us at a big discount. Mrs. Delfing confirmed that there is money to purchase. **A MOTION** was made by Mrs. Delfing, seconded by Mr. Pearson to approve \$5071 to purchase this gear. Upon roll call the following votes were cast: AYES: Dennison, Pearson, Smith, Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Streets & Roads: Mr. Hoag was absent. It was discussed that there are signs that are missing and need to be replaced. High Street/Prospect Ave., Prospect Ave./Brighton Ave., Old Creamery and High Street, West High Street is missing a "no parking here to sign" sign at corner of Brighton Road and speed limit sign needs to added to the list of signs to replace. Mr. Hoag will be contacted to remind to schedule the installation of the signage we have.

Water Utility: Mr. Smith reported that there was a water main break repair a few weeks ago. Mr. Pettit did not respond to his call so Mr. Mooney did the work. The clerk is still waiting to hear if additional agreements can be made with the other companies which submitted estimates. Mr. Smith also reported that work is progressing on the generator at the pump house. It currently is operational and final inspections will be completed in the near future.

OLD BUSINESS:

Radon Grant Program purchase of test kits - tabled until next month

There was a brief discussion over the purchase of a new memorial tree for Mr. Danielson as the one purchased last summer suffered some damage and is dying.

A MOTION was made by Mr. Smith, seconded by Mr. Dennison replaced the tree for an amount not to exceed \$279. Upon roll call the following votes were cast: AYES: Dennison, Pearson, Smith, Delfing. NAYS: None. ABSTAIN: None. Motion carried.

Mr. Dennison mentioned that he would still like to organize a shredding event for the borough and that clean communities' money can be used for that. He thought the best location would be the park. After some discussion about the park being very busy during the summer and that the residents should have proper notification. It was concluded that the best time to organize such an event would be in September.

There was a discussion regarding an estimate for bollards for the new generators. The estimate provided by Mr. Mooney was discussed. During the conversation, Mr. Mooney decided that he wanted to withdraw his estimate. The discussion continued with the estimate submission from Innovative Electrical. *That information is provided under the title of generator grant within these minutes.*

NEW BUSINESS:

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve ABFD Membership Application for James Halbig. Upon roll call the following votes were cast: AYES: Dennison, Pearson, Smith, Delfing. NAYS: None. ABSTAIN: None. Motion carried.

The Andover Regional – 2018/19 School Budget – Tax Levy Certification was reviewed and placed on file.

BE IT FURTHER RESOLVED that Beth Brothman be designated as the person who will perform the Land Use Administrator, Planning Board Secretary and Zoning Officer services under the Shared Service Agreement with Sandyston Township for the year 2018, and

BE IT FURTHER RESOLVED that the interest rate on delinquent taxes shall be 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 and a penalty of 6% against a delinquency in excess of \$10,000.00 on properties that fail to pay the delinquency prior to the end of the calendar year, and Any balances under \$5.00 to be cancelled.

BE IT FURTHER RESOLVED that a penalty of 10% shall be levied on delinquent water rents for the ensuing year.

AND BE IT FURTHER RESOLVED that the Depositories for Borough funds will be PNC Bank, Lakeland Bank, Sussex Bank, New Jersey Cash Management, Hudson City Savings Bank, Bank of New York, First Hope Bank, Valley National Bank and Commerce Bank

A MOTION was made by Mr. Figueiredo , seconded by Mr. Hoag to elect John Hoag as Council President for the ensuing year. Upon roll call the following vote was cast: AYES: Dennison, Hoag, Figueiredo, Pearson, Smith, Delfing. NAYS: none. Motion carried.

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to appoint council member Peter Pearson to the Planning/Zoning Board for a 1-year term. Upon roll call the following vote was cast: AYES: Dennison, Hoag, Figueiredo, Pearson, Smith, Delfing. NAYS: none. Motion carried.

A MOTION was made by Mr. Figueiredo, seconded by Mrs. Delfing to approve the Mayor's appointments to the following positions for 2018. Upon roll call the following vote was cast: AYES: Dennison, Hoag, Figueiredo, Pearson, Smith, Delfing. NAYS: none. Motion carried.

Registered Municipal Clerk, Beth Brothman
Chief Finance Officer / Treasurer, Michelle LaStarza
Tax Collector, Jessica M. Caruso
Tax Clerk, Beth Brothman
Assessor, Joe Ferraris
Borough Hall Custodian & Caretaker, Cindy Smith
Police Commissioner, Robert Smith
Fire Commissioner, Lynn Delfing
Deputy Fire Commissioner, Robert Smith
Animal Control Officer, Alan DeCarolis
Registrar of Vital Statistics, Beth Brothman
Deputy Registrar of Vital Statistics, Amanda Lobban
Coordinator of Aging, John A. Morgan
Joint Insurance Fund Commissioner, Beth Brothman
Emergency Management Coordinator, John Hoag
Deputy Emergency Management Coordinator, Jessica Casella
911 Coordinator, John Hoag
Right to Know Coordinator, John Hoag
Crossing Guard (end June 2017), Terry Casella
Deputy Crossing Guard (end June 2016), open
Small Cities Grant Administrator, Jessica Caldwell
Economic Development Committee, Sherry Arnold
Fire Sub-Code Official, William Paterson
Fire Prevention Officer, William Paterson
Zoning Officer & Housing Officer, William Paterson
Construction Official, Building Inspector, Building Sub-Code Official - Rodney Schmidt
Permit Control Official, Beth Brothman
Electrical Inspection, Cliff Storm
Plumbing Inspection, Rich Beard

Director of Welfare, Beth Brothman
Dog License Clerk, Beth Brothman
Public Agency Compliance Officer, Beth Brothman
Community Building Custodian, Cindy Smith
Community Building Scheduling Coordinator, Beth Brothman
Clean Communities Coordinator, Beth Brothman
Certified Recycling Professional, Beth Brothman

Board of Health Members:

Pat Bloxham Term Expires 12/31/17
Mary Jane Schick, Term Expires 12/31/17
Judy Smith, Term Expires 12/31/18
Joanne Wojcik, Term Expires 12/31/18
Bob Mooney, Term Expires 12/31/19

Water Utility:

Licensed Operator, Robert Olivo
Assistant Water Operator, Timothy Hess
Water Collector, Beth Brothman
Water Meter Reader, Open
Water Superintendent, Robert Smith

Mayor's Appointments to Planning/Zoning Board:

Beth Brothman, Class II, term expires 12/31/17
Bonita Bourke, Class IV, term expires 12/31/19

Sussex County Water Quality PAC & Sussex County Solid Waste Advisory Committee: James Landrith

A MOTION was made by Mr. Hoag, seconded by Mrs. Delfing to adopt the amended Rule of Order & Council Committees for 2018. Upon roll call the following vote was cast: AYES: Dennison, Hoag, Figueiredo, Pearson, Smith, Delfing. NAYS: none. Motion carried.

A MOTION was made by Mrs. Delfing, seconded by Mr. Figueiredo to approve the attached temporary budget. Upon roll call the following vote was cast: AYES: Dennison, Hoag, Figueiredo, Pearson, Smith, Delfing. NAYS: none. Motion carried.

WHEREAS, N.J.S.A. 40A:4-1 et seq. deals with state regulation of local budget matters and these regulations require a temporary budget be adopted covering the first quarter of the fiscal year, and

WHEREAS, the total appropriations exclusive of capital improvements, debt service, deferred charges and reserve for uncollected taxes amounted to \$452,894 in the 2017 municipal budget,

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Andover, County of Sussex, State of New Jersey, that the 2018 temporary budget be adopted in the amount of \$37,741 per month until such time as the 2018 budget is finally adopted.

BE IT FURTHER RESOLVED, by the governing body of the Borough of Andover, County of Sussex, State of New Jersey that the 2018 temporary Water Utility budget be adopted in the amount of \$7,168 per month until such time as the 2018 budget is finally adopted.

BE IT FURTHER RESOLVED, by the governing body of the Borough of Andover, County of Sussex, State of New Jersey that the 2018 temporary Open Space budget be adopted in the amount of \$738 per month until such time as the 2018 budget is finally adopted.

ANY OTHER BUSINESS:

There was a brief discussion regarding transferring the title of the FRU vehicle to the LES that was purchased by the Borough. The Mayor and any available Council members will attend LES's monthly meeting to present the title.

THE REORGANIZATION MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON MONDAY, JANUARY 2nd, 2019 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.

PRESENT: Mayor Morgan, Council members Hoag, Smith, Figueiredo (7:07), Pearson, and Delfing

ABSENT: Mr. Dennison.

Mayor John A. Morgan brought 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.

Mayor Morgan read the Statement of Election

The Municipal Clerk administered the Oath of Office to Councilmember Robert Smith.

A MOTION was made by Mr. Figueiredo, seconded by Mr. Pearson to adopt the following Resolution for Reorganization. Upon roll call the following vote was cast: AYES: Hoag, Smith, Pearson, Figueiredo Delfing. NAYS: none. Motion carried.

BE IT RESOLVED that the regular meeting of the Mayor and Council be held on the second Monday of each month, except that on Holiday Mondays the meeting be held the next day, Tuesday, at the Borough Hall, beginning at 7:00 p.m.,

BE IT FURTHER RESOLVED that the Borough Attorney shall be Frank McGovern of McGovern & Roseman, and

BE IT FURTHER RESOLVED that the Borough Engineer shall be Harold E. Pellow of Harold E. Pellow & Associates, and

BE IT FURTHER RESOLVED that the Official Newspaper of the Borough shall be the New Jersey Herald and Sunday Herald, and

BE IT FURTHER RESOLVED that Thomas Perry of Ferraioli, Wielkotz, Cerullo & Cuva be designated as official auditor for the purpose of preparing the 2019 Municipal Budget and auditing the accounts of the Borough,

BE IT FURTHER RESOLVED that Steven Rogut of Rogut McCarthy LL be designated as official Bond Counsel for the purpose of preparing Bond Ordinances of the Borough,

BE IT FURTHER RESOLVED that Beth Brothman be designated as official Borough Assessment Search Officer for the ensuing year, and

BE IT FURTHER RESOLVED that Beth Brothman be designated as the person who will perform the Land Use Administrator, Planning Board Secretary and Zoning Officer services under the Shared Service Agreement with Sandyston Township for the year 2019, and

BE IT FURTHER RESOLVED that the interest rate on delinquent taxes shall be 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 and a penalty of 6% against a delinquency in excess of \$10,000.00 on properties that fail to pay the delinquency prior to the end of the calendar year, and Any balances under \$5.00 to be cancelled.

BE IT FURTHER RESOLVED that a penalty of 10% shall be levied on delinquent water rents for the ensuing year.

AND BE IT FURTHER RESOLVED that the Depositories for Borough funds will be PNC Bank, Lakeland Bank, Sussex Bank, New Jersey Cash Management, Hudson City Savings Bank, Bank of New York, First Hope Bank, Valley National Bank and Commerce Bank

Bob Mooney, Term Expires 12/31/19

Water Utility:

Licensed Operator, Robert Olivo
Assistant Water Operator, Timothy Hess
Water Collector, Beth Brothman
Water Meter Reader, Open
Water Superintendent, Robert Smith

Mayor's Appointments to Planning/Zoning Board:

Beth Brothman, Class II, term expires 12/31/19

Sussex County Water Quality PAC & Sussex County Solid Waste Advisory Committee: James Landrith

A MOTION was made by Mr. Figueiredo, seconded by Mrs. Delfing to adopt the amended Rule of Order & Council Committees for 2019. There were amendments made to the following:

Under **"Motions"**: Add "or tabled" to the end sentence.

Under **"Purchasing Policy"**: Remove "obtained three written quotes (for spending limit below the bid limit)" and "Bring quotes to council for approval".

Under **"Spending Authority of Council"**: Amend sentence regarding Mayor's spending authority to read "The Mayor shall have spending authority of up to \$1000 monthly for any committee only in the event of an emergency".

Under Standard Committees "Celebration of Public Events": remove "in even numbered years" after Andover Borough Day.

Upon roll call the following vote was cast: AYES: Hoag, Smith, Pearson, Figueiredo and Delfing.
NAYS: none. Motion carried.

A MOTION was made by Mrs. Delfing, seconded by Mr. Figueiredo to approve the attached temporary budget. Upon roll call the following vote was cast: AYES: Hoag, Smith, Pearson, Figueiredo and Delfing. NAYS: none. Motion carried.

WHEREAS, N.J.S.A. 40A:4-1 et seq. deals with state regulation of local budget matters and these regulations require a temporary budget be adopted covering the first quarter of the fiscal year, and

WHEREAS, the total appropriations exclusive of capital improvements, debt service, deferred charges and reserve for uncollected taxes amounted to \$518,662 in the 2018 municipal budget,

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Andover, County of Sussex, State of New Jersey, that the 2019 temporary budget be adopted in the amount of \$43,221 per month until such time as the 2019 budget is finally adopted.

BE IT FURTHER RESOLVED, by the governing body of the Borough of Andover, County of Sussex, State of New Jersey that the 2019 temporary Water Utility budget be adopted in the amount of \$7,488 per month until such time as the 2019 budget is finally adopted.

BE IT FURTHER RESOLVED, by the governing body of the Borough of Andover, County of Sussex, State of New Jersey that the 2019 temporary Open Space budget be adopted in the amount of \$1,700 per month until such time as the 2019 budget is finally adopted

Upon roll call the following vote was cast: AYES: Hoag, Smith, Pearson, Figueiredo and Delfing.
NAYS: none. Motion carried.

ANY OTHER BUSINESS:

Municipal Road Grant – Lindley Court – Recommendation to Accept Project:

A MOTION was made by Mr. Hoag, seconded by Mr. Smith to approve the 2019 professional service agreement with Frank McGovern of McGovern and Roseman for municipal attorney services. Upon roll call the following vote was cast: AYES: Hoag, Smith, Pearson, Figueiredo and Delfing. NAYS: none. Motion carried.

A MOTION was made by Mr. Smith, seconded by Mr. Figueiredo to approve the final of a three-year agreement for 2019 professional service with Harold Pellow of Harold E. Pellow & Associates, Inc. for municipal engineer services. Upon roll call the following vote was cast: AYES: Hoag, Smith, Pearson, Figueiredo and Delfing. NAYS: none. Motion carried.

A MOTION was made Mr. Pearson, seconded by Mrs. Delfing to approve the 2019 professional service agreement with Ferraioli, Wielkocz, Cerullo & Cuva, P.A. for auditor services. Upon roll call the following vote was cast: AYES: Hoag, Smith, Pearson, Figueiredo and Delfing. NAYS: none. Motion carried.

A MOTION was made by Mr. Pearson, seconded Mr. Figueiredo to approve the 2019 professional service agreement with Jessica Caldwell of J. Caldwell & Associates, LLC for municipal planner services. Upon roll call the following vote was cast: AYES: Hoag, Smith, Pearson, Figueiredo and Delfing. NAYS: none. Motion carried.

AUDIENCE PARTICIPATION: None.

A MOTION was made by Mr. Smith, seconded by Mr. Figueiredo, to adjourn the meeting. AYES: All in favor. Motion carried.

Beth Brothman
Municipal Clerk

REPORTS:

A MOTION was made by Mrs. Delfing, seconded by Mr. Pearson to approve the following reports and place on file: Joint Court Report for November, Lakeland Emergency Squad Reports for November / YTD and December / YTD, Final NJDEP Recycling Tonnage Grant Payout for Sussex County Municipalities, ABFD Report for December Upon roll call the following votes were cast: AYES: Hoag, Pearson, Delfing, Smith. NAYS: None. Motion carried.

CORRESPONDENCE: The following letters were presented to the governing body and placed on file:

Letter from Andover Township re: 2% increase as per the Joint Court agreement. New assessment for 2019 \$26530.20, reflects \$520.20 increase.

Letter from New Jersey Dept of State re: Center of Place extension to 6/30/19

Letter from M. Vogel County Sheriff's Office re: OEM appointment

Letter from NJDEP Compliance & Enforcement re: Andover Borough Water Dept compliance inspection 10/18/2018– facility determined to be in compliance.

Letter from NJ Senate – Addison B. Hinrichs, Senate Majority Office re: Resolution in support of **Path to Progress** Recommendations made by New Jersey Economic and Fiscal Policy Workgroup.

A MOTION was made by Mr. Smith, seconded by Mr. Pearson to approve the following resolution. Upon roll call the following votes were cast:

RESOLUTION IN SUPPORT OF "PATH TO PROGRESS" RECOMMENDATIONS MADE BY NEW JERSEY ECONOMIC AND FISCAL POLICY WORKSHOP

WHEREAS, New Jersey faces a daunting fiscal crisis; and

WHEREAS, for two decades, while county and municipal governments made the proper pension payments, New Jersey governors from both parties severely underfunded the pension system for teachers and State government workers; and

WHEREAS, while local government pension systems are funded at the national average, the State's unfunded liability for pensions and retiree health benefits now tops \$150 billion – four times the size of the State budget; and

WHEREAS, actuaries project the State will have to increase the pension contribution from \$3.2 billion in this year's budget to \$6.7 billion to reach the Actuarially Required Contribution (ARC) by FY 2023; and

WHEREAS, health care costs continue to rise, and New Jersey and its local governments cannot sustain the unparalleled platinum-level benefits that they provide to their employees; and

WHEREAS, municipalities cannot address other major cost drivers, such as career-end sick leave payouts in excess of \$100,000, without relief from State government; and

WHEREAS, the State must bring pension and health care costs under control before they crowd out all other important spending needs, such as reinvestment in NJ Transit, making higher education more affordable and properly funding state aid to school districts to hold down property taxes.

NOW, THEREFORE BE IT RESOLVED the Governing Body of the Borough of Andover hereby expresses its support for the recommendations of the "Path to Progress" report issued by the New Jersey Economic and Fiscal Policy Workshop; and

BE IT FURTHER RESOLVED, that a copy of this Resolution is forwarded to Governor Phil Murphy, State House, PO Box 001, Trenton, NJ 08625; Honorable Steven V. Oroho, Honorable Parker Space and Honorable Harold J. Wirths, One Wilson Drive, Suite 2B, Sparta, NJ 07871; Senate President Stephen M. Sweeney, 935 Kings Highway, Suite 400, West Deptford, NJ 08086; Assembly Speaker Craig J. Coughlin, 569 Rahway Ave., Woodbridge, NJ 07095; Senator Paul A. Sarlo, 496 Columbia Boulevard, 1st Floor, Wood-Ridge, NJ 07075; Assembly Majority Leader Louis D. Greenwald, 1101 Laurel Oak Rd., Suite 150, Voorhees, NJ 08043; Assemblywoman Eliana Pintor-Marin, 263 Lafayette St., 1st Floor, Newark, NJ 07015; Senator Anthony R. Bucco, 75 Bloomfield Avenue, Suite 302, 3rd Floor, Denville, NJ 07834; Senator Troy Singleton, 400 North Church St., Suite 260, Moorestown, NJ 08057; Senator Dawn Addiego, 176 Route 70, Suite 13, Medford, NJ 08055; New Jersey Association of Counties, 150 W. State Street, Trenton, NJ 08608; New Jersey State League of Municipalities, 222 West State Street, Trenton, NJ 08608; Sussex County Board of Chosen Freeholders, One Spring Street, Newton, NJ 07860 and each municipality in Sussex County.

AUDIENCE PARTICIPATION:

The Fire Department requested a picture with the governing body.

REPORTS OF SPECIAL COMMITTEE: Mr. Landrith was absent. No report.

REPORTS OF STANDING COMMITTEES:

Administrative & Executive: Mr. Pearson working on purchasing policy and personnel policy. One of the changes that is being suggested is to raise the mileage reimbursement to IRS rate. One thing to look at may be to purchase the Adobe software to convert the pdf to a workable copy.

Celebration of Public Events: Mrs. Figueiredo was absent. Mrs. Delfing reported that the next event will be the Easter Egg Hunt.

Finance: Mr. Dennison was absent. A budget workshop is scheduled for 1/23/19.

Parks & Playgrounds: Mr. Figueiredo was absent. Mr. Smith reported that the cans by the park have been removed so there is no need to have someone empty the one can. The park chairman will empty the garbage can when necessary.

Public Bldgs. & Grounds: Mr. Smith reported that the park building is fully converted to natural gas. Borough Hall will be converted next week. The matter of mold in the park building basement was mentioned. The clerk confirmed that the insurance company was notified and is waiting for more information.

*****Mr. Figueiredo entered into discussion at 7:30 p.m.*****

damage for a single accident. Such insurance shall remain in full force and effect throughout the effective period of the permit as well as any authorized extensions thereof; all such insurance shall carry an endorsement to the effect that the insurance company will provide at least ten (10) days written notice to the Borough prior to any modification or policy cancellation. The Borough shall be named as additional insured on all such insurance certificates or the certificate shall contain adequate cross-indemnification provisions in favor of the Borough. The certificate of insurance shall be in legal form satisfactory to the Borough Attorney.

B. In lieu of filing a certificate of insurance as provided herein, a public utility or governmental agency may file with the Borough Clerk a proper certification that it is qualified as a self-insurer pursuant to law.

C. Upon being granted a permit, the permittee agrees that the permittee shall hold harmless and indemnify the Borough, its employees, agents and representatives from and against all damage, harm, injury, death, expense, cost, loss, claim, dispute, suit and attorney's fees resulting from the negligence, acts and/or omissions of permittee, its contractors, subcontractors, employees, agents and/or representatives in connection with or in the course of designing, planning, performing and concluding the project in question.

Section 117-16 Fees.

Fees shall be paid when the application is made, as set forth in Section 66-1.

Section 117-17 Performance guarantees

A. No permits shall be issued until the applicant has furnished a performance guarantee in favor of the Borough in a form and an amount determined to be sufficient by the Borough. The Borough may waive the requirements of this section in the case of public utilities, upon the presentation of satisfactory proof that it is capable of meeting any claims against it up to the amount of the performance guarantee which would otherwise be required. The performance guarantee shall be executed by the applicant as principal and, when applicable, a surety company licensed to do business in the State of New Jersey as surety, and shall be conditioned as follows:

(1) To indemnify and hold harmless the Borough from all loss, damage, claim or expense, including expenses incurred in the defense of any litigation arising out of injury to any person or property resulting from any work done by the applicant under the permit.

(2) To indemnify the Borough from any expense incurred in enforcing any of the provisions of this article, including but not limited to reasonable professional fees.

(3) To indemnify any person who shall sustain personal injuries or damage to his property as a result of any act or omission of the applicant, his agents, employees or subcontractors, in the course of any work done under the permit.

B. The performance guarantee shall also be conditioned upon the applicant's restoring the surface and foundation of the road in accord with Borough specifications for which the permit is granted in a manner acceptable to the Borough.

C. One performance guarantee may be accepted to cover a number of excavations by the same applicant.

D. Performance guarantees or a portion thereof in an amount not less than \$500 shall remain in full force and continue in effect for a period not to exceed 12 months after acceptance by the Borough, or for such longer period as is determined by the Borough in order to guarantee the restoring of the foundation and surface of the street.

G. If blasting is required to be done in the course of any excavation, it shall be done in strict compliance with all applicable state laws and regulations.

H. If the work is not completed within the time specified in the permit or any extension granted by the Borough, or is not performed in accordance with the requirements set forth in this Article and otherwise by the Borough, then the Borough may have the work completed and the surface of the street restored. The cost of completing the work and restoring the street shall be charged to the permittee and may be deducted from the deposit and/or recovered by an action in any court of competent jurisdiction.

Section 117-22 Requirements for restoration of surface

In all cases, the permittee shall restore the surface of the street in accordance with the following requirements:

- A. No permittee shall commence the restoration of any street foundation or surface until the Borough has determined that settlement of the subsurface is complete and the area properly prepared for restoration. During the settlement period, the permittee shall keep the trench filled to the level of pavement.
- B. The permittee shall be required to replace the permanent pavement when ordered to do so by the Borough within a period of six months following the completion of construction, should any additional settlement occur. If the permittee does not replace the permanent pavement to the satisfaction of the Borough, the permittee shall be required to pay the Borough the cost of making said repair, but not less than \$50 for each time such repair is made. If payment to the Borough is not made at the time of repair by the Borough, the Borough may satisfy payment plus any additional fees through the provisions of Section 117-16.
- C. The street surface shall be restored so as to extend six inches beyond the excavation on all sides.
- D. The street surface shall be restored to the satisfaction of the Borough.

Section 117-23 Permit conditions and regulations.

- A. Transferability. Every permit shall apply only to the person to whom it is issued and shall not be transferable.
- B. Commencement of work. Work under a permit shall commence within 45 days from the date of issuance of the permit. If work is not commenced within that time, the permit shall automatically terminate, unless extended in writing by the Borough Clerk.
- C. Possession of permit. A copy of the permit together with a copy of the plan endorsed with the approval of the Borough shall be kept in possession of the person actually performing the work and shall be exhibited on demand for the Borough and its representatives and agents.
- D. Revocation of permit.
 - (1) The Borough may revoke a permit for any of the following reasons:
 - (a) Violation of any provision of this section or any other applicable rules, regulations, laws or ordinances.
 - (b) Violation of any condition of the permit issued.

- (c) Carrying on work under the permit in a manner which endangers life or property, or which creates any condition which is unhealthy, unsanitary or declared by any provision of this Code to constitute a nuisance.
- E. Modification of permit conditions. In a special case the Council may, by resolution, impose special conditions to which the issuance of the permit may be subject, or may decide that any provision of this article shall not apply or shall be altered.

Section 117-24 Exemptions

Road excavations required under contracts with the Borough and/or performed by municipal departments are exempt from the requirements of this Article.

Section 117-25 liability for damages; violations and penalties

- A. Liability for damages. Any person violating a provision of this Article which results in damage to or obstruction of any public road, gutter, storm drain, ditch, basin, inlet or culvert shall be responsible for all expenses incurred by the Borough in repairing such damage or removing the construction, in addition to the penalties herein provided.
- B. Violations and penalties. Any person violating any of the provisions of this Article shall, upon conviction thereof, be subject to the penalties provided for in Chapter 1, General Provisions, § 1-15.

- SECTION 2. All ordinances or parts of ordinances of the Borough of Andover inconsistent herewith are repealed to the extent of such inconsistency.
- SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.
- SECTION 4. This ordinance shall take effect immediately on final passage and publication as required by law.

A MOTION was made by Mrs. Delfing, seconded by Mr. Hoag to approve the first reading and publication of "AN ORDINANCE TO AMEND CHAPTER 66, ENTITLED "FEES", OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY". This ordinance is being re-read and advertised from a 2018 reading to meet the requirement of publication of ordinance. Upon roll call the following votes were cast: AYES: Hoag, Smith, Pearson, Figueiredo, Delfing. NAYS: None. Motion carried.

**AN ORDINANCE TO AMEND CHAPTER 66, ENTITLED "FEES",
OF THE CODE OF THE BOROUGH OF ANDOVER,
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

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. Section 66-1, entitled "Fees", is hereby amended to add a new subsection pertaining to "Chapter 117, Peddling and Soliciting" as follows:

"Chapter 117, Streets and Sidewalks	
Road opening permit	\$100.00"

THE REGULAR / WORKSHOP MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON WEDNESDAY, JANUARY 23rd, 2019 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.

PRESENT: Mayor Morgan, Messrs. Smith, Pearson, Figueiredo, Delfing

ABSENT: Messrs. Dennison, Hoag

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.

Oath of Office for Mel Dennison was tabled as Mr. Dennison was absent.

AUDIENCE PARTICIPATION: None.

PREPARATION OF THE 2019 MUNICIPAL BUDGET:

The Mayor and Council reviewed the budget worksheet. There was some discussion regarding the water utility surplus. It was determined that the departments will review the worksheet until the financial statement is finished. The CFO reported that new internet service is needed for her to work remotely.

A MOTION was made by Mr. Smith, seconded by Mr. Figueiredo to enter into a new internet agreement with PenTeleData to increase internet speed from 12 Mbps to 50 Mbps costing \$137.95 per month for 3-year contract. Upon roll call the following votes were cast: AYES: Smith, Pearson, Figueiredo, Delfing. NAYS: None. Motion carried.

ANY OTHER BUSINESS:

Proclamation: James R. Watson – Eagle Scout

The proclamation for James Watson was presented by Mayor Morgan

PROCLAMATION

***WHEREAS**, on 17 December 2018, Boy Scout James Watson from Troop 81, was recognized by the Boy Scouts of America for successfully completing all requirements for Scouting's highest rank; and,*

***WHEREAS**, we are gathered here on this occasion, as friends, family and neighbors of James to support him on his attainment of the rank of Eagle Scout and to recognize the faithful and steady path taken within the Scouting organization; and*

***WHEREAS**, scouting, for both boys and girls, has been an integral part of our community for many years, and we note that the Boy Scouts of America has been teaching patriotism, courage and self-reliance for more than 100 years within the United States of America; and*

***WHEREAS**, we commend James Watson on his Eagle project, which built and installed four bat houses within Andover Borough to help sustain our beneficial bat population and which is just one example of the many contributions he has made to the community; and*

NOW, THEREFORE, I, JOHN MORGAN, MAYOR OF THE BOROUGH OF ANDOVER, SUSSEX COUNTY, NEW JERSEY, AND REPRESENTING THE MEMBERS OF THE BOROUGH COUNCIL, DO HEREBY RECOGNIZE AND CONGRATULATE:

James Watson, Eagle Scout

for this outstanding accomplishment and extending to him our deepest appreciation for all of his dedicated work and wishing him the best in all of his future endeavors.

Joint Court Discussion:

The Mayor reported that he has the reports for the last 10 months of the Joint Court expenses. The Mayor reviewed the information and provided the fair share and actual 2018 expenses. He proposed that we approach Andover Township with this information to see if they are willing to relook at this distribution of these expenses. There will also be an inquiry in another Joint Court system so there is another option in the event that no agreement can be made.

Water Maintenance & Repair Agreement Discussion

The Council reviewed the estimate provided by Newmar Contracting, LLC. They will continue to research other possibilities to fulfill this contract by March. The Borough Clerk will contact Marksmen Enterprises, Inc. to see if they would like to submit an estimate as they showed interest prior to the last contract.

Public Building Natural Gas Conversation Progress – It was determined that the park building work is completed and the borough hall should be done this week. To facilitate payment once final approval is granted on inspections the following motion was made:

A MOTION was made by Mr. Smith, seconded by Mrs. Delfing to approve final payment to TrapAire, Inc. once the final inspection approvals are granted. Upon roll call the following votes were cast: AYES: Smith, Pearson, Figueiredo, Delfing. NAYS: None. Motion carried.

911 Dispatch Agreement: The current agreement will expire in December 2019. The Mayor will contact Mr. Hoag to facilitate a meeting with the County 911 Office of Emergency Management.

The Land Conservancy Grant Program: There was some discussion as to what kind of project could be useful at the Sunset Vista Park. There was an interest in putting a pavilion at that site. The Borough Clerk will seek estimates for a new pavilion.

Catch Basin Cleaning: The Borough Clerk will provide the estimate again for catch basin cleaning at the February meeting and after which a date will be scheduled for work.

AUDIENCE PARTICIPATION: None.

MOTION TO PAY THE BILLS:

A MOTION was made by Mr. Figueiredo, seconded by Mrs. Delfing to approve the bills list dated 1/23/19. Upon roll call the following votes were cast: AYES: Smith, Pearson, Figueiredo, Delfing. NAYS: None. Motion carried.

MOTION TO ADJOURN:

A MOTION was made by Mr. Pearson, seconded by Mr. Figueiredo to adjourn the meeting. Upon roll call the following votes were cast: AYES: All in favor. NAYS: None. Motion carried.

Beth Brothman
Municipal Clerk

THE REGULAR / WORKSHOP MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON WEDNESDAY, JANUARY 24th, 2018 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.

PRESENT: Mayor Morgan, Councilmembers Dennison, Figueiredo, Pearson, Smith, Delfing, (vacancy in office)

ABSENT: Mr. Hoag

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.

AUDIENCE PARTICIPATION: None.

NEW BUSINESS:

Review of Ordinance for Lock Box System - The Council reviewed lock box system ordinances as supplied by the Fire Chief. There was some discussion over the implementation of the ordinance as well as expense. The Council would like to review other ordinances and see that the false alarm ordinance penalty is issued to violators.

Review of Water System Contractor Repair Estimates – The Council reviewed the Water System Repair and Service estimates provided by Marksmen Enterprises, JCC Landscaping and Petit Corporation. A draft contract will be created for next month's meeting.

Review of Tax Collector Shared Service Agreement – The shared service agreement with Wantage was reviewed and the following action taken:

A MOTION was made by Mr. Smith, seconded by Mr. Figueiredo to approve the shared service agreement for tax collector with Wantage Township. Upon roll call the following votes were cast: Ayes: Dennison, Figueiredo, Pearson, Smith, Delfing.

Review of escrow deposit return for rental agreement – The Council reviewed the agreement created for escrow deposit return. A MOTION was made by Mr. Figueiredo, seconded by Mr. Smith to accept the new form and use for all actions pertaining to return of escrow for rental. Upon roll call the following votes were cast: Ayes: Dennison, Figueiredo, Pearson, Smith, Delfing.

RESOLUTION:

A MOTION was made by Mr. Dennison, seconded by Mrs. Delfing to approve a resolution for Action Alliance – Fiscal Grant Cycle July 2014 to June 2019. Upon roll call the following votes were cast: Ayes: Dennison, Figueiredo, Pearson, Smith, Delfing.

****** Mr. Figueiredo recused himself from the rest of the meeting at 8:55 p.m. due to an emergency ******

ANY OTHER BUSINESS:

There was a brief discussion regarding the generator grant. Waiting on Freedholders to determine if they will approve \$90,000 from their reserve to go toward the project.

The Mayor is communicating with Elizabethtown Gas to gain more information for the hook up of the new generators at the park building and borough hall.

Mr. Dennison discussed the telephone bills. He has a meeting on Tuesday with Service Electric to determine how much they can save the municipality.