

**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 11<sup>th</sup>, 2019 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.**

**PRESENT:** Mayor Morgan, Council Members: Smith, Figueiredo, Pearson and Delfing.

**ABSENT:** Messrs. Dennison and 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.

**MINUTES:**

A MOTION was made by Mr. Figueiredo seconded by, Mrs. Delfing to approve the minutes of the meeting held on February 11, 2019. Upon roll call the following votes were cast: YES: Smith, Pearson, Figueiredo, and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mr. Figueiredo seconded by Mrs. Delfing to approve the minutes of the workshop/regular meeting held on February 27<sup>th</sup>, 2019. Upon roll call the following votes were cast: YES: Smith, Pearson and Delfing. NAYS: None. ABSTAIN: Figueiredo. Motion carried.

**OFFICIALS REPORTS:**

A MOTION was made by Mrs. Delfing, seconded by Mr. Figueiredo to approve the Treasurer's report dated March 11<sup>th</sup>, 2019. Upon roll call the following votes were cast: YES: Smith, Pearson, Figueiredo, and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mr. Smith, seconded by Mr. Figueiredo to accept the following reports and place on file: Joint Court report for January 2019, ABFD report for February. Upon roll call the following votes were cast: YES: Smith, Pearson, Figueiredo and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**CFO: 2019 BUDGET DISCUSSION.** – The 2019 budget information was reviewed with the CFO via teleconference.

**CAP BANK ORDINANCE:**

A MOTION was made by Mrs. Delfing, seconded by Mr. Figueiredo to approve the second reading and adoption of "AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK". Upon roll call the following votes were cast: AYES: Smith, Pearson, Figueiredo, Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**SALARY ORDINANCE:**

A MOTION was made by Mr. Smith, seconded by Mr. Pearson to approve introduction and publication of 2019 Salary Ordinance as an "all or nothing" standard. Mr. Smith stated that his reasoning was that all should receive the increase of 2% if a raise is given. Mr. Figueiredo expressed his concern in raising the salary of the governing body, but was in favor of raising employee rates. Upon roll call the following votes were cast: AYES: Pearson, Figueiredo, Delfing. NAYS: Smith. ABSTAIN: None. Motion carried.

**2019 MUNICIPAL BUDGET:**

A MOTION was made by Delfing, seconded by Mr. Pearson to approve introduction and publication of 2019 budget. The discussion was still contemplating the now approved salary increase. Mr. Figueiredo offered to reduce his salary. He was informed he could return the money. It was also clarified that the open space tax is 3 cents. Upon roll call the following votes were cast: AYES: Smith, Pearson, Figueiredo, Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**2019 WATER UTILITY:**

A MOTION was made by Mr. Smith, seconded by Mr. Pearson to approve the water budget as presented. Upon roll call the following votes were cast: AYES: Smith, Pearson, Figueiredo, Delfing. NAYS: None. ABSTAIN: None. Motion carried.

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

York Risk re: Insurance Adjustor re-inspection of park building from loss dated 12/20/16 – waiting on estimate for repair

Senator Paul A. Sarlo re: Thank you for send a copy of resolution expressing support of the Path to Progress report.

Windsor Soil Co. re: Infield mix quote

State of NJ Green Acres Program re: Green Acres Project File #1901-12-016-01 Francisco Farm – Signage required on block 8 lot 5 in accordance with *NJAC 7:36-25.12 Posting of Signs on Funded Parkland.*

**AUDIENCE PARTICIPATION:      None.**

**REPORTS OF SPECIAL COMMITTEES:** Mr. Landrith reported on the NJDEP finding on the pollution in Sparta under a B.U.D. He continued to discuss his working with the 208 attorney to determine how to protect land within municipalities that the State might determine as a location that is suitable to approve some types of release of contaminated materials.

**REPORTS OF STANDING COMMITTEES:**

Administrative & Executive:      Mr. Pearson reported that the committee continues to work on the personnel policy and purchasing policy. The salary ordinance was presented at this evening's meeting.

Celebration of Public Events:      Mr. Figueiredo confirmed that the Saturday before Easter is the Egg Hunt at 11:30 a.m. The Memorial Day wreath ceremony was also confirmed for 9 a.m. on 5/27/19. There was some discussion over replacing the flags in both Memorial Park and the mini park. The clerk was requested to look to for the extra American flag we have had in the office as well as purchase one new American flag and one new POW flag.

Finance:      Mr. Dennison was absent. No report.

Parks & Playgrounds:      Mr. Figueiredo reported that graffiti was found in Memorial Park on playground equipment, benches and railings. It was reported to the State Police and it is under investigation. He continued to report that since the basement was cleaned out the garbage cans still need to be removed. The will be put on the trailer to be brought to the landfill.

**Public Bldgs. & Grounds:** Mr. Smith made the following report: He has had the four cameras installed in the Borough Hall and will have the park building cameras installed once the renovation work is completed. Power will be installed for the camera hard drive as well as a few new lights in the park building basement. The renovation work is from the phase two work caused by the water damage in Dec. 2016. This work with painting and mold removal may come around \$5500. He stated that a tank was removed and construction permits taken care of by the clerk and he is encumbering \$400 to replace the warped door frame in the basement of park building. He thanked the people who came to help clean out the park basement to get this work started. As far as outside work, Mr. Smith said that the railing leading down to the bus stop needs to be replaced and that he will be looking into installing the fence in the park as discussed at previous meetings. Additionally, he will be looking for a landscaper this year to take care of the weeds in the flower beds at the park building and borough hall. He closed his report by stating that the gas conversion is working great and that at some point he would like to replace the cubicles and carpeting in the borough hall.

**Public Safety:** Mrs. Delfing reported that she met with Ivan Cohen this afternoon for our annual inspection meeting. A formal report will be provided.

**Streets & Roads:** Mr. Hoag was absent. It was asked if he knew of the repair needed on Railroad Avenue. The clerk replied that he was aware and that the County will be supplying an estimate when the weather is better. In the meantime, they filled it will patch.

**Water Utility:** Mr. Smith reported that the water maintenance & repair contract with Marksmen Enterprises was able to be prepared under the prevailing wage threshold. Mr. Mooney stated that there is a big pile left after the work they did on the repair by pump house. He continued to state that the road entering the pump house also needs to be regraded and seeded due to the snow plow this winter. Mr. Smith closed his report by stating that he is still noticing the savings between water usage, chemical orders and electricity since the major leak was found.

## **OLD BUSINESS:**

Estimates to review for authorization were not available at this meeting for the Catch Basin Project or Fire Department Vehicle Repairs. More information will be sought for next meeting.

NJ State Planning Commission re: Planning Endorsement for Centers of Place matter was discussed. The Borough received a letter stating that the State has extended the designation until 6/30/19. The state will be considering planning endorsement after that date. There may be an additional extension, but municipalities should consider if they want to pursue plan endorsement. The Municipal Clerk has been communicating with the Planner. She will reach out again to understand the next steps.

### *Grant Update Discussions:*

*Fire Department Equipment:* Mr. Pearson reported that he is working on this project. In the meantime, another opportunity for grant money was sent that centers on training. Mr. Pearson is communicating with the fire chief to see if this is an opportunity that we can use.

*Open Space:* Mr. Figueiredo reported that he has looked over the grant application and will be working with the Municipal Clerk the week of spring break to gather the documents he needs to move forward.

The Mayor continued to report that we need to have a cleanup done at the water tower and extra keys made for the gate locks to the pump house and water tower. He was also waiting to hear back

from Mr. Hoag on his visit to the County 911 dispatch and Wantage Township regarding his and Mr. Pearson's meeting with them on court matters. The Mayor stated that cleanup of the vacant properties obtained through tax title lien foreclosure was being worked on and that he rewrote the water operating manual and it was being retyped by the clerk.

**NEW BUSINESS:**

The governing body reviewed the proposed ordinance amending Chapter 60 entitled "Domestic Animals and all entitled "Accessory Uses" of Articles IV in Chapter 134 Zoning of the Code of the Borough of Andover which was forwarded by the Planning / Zoning Board.

The Mayor asked if the Municipal Clerk would contact the Engineer to ask if there were storm water maps available that we can utilize while considering the best way to approach the catch basin clean out project.

**RESOLUTIONS:**

**A MOTION** was made by Mr. Smith, seconded by Mr. Figueiredo to approve a resolution confirming Chief Financial Officer's Award of Bond Anticipation Note in the amount of \$200,000 to Sussex Bank at 2.65% dated March 1<sup>st</sup>, 2019 payable February 28, 2020. Upon roll call the following vote was cast: AYES: Smith, Pearson, Figueiredo, Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**ORDINANCE:**

**A MOTION** was made by Mr. Figueiredo, seconded by Mrs. Delfing to approve the first reading and publication of "AN ORDINANCE TO AMEND SECTION 60-1, "DEFINITIONS", OF CHAPTER 60, ENTITLED "DOMESTIC ANIMALS", AND SECTIONS 134-15, 134-38, 134-39.3, 134-42 AND 134-49, ALL ENTITLED "ACCESSORY USES" OF ARTICLE IV "R-1 RESIDENTIAL ZONE, ARTICLE VII "R-2 RESIDENTIAL ZONE", ARTICLE VIIIA "R-3 RESIDENTIAL ZONE", ARTICLE VIII "C-1 COMMERCIAL ZONE" AND ARTICLE X "C-3 COMMERCIAL AND LIMITED INDUSTRIAL ZONE" OF CHAPTER 134, ENTITLED "ZONING" OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, NEW JERSEY." Upon roll call the following vote was cast: AYES: Smith, Pearson, Figueiredo, Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**WHEREAS**, the Borough Council of the Borough of Andover, County of Sussex, State of New Jersey, has decided that live poultry may be permitted on residential property subject to certain restrictions which have been reviewed and recommended by the Andover Borough Planning/Zoning Board;

**BE IT ORDAINED** by the Borough Council of the Borough of Andover, County of Sussex, State of New Jersey, as follows:

**SECTION 1:** The portion of Section 60-1, entitled "Definitions", of Chapter 60, entitled "Domestic Animals", of the Code of the Borough of Andover, which reads:

**"DOMESTIC ANIMAL**

Any cat, dog or livestock other than poultry."

is amended to read as follows:

**"DOMESTIC ANIMAL**

Any cat, dog or livestock including poultry."

**SECTION 2:** Section 134-15 "Accessory Uses" of Article IV "R-1 Residential Zone", of Chapter 134, entitled "Zoning", is amended by the addition of the following:

- G. The keeping of poultry subject to the following: Only hen poultry that are owned by the resident may be kept on residentially used property. Shelters, pens, runs and so forth must not be closer than 15 feet from any adjoining property. Poultry must be penned and not allowed to free range. A maximum of five (5) poultry per 10,000 square feet of property shall be allowed with a total of twenty-five (25) maximum for any size lot within this zone.

**SECTION 3:** Section 134-38 "Accessory Uses" of Article VII "R-2 Residential Zone" of Chapter 134, entitled "Zoning", is amended by the addition of the following:

- F. The keeping of poultry subject to the following: Only hen poultry that are owned by the resident may be kept on residentially used property. Shelters, pens, runs and so forth must not be closer than 15 feet from any adjoining property. Poultry must be penned and not allowed to free range. A maximum of five (5) poultry per 10,000 square feet of property shall be allowed with a total of twenty-five (25) maximum for any size lot within this zone.

**SECTION 4:** Section 134-39.3 "Accessory Uses" of Article VIIA "R-3 Residential Zone" of Chapter 134, entitled "Zoning" is amended by the addition of the following:

- F. The keeping of poultry subject to the following: Only hen poultry that are owned by the resident may be kept on residentially used property. Shelters, pens, runs and so forth must not be closer than 15 feet from any adjoining property. Poultry must be penned and not allowed to free range. A maximum of five (5) poultry per 10,000 square feet of property shall be allowed with a total of twenty-five (25) maximum for any size lot within this zone.

**SECTION 5:** Section 134-42 "Accessory Uses" of Article VIII "C-1 Commercial Zone" of Chapter 134, entitled "Zoning" is amended by the addition of the following:

- D. The keeping of poultry subject to the following: Only hen poultry that are owned by the resident may be kept on property used as a single-family residence. Shelters, pens, runs and so forth must not be closer than 15 feet from any adjoining property. Poultry must be penned and not allowed to free range. A maximum of five (5) poultry per 10,000 square feet of property shall be allowed with a total of twenty-five (25) maximum for any size lot within this zone.

**SECTION 6:** Section 134-49 "Accessory Uses" of Article X "C-3 Commercial and Limited Industrial Zone" of Chapter 134, entitled "Zoning" is amended by the addition of the following:

- D. The keeping of poultry subject to the following: Only hen poultry that are owned by the resident may be kept on property used as a single-family residence. Shelters, pens, runs and so forth must not be closer than 15 feet from any adjoining property. Poultry must be penned and not allowed to free range. A maximum of five (5) poultry per 10,000 square feet of property shall be allowed with a total of twenty-five (25) maximum for any size lot within this zone.

**SECTION 7: SEVERABILITY AND REPEALER**

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held invalid.

**SECTION 8: NOTICE**

The Borough Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Borough Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

**SECTION 9: EFFECTIVE DATE**

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

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**A MOTION** was made by Mr. Smith, seconded by Mr. Pearson to forward a copy of the amended ordinance to the Planning / Zoning Board for final review. Upon roll call the following votes were cast: AYES: Smith, Pearson, Figueiredo, Delfing. NAYS: None. ABSTAIN: None. Motion carried

**AUDIENCE PARTICIPATION:** Mr. James Landrith proposed that a resolution should be passed by the governing body in favor of changing daylight savings. After some consideration this resolution was not entertained as it could be considered unconstitutional. The record reflects at Mr. Pearson's request, that he is crestfallen. Mr. Landrith also asked if the new camera system had audio. He was told it did not.

**MOTION TO PAY THE BILLS:**

**A MOTION** was made by Mr. Figueiredo, seconded by Mr. Pearson to pass the following Resolution: BE IT RESOLVED by the Governing Body to approve the payment of all vouchers on the bill listed March 11<sup>th</sup>, 2019, submitted by the Chief Financial Officer for payment. During this time, there was some discussion regarding the need to have new estimates provided for snow plowing in the 2019/2020 year. Upon roll call the following votes were cast: YES: Smith, Pearson, Figueiredo and Delfing. NAYS: None. ABSTAIN: None. Motion carried.

**MOTION TO ADJOURN:**

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

Beth Brothman  
Municipal Clerk