

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 13, 2024 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.

PRESENT: Mayor Morgan

Council Members: Dennison, DiRenzo, Smith, Lane, Mallon (7:36 p.m.), and Webb

ABSENT: None.

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, posting copy of notice in the Borough Hall and on the Borough website.

MINUTES:

A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the minutes of the meeting held on 04/08/24 with correction required to the amount reflect on page 15 under "Summary of Appropriations" and "Final 2023 Budget – Operating Expenses: Salaries & Wages". Upon roll call the following votes were cast: AYES: Smith, DiRenzo, Lane, Mallon and Webb. NAYS: None. ABSTAIN: Dennison. Motion carried.

The minutes of the meeting held on March 28, 2024 was tabled.

OFFICIALS REPORTS:

CFO: No report.

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to accept the following reports as listed below: Joint Court report for March, ABFD report for April, Water Department Reports: Water Operator Report for March & April with Well 1 & 2 reports and 2024 first quarter disinfection residual report. Upon roll call the following votes were cast: AYES: Dennison, Smith, DiRenzo, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

CORRESPONDENCE: The following was presented to the Council and placed on file:

Statewide Insurance dated 4/3/24 re: 2024 SIF Risk Control Grant Application award \$449.00

Statewide Insurance dated 4/3/24 re: Cyber Liability Subjectivities

Sussex County Admin. Ctr dated 4/8/24 re: Certification for Emergency Rescue Squad (EMS) Contribution

Byram Twp dated 4/18/24 re: Resolution of the Township of Byram Requesting That First Energy Rapidly Increase Internal Funding for JCP&L to Quickly Rectify Long Delayed, Yet Necessary, Modernization Upgrades to Its Electrical Distribution Grid.

County of Sussex dated 3/28/24 re: Resolution in Support of NJ Assembly Bill A4102 Which Allows Boards of County Commissioners to Remove Commissioners Who Miss Three Consecutive Meetings Without an Excused Absence.

NJ DEP Watershed & Land Management dated 04/25/24 re: Flood Damage Prevention Ordinance

NJDOT dated 4/29/24 re: FY2025 State Aid Programs

J. Caldwell-Planner dated 4/30/24 re: New Affordable Housing Legislation and Recommendations

** The Mayor asked that Ms. Caldwell attend the July meeting to discuss this new legislation*

AUDIENCE PARTICIPATION:

Mandy Mallon of Smith Street appeared before the governing body to express her concern for the condition of the playground. She eloquently explained that she is saddened by the graffiti inside one of the pieces of playground equipment. Mayor Morgan thanked her for alerting the municipal officials of the damage and assured her that it would be taken care of. Mr. Smith thanked her as he was unaware that the damage was inside of that piece of playground equipment. Mr. Mallon suggested he may have some kind of cleaner to remove the writing. Mr. Mallon will look into it.

REPORTS OF SPECIAL COMMITTEE:

Stormwater Plan: The Mayor asked if the MS4 Stormwater Plan has been completed. The Clerk was unsure as she has not received confirmation of it being finished. She will reach out to T. Knutelsky to ask for copy. The Municipal Clerk reported that she has provided Matt Morris of H.E. Pellow's office the information necessary to submit the 2023 annual certification report.

Firefighter Grant: No report.

Cannabis Review Committee: Resolution #R-2024-16 approving permit to Andover Cannabis LLC is on this evening's agenda for approval. *See below under "Resolutions"*.

REPORTS OF STANDING COMMITTEES:

Administrative & Executive: There was some discussion regarding the Municipal Clerk's computer and review of estimate provided by IT professionals Planet Network. The cost of the estimate is \$822.53. It was noted the last improvement to this computer is more than five years ago. Mr. Dennison thought the price was reasonable. The council also reviewed an estimate provided by Planet Network to replace the battery backup for the server. The cost of that seemed to be high. Mr. Lane has found he can purchase them for about \$250. Lastly, Mr. Dennison reported that the appointment of the new animal control officer is also before the Council this evening. The Council reviewed the resume provided by Bonnie Waseleski.

A MOTION was made by Mr. Dennison, seconded by Mrs. Webb to approve the estimate of \$822.53 as provided by Planet Network. Upon roll call the following votes were cast: AYES: Dennison, Smith, DiRenzo, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried

A MOTION was made by Mrs. Webb, seconded by Mr. Mallon to approve an amount not to exceed \$250 for the purchase of battery backups for computers/server. Upon roll call the following votes were cast: AYES: Dennison, Smith, DiRenzo, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried

A MOTION was made by Mr. Lane, seconded by Mr. Dennison to approve the appointment of Bonnie Waseleski as animal control officer starting 6/1/24. Upon roll call the following votes were cast: AYES: Dennison, Smith, DiRenzo, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried

Celebration of Public Events:

The next event is Memorial Day on 5/27 at 9 a.m. The Municipal Clerk has ordered the wreath and flags.

Finance:

The budget is slated for introduction this evening.

Parks & Playgrounds:

Mr. Mallon reported that a floor jack is needed for the park attendant to be able to work on equipment. He reported the cost has been around \$99. The Council moved on to review the agreement for the emergency work done on the entrance wall in the park by Delaportas. The Municipal Clerk requested an

approval to execute the agreement to complete the paperwork. Lastly, Mr. Mallon reported that the work done to improve the retaining wall in the park is done and looks good. He recommends that a sealant be put along the space between the wall and stairs to prevent water from undermining the recent work.

A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the agreement with Delaportas in the amount of \$3000. Upon roll call the following votes were cast: AYES: Dennison, Smith, DiRenzo, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried

A MOTION was made by Mr. Smith, seconded by Mr. Mallon to approve an amount not to exceed \$150 to purchase the floor jack. Upon roll call the following votes were cast: AYES: Dennison, Smith, DiRenzo, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

Public Bldgs. & Grounds:

Mr. Smith started his report by moving to approve work to be done on the Borough Hall. At last meeting \$85,000 was approved for the work. The Municipal Clerk omitted the ordinance from this evenings agenda as ordinance was not completed, advertised and noticed as required. Mr. Smith was concerned this could set back the work he is scheduling and was very disappointed. Ordinance #2024-11 to fund \$85,000 for capital improvement was introduced. The ordinance shall include description to include but not be limited to windows, cubicles, office repairs, flooring, carpet. The project will need to be followed up on to ensure the purchasing information is done to statutory requirements. *See below #2024-11 under "Ordinances"*.

Mr. Lane reported he has replaced the lights in the park building with LED. He's noted that there are a few other repairs to attend to which include, but are not limited to: a light switch, replacement of ballasts and repair of fixture. Mr. Mallon will take care of some of the work Mr. Lane has not yet completed. There was some discussion regarding the purchase of materials for the work left to complete this project. A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve \$500 for the purpose of completing this project. Upon roll call the following votes were cast: AYES: Dennison, Smith, DiRenzo, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried

Public Safety:

Mr. Lane reported that the County is working with a company to help redo the Emergency Operations Plan (EOP) for all municipalities. Towns have the choice to opt in or out until the work commences. Andover Borough has opted in at this point. Mr. Lane continued to report that the ISO flow test is complete. In answer to questions concerning the claim to repair the HME fire truck, Valtek is still waiting for an answer on how to proceed and has offered to fund the difference for one year at 6% interest. Mayor Morgan reported that he has researched the matter of the salvage title and it did not seem that "big of a deal", but he would prefer if Statewide would provide a realistic appraisal and recognize the truck is repairable as Valtek has shown. Mr. Smith pondered that the additional costs could be upwards of \$25,000 dollars even though the difference between the claim and the estimated cost to repair is about \$9,000 since there are other costs that will come along. Mr. Smith was concerned that this work is costing the tax payers. The Mayor advised that it was an accident and the reason the Borough has insurance.

Streets & Roads:

Mr. Mallon reported there is a large hole in the right of way along Route 206 and Station Road, just North of 139 Main Street. The Municipal Clerk will contact the NJDOT with this issue.

Water Utility:

Mr. Smith reported that the work on the gate to the pump house still needs to be repaired. Cost is about \$400 by Fence Unlimited. Mr. Smith continued to report that Mr. Olivo will be doing the daily water monitoring until Mr. Mooney returns about 5/19. Mr. Smith asked the Municipal Clerk, Mrs. Brothman, to thank Sam Brothman for his work with the water department.

A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the expenditure of \$400 to repair the gate at the water pump house. Upon roll call the following votes were cast: AYES: All in favor. NAYS: None. ABSTAIN: None. Motion carried

BOARD OF HEALTH:

The following report was presented by secretary Brothman. The March & April activity and inspection Reports, the May Health Monthly Newsletter, and Board of Health correspondence for B. 24. L. 46.01.

OLD BUSINESS:

- Mayor Morgan reported that he has met with the construction official to review options for a pavilion to be installed at Sunset Vista Park. He has narrowed down the size to 14x24. Once a style has been selected, and in order to move toward installation, the plan will need to be certified through engineer review to confirm it meets building code. The mayor suggested that the cost would be upwards of \$25,000.00 and use open space funds. Ordinance #2024-12 below was introduced.

NEW BUSINESS:

- Mayor Morgan reported that the Municipal Clerk has submitted a request for funding to support the repair/replacement of the ramp in the park.
- Mr. Lane reported he would like to have an ADA push bar installed on the front door of the municipal building and perhaps use the SIF grant to offset the cost.

ADOPTION OF THE 2024 MUNICIPAL BUDGET:

Salary Ordinance 2024:

Ordinance #2024-09 – 2nd reading and adoption

A MOTION was made by Mr. Lane, seconded by Mrs. Webb to approve the second reading and adoption of “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 2024”. There was no comment from the public. Upon roll call the following votes were cast: AYES: Dennison, DiRenzo, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

ORDINANCE #2024-09

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 2024

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 established for 2024 are as follows:

Position	Hourly/Salary	Pay Period	Amount
Mayor	S	Q	\$ 4,555.00
Council	S	Q	2,657.00
CFO/Treasurer	S	M	18,537.00
Tax Assessor	S	M	13,268.00
Tax Assessor Sec.	H	Q	14.45 (f)(g)
Tax Collector	Paid through shared service agreement		
Tax Search Officer	Each	Annual	13.00 (f)(g)
Assessment Search Officer	Each	Annual	13.00 (f)(g)
Asst. Tax Collector / Tax Clerk	S	M	1,818.00
Borough Clerk	S	M	53,153.00

Clerk Typist	H	M	14.45 (f)
Registrar	S	M	650.00
Clean Communities Coordinator	S	M	\$100.00
Municipal Recycling Coordinator	S	M	\$500.00
Stormwater Program Coordinator	S	M	\$1000.00
Licensed Water Operator	S	M	12,270.00
Asst. Licensed Water Operator	S	M	1,534.00
Water Supervisor	S	Q	2,950.00
Water Collector	H	M	6,280.00
Water Utility Administrator	H	M	20.00
Water Meter Reader	H	Q	0.00 (f)
Well Monitor	H	M	18.00
Mark Out Turn On/Shut Off	H	M	26.00
Board of Health Sec.	S	M	590.00
Animal Control Officer	S	M	3,272.00
Planning/Zoning Secretary	S	M	7,565.00
Construction Official	S	M	6,811.00
Permit Control Officer	S	M	4,085.00
Zoning/Code Officer	H	M	30.00
Zoning Deputy Admin. Asst.	H	M	22.00
Shared Service – Land Use	S	M	17,917.77
Fire Prevention	As per shared service agreement		
Fire Sub Code	Each Inspection	M	35.00
Plumbing Inspector	Each Inspection	M	35.00
Electrical Inspector	Each Inspection	M	35.00
Emerg. Mgmt. Coord.	S	Q	719.00
Deputy EMC	S	Q	409.00
Dog License Clerk	each license	A	0.33
Borough Hall Caretaker	S	M	2,371.00
Crossing Guard	H	M	15.34
Alternate Crossing Guard	H	M	14.45(f)
Labor Class I	H	M	18.76
Labor Class II	H	M	15.64
Labor Class III	H	M	14.45 (f)

Notes:

(f) or minimum wage, whichever is greater

(g) \$200 annual maximum

Ordinance #2024-07 – 2nd reading and adoption

A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the second reading and adoption of “ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)”. There was no comment from the public. Upon roll call the following votes were cast: AYES: Dennison, DiRenzo, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None.
Motion carried.

ORDINANCE #2024-07

CALENDAR YEAR 2024

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Borough of Andover in the County of Morris finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 1.00% increase in the budget for said year, amounting to \$4,201.40 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Borough of Andover, in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Andover shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$14,704.90 and that the CY 2024 municipal budget for the Borough of Andover be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Resolution R-2024-16 Self Examination of Budget Resolution 2024 Municipal Budget

A MOTION was made by Mr. Smith, seconded by Mr. Dennison to approve a Resolution entitled "**SELF-EXAMINATION OF BUDGET RESOLUTION 2024 MUNICIPAL BUDGET**". Upon roll call the following votes were cast: AYES: Dennison, DiRenzo, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

R-2024-16

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Andover has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2024 budget year.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Andover that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Mr. Dennison asked if an additional donation was made to Lakeland Emergency Squad in this budget. It was not. Mr. Dennison asked if that could be amended. It can, but at a later date. To do so now would require the adoption of the 2024 budget to be postponed.

Resolution R-2024-18

2024 Budget Adoption

A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the second reading and adoption of the 2024 municipal budget. The matter was opened to the public and closed without comment. Upon roll call the following votes were cast: AYES: Dennison, DiRenzo, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

R-2024-18

**2024 Municipal Budget of the Borough of Andover, County of Sussex, NJ
for the Fiscal Year 2024 - Revenue and Appropriation Summaries**

Summary of Revenues

	<u>Anticipated</u>	
	<u>2024</u>	<u>2023</u>
1. Surplus	111,700.00	68,200.00
2. Total Miscellaneous Revenues	331,861.28	380,720.45
3. Receipts from Delinquent Taxes	55,000.00	61,000.00
4. a) Local Tax for Municipal Purposes	383,662.39	375,972.27
b) Addition to Local District School Tax		
c) Minimum Library Tax	0.00	0.00
Total Amount to be Raised by Taxes	393,662.39	375,972.27
Total General Revenues	882,223.67	885,892.72

Summary of Appropriations

	<u>2024 Budget</u>	<u>Final 2023 Budget</u>
1. Operating Expenses: Salaries & Wages	183,365.77	184,588.00
Other Expenses	322,667.90	436,826.72
2. Deferred Charges & Other Appropriations	90,524.00	54,033.00
3. Capital Improvements	193,805.00	121,260.00
4. Debt Service (Include for School Purposes)	0.00	0.00
5. Reserve for Uncollected Taxes	91,861.00	89,185.00
Total General Appropriations	882,223.67	885,892.72
Total Number of Employees	18	18

2024 Dedicated Water Utility Budget

Summary of Revenues

	<u>Anticipated</u>	
	<u>2024</u>	<u>2023</u>
1. Surplus	28,300.00	28,300.00
2. Total Miscellaneous Revenues	121,010.00	118,040.00
3. Deficit (General Budget)		
Total General Revenues	149,310.00	146,340.00

Summary of Appropriations

	<u>2024 Budget</u>	<u>Final 2023 Budget</u>
1. Operating Expenses: Salaries & Wages	38,855.00	38,000.00
Other Expenses	69,530.00	68,000.00
2. Capital Improvements	22,500.00	22,500.00
3. Debt Service (Include for School Purposes)	0.00	0.00
4. Deferred Charges & Other Appropriations	18,425.00	17,840.00
5. Surplus (General Budget)		
Total General Appropriations	149,310.00	146,340.00
Total Number of Employees	6	6

Balance of Outstanding Debt

	<u>General</u>	<u>Water Utility</u>
Interest	0	0
Principal	0	0
Outstanding Balance	0	0

RESOLUTIONS:

Cannabis Licensing *NJCRC License #RE000587*

R-2024-16

AUTHORIZING THE ISSUANCE OF MUNICIPAL CANNABIS PERMIT TO ANDOVER CANNABIS, LLC
A MOTION was made by Mr. Dennison, seconded by Mr. Lane to approve Resolution #R-2024-16 authorizing the issuance of municipal cannabis permit to Andover Cannabis, LLC. Upon roll call the following votes were cast: AYES: Dennison, DiRenzo, Smith, Lane, Mallon, and Webb. NAYS: None. ABSTAIN: None. Motion carried.

R-2024-17

**AUTHORIZING THE ISSUANCE OF MUNICIPAL CANNABIS PERMIT TO
ANDOVER CANNABIS, LLC**

WHEREAS, Andover Cannabis, LLC, whose mailing address is PO Box 383, Andover, NJ 07821, has submitted a Cannabis Establishment Permit Application with regard to its planned retail cannabis facility known as Andover Cannabis to be located at 144-146 Main Street, Andover Borough, together with the documentation as required by Andover Borough Code Section 95-4; and

WHEREAS, the application and documentation is found to be in order;

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

1. The Cannabis Establishment Permit Application of Andover Cannabis, LLC is approved.
2. A Municipal Cannabis Permit shall be issued to Andover Cannabis, LLC with regard to its proposed cannabis retail facility known as Andover Cannabis to be located at 144-146 Main Street, Andover Borough.
3. The appropriate officials of the Borough of Andover shall execute such documents as necessary to carry out the intentions of this Resolution.
4. This Resolution shall be effective immediately.

ORDINANCES:

Ordinance #2024-03 – second reading and adoption – new chapter 88

Lead Paint Inspection – in compliance with State requirements

A MOTION was made by Mr. Mallon, seconded by Mrs. Webb to approve the second reading and adoption of **“AN ORDINANCE TO ADD CHAPTER 88, TO BE ENTITLED “LEAD-BASED PAINT INSPECTIONS, RENTAL UNITS” TO THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY.”** There was no audience present. No

Comment. Upon roll call the following votes were cast: AYES: Dennison, DiRenzo, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

ORDINANCE 2024-3

AN ORDINANCE TO ADD CHAPTER 88, TO BE ENTITLED “LEAD-BASED PAINT INSPECTIONS, RENTAL UNITS” TO THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY

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

SECTION 1. The Code of the Borough of Andover is amended to add new Chapter 88 which shall be entitled “Lead-Based Paint Inspections, Rental Units” and shall read, in its entirety, as follows:

CHAPTER 88, LEAD-BASED PAINT INSPECTIONS, RENTAL UNITS

§ 88-1 Definitions.

When used in this Chapter, all terms shall have the same meaning as defined in N.J.A.C. 5:28A-1.2, as the same may be amended from time to time.

§ 88-2 Lead-Based Paint Inspections for Residential Rental Dwellings.

N.J.S.A. 52:27D-437 et seq. (P.L. 2021, c. 182) requires inspections of certain single-family, two-family, and multi-family residential rental dwellings for lead-based paint hazards. The dwelling owners/landlords are required by State law to have the inspection performed by either an inspector retained by or through the Borough or by directly hiring a certified lead evaluation contractor for this purpose.

§ 88-3 Requirement for Lead-Based Paint Inspection

- A. All residential rental dwelling units required to be inspected under State law must initially be inspected for lead-based paint upon tenant turnover, but the first inspection must take place no later than July 22, 2024 in the event there has been no tenant turnover before that date.
- B. After the initial inspection, all units required to be inspected shall be inspected for lead-based paint hazards every three years, or upon tenant turnover, whichever is earlier. An inspection upon tenant turnover is not required if the owner has a valid lead-safe certificate. Lead-safe certificates are valid for two years. If the lead-safe certificate has expired, and there will be a tenant turnover, an inspection will be necessary before the three-year inspection.
- C. In the event the owner of a residential dwelling unit subject to this Chapter fails to submit a required lead-safe certification, the Borough shall – without limitation of remedies or of recourse against the owner – perform an inspection in conformance with the procedures set forth in N.J.A.C. 5:28A-2.3 utilizing a qualified staff member, a certified lead evaluation contractor hired by the Borough or an otherwise qualified person whose duty is to perform such tasks for the Borough. The following shall apply:
 1. The Borough shall charge the dwelling unit owner a fee sufficient to cover the cost of the periodic lead-based inspection, including the cost of hiring a lead evaluation contractor, where applicable. The fee for an inspection or re-inspection shall be certified by and established in a Resolution adopted by the Borough Council with respect to each unit that is inspected. In the event any fee so established remains unpaid, the certified fee shall be provided to the Borough Tax Collector and established as a lien on the property wherein the dwelling unit is situate.
 2. If a lead-based paint hazard is identified in an inspection, the owner of the dwelling unit shall be responsible for remediation to be conducted consistent with the requirements of N.J.A.C. 5:28A-2.5. Upon the remediation of the lead-based paint hazard, the Borough’s authorized person or contractor shall

conduct an additional inspection of the unit to certify that the hazard no longer exists.

3. If no lead-based paint hazards are identified, then the Borough's authorized person or contractor shall certify the unit as lead-safe on a form prescribed by the Department of Community Affairs, which shall be valid for two (2) years.

§ 88-4 Exemptions from the Requirement for Lead-based Paint Inspections.

All single-family, two-family, and multiple rental dwellings must be inspected except for the following dwellings which are exempt:

- A. Dwellings that were constructed during or after 1978.
- B. Single-family and two-family seasonal rental dwellings which are rented for less than six-months duration each year by tenants that do not have consecutive lease renewals.
- C. Dwellings that are certified to be free of lead-based paint pursuant to N.J.A.C. 5:17-3.16(b).
- D. Multiple rental dwellings that have been registered with the Department of Community Affairs for at least ten years and have no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law" (N.J.S.A. 55:13A-1).
- E. Dwellings with a valid lead-safe certificate issued pursuant to P.L.2021, c.182. Lead-safe certificates are valid for two years from the date of issuance.

§ 88-5 Reporting Requirements for Owners/Landlords and Contractors.

- A. Owners/Landlords of all dwellings subject to the inspection requirements under this Chapter shall register their unit(s) with the Borough and provide the Borough with up-to-date information on inspection schedules, inspection results, and tenant turnover.
- B. An Owner/Landlord shall provide the Borough with a copy of any lead-free certification issued pursuant to N.J.A.C. 5:17 for their unit(s).
- C. The Owner/Landlord of a dwelling unit subject to this Chapter shall provide to each tenant and to the Borough evidence of a valid lead-safe certification at the time of tenant turnover and shall affix a copy of each such certification to each tenant lease.

§ 88-6 Fees

The fees for lead-based paint inspections in residential rental dwellings shall be:

- A. New Jersey Certified Lead Paint Inspector/Risk Assessor Inspection or Re-Inspection – As set forth in Section 88-3(C)(1).
- B. NJ DCA Required Inspection Fee – See Section 66-1.
- C. Lead Wipe Sample Analysis (where required). The number of wipe samples will be determined by what is required by the State of New Jersey – See Section 66-1.
- D. The fee for filing a lead-safe certification or lead-free certification is set forth in Section 66-1.
- E. The fees collected pursuant to this section shall be dedicated to meeting the costs of implementing and enforcing this Chapter and shall not be used for any other purpose.
- F. In a common interest community, any fee charged pursuant to this section shall be the responsibility of the unit owner and not the homeowner's association, unless the association is the owner of the unit.

§ 88-7 Violations and Penalties

- A. A property owner/landlord within the Borough shall comply with the requirements of N.J.S.A. 52:27D-437 et seq. (P.L.2021, c.182) and this Chapter. If a Borough Official determines that a property owner/landlord has failed to comply with the inspection requirements of this Chapter, the property owner/landlord shall be given a 30-day notice to cure any violation by ordering the necessary inspection or by initiating remediation. If the property owner/landlord has not cured the violation within 30 days, the property owner/landlord shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts initiated.
- B. Any other violation of the provisions of this Chapter shall be subject to a fine of not less than \$200 nor more than \$2,000 for each offense, or such lesser amount as prescribed by law.
- C.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. This Ordinance shall take effect immediately upon final passage and publication according to law.

**Ordinance #2024-04 – first reading and introduction – amending to add fees to Chapter 66
Lead Paint Inspection Fees – creating fee for new Chapter 88**

A MOTION was made by Mr. Lane, seconded by Mr. Mallon to approve the first reading and introduction of “AN ORDINANCE TO AMEND CHAPTER 66, ENTITLED “FEES”, ADDING A NEW SUBSECTION PERTAINING TO ‘CHAPTER 88’, OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY”. There was no comment from the public. Upon roll call the following votes were cast: AYES: Dennison, DiRenzo, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

ORDINANCE# 2024-04

**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 88, Lead Based Paint Inspections, Rental Units” as follows:

Chapter 88, Lead-Based Paint Inspections, Rental Units	
New Jersey Certified Lead Paint Inspector/Risk Assessor Inspection or Re-Inspection	See Section 88-3(C)(1)
NJ DCA Required Inspection Fee	\$20.00/inspection
Lead Wipe Sample Analysis	\$35.00/wipe
Filing fee – Lead-Safe/Lead-Free Certification	\$50.00

Section 2. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

Section 3. Repealer. All ordinances or parts of ordinances or resolutions inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or contrariness. All provisions of Chapter 66 of the Code of the Borough of Andover, entitled "Fees", not amended hereby shall remain in full force and effect.

Section 4. This Ordinance shall take effect immediately upon final passage and publication according to law.

Ordinance #2024-08 – 2nd reading and adoption
Amending Chapter 95 Entitled Municipal Cannabis Permit

A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the reintroduction and publication of "AN ORDINANCE TO AMEND CHAPTER 95, ENTITLED "MUNICIPAL CANNABIS PERMIT" OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY." There was no comment from the public. Upon roll call the following votes were cast: AYES: Dennison, DiRenzo, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

ORDINANCE# 2024-08

AN ORDINANCE TO AMEND CHAPTER 95, ENTITLED "MUNICIPAL CANNABIS PERMIT" OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY.

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

SECTION 1. Chapter 95, entitled "Municipal Cannabis Permit", of the Code of the Borough of Andover, County of Sussex, State of New Jersey, is hereby renamed "Cannabis".

SECTION 2. A new Article I, to be entitled "Definitions", shall be added to Chapter 95, which shall include Section 95-1, entitled "Definitions" which is revised to read as follows:

§ 95-1. Definitions:

With regard to Chapter 95, and all sections therein, the following definitions shall apply:

The definitions set forth in § 134-66.4 are incorporated by reference herein.

CANNABIS

Means the same as that term is defined in Section 3 of P.L. 2021, c. 16 (N.J.S.A. 24:6I-33).

CONSUMER

Means the same as that term is defined in Section 3 of P.L. 2021, c. 16 (N.J.S.A. 24:6I-33).

USABLE CANNABIS

Means the same as that term is defined in Section 3 of P.L. 2021, c. 16 (N.J.S.A. 24:6I-33).

SECTION 3. A new Article II, to be entitled "Municipal Cannabis Permit" shall be added to Chapter 95, and shall be comprised of existing Sections 95-2 through 95-13.

SECTION 4. Paragraphs A and F of Section 95-10, entitled "Investigations; Sanctions; Penalties" and Section 95-13, entitled "Violations and Penalties", of Chapter 95 are amended to replace the word "chapter" with "article" wherever the word "chapter" appears.

SECTION 5. A new Article III, entitled "Unauthorized Retail Sale and Gainful Transfer of Usable Cannabis." shall be added to Chapter 95, and shall read as follows:

Article III. Unauthorized Retail Sale and Gainful Transfer of Usable Cannabis.

§ 95-14. Prohibition on Retail Sale of Cannabis.

The operation of any Cannabis Retailer and/or the retail sale of cannabis, cannabis items and related supplies by any person or business directly to consumers for recreational consumption, except by those persons or businesses holding a New Jersey Class 5 Cannabis Retailer license and the related local license issued by the Borough, is hereby prohibited.

§ 95-15. Prohibition on Certain Transfers of Usable Cannabis.

The transfer of usable cannabis in any instance where the usable cannabis is not obtained directly from a licensed cannabis retailer, and/or is transferred with remuneration or for promotional and/or business purposes, is hereby prohibited.

§ 95-16. Civil Fines and Penalties.

- A. Any person(s), firm(s), business(es), corporation(s) and/or other organizations, including any licensed medical and/or cannabis establishment, found to be engaged in the retail sale of cannabis in violation of §95-14 or found to be engaged in the transfer of usable cannabis in violation of §95-15 shall, upon conviction, be subject to a civil fine and penalty not exceeding \$2,000. Any person found to be in violation shall, upon conviction, be subject also to imprisonment for a term not exceeding 90 days or to a period of community service not exceeding 90 days as well as such penalties as may otherwise be provided by law.
- B. Each and every day any person(s), firm(s), business(es), corporation(s) and/or other organizations, including any licensed medical and/or cannabis establishment remains in violation of the provisions of this Article after the deadline for compliance set forth in any notice of violation issued by the enforcing officer(s) of the Borough shall, in the discretion of the Court, be considered a continuing violation punishable as a separate and distinct offense and subject to a separate civil fine and penalty for each and every day the violation continues.

- C. The Municipal Court or Superior Court shall have jurisdiction to hear and decide any action(s) brought to enforce the provisions of this Article, the hearing for which shall be conducted in a summary manner if and as authorized by applicable law; and any final order imposing fines and penalties for a violation of this Article shall be enforceable in the Municipal Court or Superior Court and collectible as a lien against the property of the violator in accordance with the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 to – 12.

SECTION 6. If any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 7. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 8. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey following the required 20-day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

Ordinance #2024-10 – first reading and introduction –

Park Entrance Wall Improvement \$3000 – Emergency Repair

ORDINANCE APPROPRIATING THE SUM OF \$3,000.00 FOR PARK ENTRANCE WALL IMPROVEMENT

A MOTION was made by Mr. Dennison, seconded by Mr. Lane to approve the first reading and introduction of “ORDINANCE APPROPRIATING THE SUM OF \$3,000.00 FOR PARK ENTRANCE WALL IMPROVEMENT.” There was no comment from the public. Upon roll call the following votes were cast: AYES: Dennison, DiRenzo, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

ORDINANCE #2024-10

**ORDINANCE APPROPRIATING THE SUM OF \$3,000.00
FOR PARK ENTRANCE WALL IMPROVEMENT**

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

SECTION 1: The sum of three thousand dollars (\$3,000.00) presently located in the General Capital Fund is hereby appropriated for retaining wall improvement from the Capital Improvement Fund, Reserve for Improvement to Parks, General Capital Fund:

Reserve for Improvement to Park Entrance Wall: \$3,000.00

SECTION 2: In connection with the amount authorized in Section 1 hereof, the Borough makes the following determinations:

- 1) The purpose described in Section 1 hereof is not a Current Operating Expense and is a purchase the Borough of Andover may lawfully make as a capital purchase.
- 2) The period of usefulness of the purpose described in Section 1 hereof is not in the

limitation of said Local Bond law and according to the aggregate reasonable life thereof is five (5) years or longer.

SECTION 3: All ordinances or parts of ordinances which are inconsistent with the terms of this ordinance be and the same hereby repealed to the extent of their inconsistency.

SECTION 4: This ordinance becomes effective immediately upon publication after adoption.

Ordinance #2024-11 - first reading and introduction – Borough Hall Renovation
General Capital Improvement

A MOTION was made by Mr. Lane, seconded by Mr. Dennison to approve the second reading and adoption of “**ORDINANCE APPROPRIATING THE SUM OF \$85,000.00 FOR IMPROVEMENTS TO MUNICIPAL BUILDING WITHIN ANDOVER BOROUGH**”. There was no comment from the audience. Upon roll call the following votes were cast: AYES: Dennison, DiRenzo, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

ORDINANCE #2024-11

**ORDINANCE APPROPRIATING THE SUM OF \$85,000.00
FOR IMPROVEMENTS TO MUNICIPAL BUILDING WITHIN ANDOVER BOROUGH**

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

SECTION 1: The sum of eighty-five thousand dollars (\$85,000.00) presently located in the General Capital Improvement Fund and General Capital Reserves is hereby appropriated for the Improvements to Municipal Building funded from the General Capital Improvement Fund:

Improvements to Municipal Building include, but are not limited to new windows, doors, paint, desks and office equipment & furniture, cubicles, general office improvements, and ADA upgrades for the sum of: \$85,000.00

SECTION 2: In connection with the amount authorized in Section 1 hereof, the Borough makes the following determinations:

- 3) The purpose described in Section 1 hereof is not a Current Fund Operating Expense and is a purchase the Borough of Andover may lawfully make as a capital purchase.
- 4) The period of usefulness of the purpose described in Section 1 hereof is not in the limitation of said Local Bond law and according to the aggregate reasonable life thereof is five (5) years or longer.

SECTION 3: All ordinances or parts of ordinances which are inconsistent with the terms of this ordinance be and the same hereby repealed to the extent of their inconsistency.

SECTION 4: This ordinance becomes effective immediately upon publication after adoption.

Ordinance #2024-12 - first reading and introduction – Pavilion at Sunset Vista Park
General Capital Improvement

A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve an amount not to exceed \$25,000 to purchase and install a new pavilion at Sunset Vista Park. There was no comment from the audience. Upon roll call the following votes were cast: AYES: Dennison, DiRenzo, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

ORDINANCE #2024-12

**ORDINANCE APPROPRIATING THE SUM OF \$25,000.00
FOR IMPROVEMENTS TO PARKS WITHIN THE BOROUGH**

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

SECTION 1: The sum of twenty-five thousand dollars (\$25,000.00) presently located in the General Capital Fund Improvement to Parks is hereby appropriated for the improvements to parks within the Borough funded from the Capital Reserve for Improvement to Park, General Capital Fund:

***Improvement to Sunset Vista Park within the Borough for installation of pavilion:
\$25,000.000***

SECTION 2: In connection with the amount authorized in Section 1 hereof, the Borough makes the following determinations:

- 5) The purpose described in Section 1 hereof is not a Current Operating Expense and is a purchase the Borough of Andover may lawfully make as a capital purchase.
- 6) The period of usefulness of the purpose described in Section 1 hereof is not in the limitation of said Local Bond law and according to the aggregate reasonable life thereof is five (5) years or longer.

SECTION 3: All ordinances or parts of ordinances which are inconsistent with the terms of this ordinance be and the same hereby repealed to the extent of their inconsistency.

SECTION 4: This ordinance becomes effective immediately upon publication after adoption.


AUDIENCE PARTICIPATION: None.

MOTION TO PAY THE BILLS:

A MOTION was made by Mr. Mallon, seconded by Mr. Lane to approve the following Resolution: BE IT RESOLVED by the Governing Body to approve the payment of all vouchers on the bill listed May 13, 2024 submitted by the Chief Financial Officer for payment. Upon roll call the following votes were cast: AYES: Dennison, DiRenzo, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

MOTION TO ADJOURN:

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


Beth Brothman
Municipal Clerk