

A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON MONDAY, APRIL 8, 2024 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.

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

ABSENT: Dennison

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. Lane, seconded by Mr. Smith to approve the minutes of the meeting held on 02/12/24. Upon roll call the following votes were cast: AYES: Smith, DiRenzo, Lane, and Webb. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mr. Lane, seconded by Mr. Smith to approve the minutes of the meeting held on 03/11/24. Upon roll call the following votes were cast: AYES: Smith, DiRenzo, Lane, and Webb. NAYS: None. ABSTAIN: None. 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 Mrs. Webb to accept the following reports as listed below: Joint Court February report, LES report for January & February with YTD, ACO 1st quarter report, ABFD report for March. Water Department Reports: February Water Operator's report with Well 1 & 2. Upon roll call the following votes were cast: AYES: Smith, DiRenzo, Lane, and Webb. NAYS: None. ABSTAIN: None. Motion carried.

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

NJ Legislature Dist. 24 dated 3/20/24 re: local official's meeting 4/10/24 at 9 a.m. Branchville

Sussex County Clerk dated 3/27/24 re: Potential Squatters Targeting Sussex County

Harold Pellow & Assoc., Inc. dated 4/1/24 re: Reissuance of Funds for Maple Street & Smith Street HPA Nos 23-073 & 23-244

Harold Pellow & Assoc., Inc. dated 4/3/24 re: Smith Street Drainage HPA No. 24-046

Harold Pellow & Assoc., Inc. dated 4/3/24 re: Maple Street HPA No. 23-073

To: NJDOT from: Harold Pellow & Assoc, Inc dated 4/4/24 re: Maple & Smith Improvements

AUDIENCE PARTICIPATION: None.

*** *Mr. Mallon entered into the discussion 7:36 p.m.* ***

REPORTS OF SPECIAL COMMITTEE:

Stormwater Plan: The engineer, T. Knutelsky, has advised that ordinance #2024-05 not be adopted as the draft provided by the State was not clear in what is required to be adopted.

Firefighter Grant: No report.

Cannabis Review Committee: No report.

REPORTS OF STANDING COMMITTEES:

Administrative & Executive: There was some discussion regarding office personnel and coverage for the municipal clerk. There is no resolve yet for a solution to coverage. Mrs. Brothman has requested compensation for work performed as clean community coordinator, municipal recycling coordinator and stormwater program coordinator. The CFO explained that payroll would spread the salaries over twelve months when approved within the salary ordinance.

Celebration of Public Events:

Mrs. Webb reported that the Easter Egg Hunt was a practical rain out with one kid attending. The next event is Memorial Day on 5/27 at 9 a.m. The municipal clerk will order the wreath and flags.

Finance:

The budget is slated for introduction this evening.

Parks & Playgrounds:

An estimate for cost of work will be sought for the front wall entrance to the park as it is showing wear and looks to need emergent repair. Delaportas Construction will be taking a look at it. Other contractors have rejected the job or were no shows. Concerning the work on the retaining wall in the park, Mr. Smith reported that he will coordinate a schedule between Herold's and Fence Unlimited. Cost of retaining was is \$9200.

A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the estimate from Herold's. Upon roll call the following votes were cast: AYES: Smith, Lane, Mallon, and Webb. NAYS: None. ABSTAIN: DiRenzo. Motion carried. Mayor Morgan stipulated that there should be an attempt to negotiate the cost from Herold's down to \$8200 as they quoted fence work which will be done by another company.

A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the estimate of \$700 by Fence Unlimited. Upon roll call the following votes were cast: AYES: Smith, Lane, Mallon, and Webb. NAYS: None. ABSTAIN: DiRenzo. Motion carried.

There was some discussion regarding the type of sleeve that will be needed and used to install the fence.

Public Bldgs. & Grounds:

There was a review of two estimates for window replacements for the Borough Hall. There is a third estimate being sought. A fully funded ordinance is likely to be needed to be authorized if this project is to move forward. Estimates will need to sought to determine the total cost of the work to be done. For example, windows, carpet, paint, flooring.

A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the scope of the project estimated to be \$85,000. Upon roll call the following votes were cast: AYES: Smith, Lane, Mallon, and Webb. NAYS: None. ABSTAIN: DiRenzo. Motion carried.

Mr. Lane has looked into replacing the light bulbs in the basement of the park building.

A MOTION was made by Mr. Lane, seconded by Mr. Smith to approve an amount not to exceed \$450 for the purchase of new LED light bulbs. Upon roll call the following votes were cast: AYES: Smith, Lane, Mallon, and Webb. NAYS: None. ABSTAIN: DiRenzo. Motion carried.

Public Safety:

Mr. Lane reported that Valtek is waiting for an answer on how to proceed with the repair of the truck. It was Mr. Lane's opinion that the truck is worth repairing and that the threshold for replacement should have been higher by the insurance company. Mr. Lane continued to report that Engine 63 needs a new generator belt. This is the new truck; the belt creates A/C power that runs off engine.

Streets & Roads:

There was some discussion regarding the road work for Smith Street and Maple Street. The ADA bid is expected to be held on 5/9.

Water Utility:

Mr. Smith reported that there has been no reported damage to the water system after the recent earthquake. Mr. Smith also reported that Mr. Mooney will be returning to do the daily water monitoring duty on 4/19/24. Sam Brothman will stop when Mr. Mooney returns.

BOARD OF HEALTH:

The following report was presented by secretary Brothman. The February activity and inspection Reports were reviewed as well as the February public health nursing activities.

OLD BUSINESS:

- There was some discussion that there are approximately 22 water line services to be confirmed to complete the lead line water service inventory.
- There was some discussion regarding the repair of the fence gate at the pump house. It was estimated that the cost to replace the gate post is about \$300.
- There was some conversation regarding Stormwater and the mapping that will need to be done.
- There was some conversation as the work being done on the retaining wall in the park
- There was a brief discussion regarding the search for a replacement for the ACO when he retires.
- The Mayor instructed the Municipal Clerk to prepare a memo for the Joint Court advising them that even if we show no funds brought in for the month, the municipality wants to be listed on the report.

NEW BUSINESS:

- The office vacuum is broken. Mrs. Webb will donate one she has.

RESOLUTIONS:

County Mutual Aid Agreement

Resolution R-2024-14

Resolution Authorizing Mutual Aid and Assistance Agreement with Participating Units

A MOTION was made by Mr. Lane, seconded by Mrs. Webb to approve Resolution #R-2024-14 authorizing mutual aid and assistance agreement with participating units. Upon roll call the following votes were cast: AYES: Smith, Lane, Mallon, and Webb. NAYS: None. ABSTAIN: DiRenzo. Motion carried.

**RESOLUTION
R-2024-14**

**AUTHORIZING MUTUAL AID AND ASSISTANCE AGREEMENT WITH PARTICIPATING
UNITS**

WHEREAS, mutual aid and assistance agreements between Municipalities, Counties, Law Enforcement Agencies Police, Emergency Medical Service, Fire Departments, Fire Companies or EMS organizations and Fire Departments situated in Fire Districts operated by a Board of Fire Commissioners, are permitted pursuant to N.J.S.A. 40A:14-26 and N.J.S.A. 40A:14-156-1; and

WHEREAS, the President in Homeland Security Directive (HSPD) – 5 directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, “The New Jersey Civilian Defense and Disaster Control Act” App. A-9-33, et seq., provides for the health, safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency; and

WHEREAS, the Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules in accordance with the “Fire Service Resource Emergency Deployment Act”, N.J.A.C. 52:14 & 11 et seq., commonly referred to as the “Fire Service Resource Emergency Deployment Regulations” N.J.A.C. 5:75A et seq.; and

WHEREAS, it is deemed to be in the best interests of the residents of this municipality to enter into a mutual aid and assistance agreement with the County of Sussex and participating Municipalities including (but not limited to) Municipal Police, Emergency Medical Service or Fire Departments, Volunteer Fire Companies or EMS organizations and/or Fire Districts to provide additional protection against loss, damage or destruction by fire, catastrophe, civil unrest, major emergency or other extraordinary devastation damage or destruction to person and property, in those situations when outside aid and assistance is needed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Andover, County of Sussex, State of New Jersey, that: The Mayor and Borough Clerk are hereby authorized to execute and directed to enter into the Countywide Mutual Aid and Assistance Agreement Between Participating Units, a copy of which is attached hereto and made part hereof, on the terms and conditions contained herein for a term concluding on December 31, 2028.

ORDINANCE:

Ordinance #2024-01 - second reading and adoption – amending Chapter 15

Board of Health – amending to permit the governing body to act as local board of health.

A MOTION was made by Mr. Smith, seconded by Mrs. Webb to approve the second reading and adoption of “AN ORDINANCE TO AMEND CHAPTER 15, ENTITLED “HEALTH, BOARD OF” OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY” Upon roll call the following votes were cast: AYES: DiRenzo, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

ORDINANCE #2024-01

AN ORDINANCE TO AMEND CHAPTER 15, ENTITLED “HEALTH, BOARD OF” 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, as follows:

SECTION 1. Chapter 15, entitled “Health, Board of” of the Code of the Borough of Andover is hereby deleted and replaced with the following:

Chapter 15 Health, Board of

§ 15-1 Board of Health established.

Pursuant to N.J.S.A. 26:3-1 et seq., there shall be a local Board of Health in the Borough of Andover, which shall consist of the members of the Borough Council.

§ 15-2 Term of office; vacancies.

The terms of office of the members of the local Board of Health shall coincide with those of the members of the Borough Council, and the termination of membership of any person serving on the Borough Council for any reason shall automatically terminate his or her membership on the local Board of Health. At any given time, the membership of the Borough Council and the local Board of Health shall be identical.

§ 15-3 Organization; meetings.

The local Board of Health shall meet as often as it deems necessary, which meetings shall be held at the same place and day as the Borough Council. Orders of business, agenda, conduct of meetings, procedure, decorum, and any and all matters pertaining to the functions of the local Board of Health may be determined by resolution of the Board. All meetings shall comply with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. At its annual reorganization meeting, the governing body shall establish a schedule of regular meetings of the Board of Health, which may be amended by resolution of the governing body and may coincide and be held simultaneously with meetings of the governing body. The mayor or, in his/her absence, the council president shall serve as the chair of the Board of Health. The Borough Clerk or his/her designee shall serve as secretary of the Board of Health.

§ 15-4 Powers; duties; ordinances and regulations.

The local Board of Health shall have and exercise all the powers of a local board as provided by N.J.S.A. 26:3-1 et seq., and applicable law. It shall also have and exercise the power to adopt certain health codes and related documents, and the power to prescribe penalties for the violation of any provision of a health ordinance or code. All existing ordinances, health codes and regulations adopted by the Andover Borough Board of Health at the time of the adoption of this section shall remain in full force and effect, subject to such amendments as the Board of Health may adopt from time to time.

SECTION 2. 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. All ordinances or parts of ordinances inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or contrariness.

SECTION 4. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey

Ordinance #2024-02 – 2nd reading and adoption – amending Chapter 66

Water Rate Fees – amending to correction CPI increase information – reread due to publication error
A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the reintroduction and publication of **“AN ORDINANCE TO AMEND SECTION 66-1, ENTITLED “FEES”, OF CHAPTER 66, ENTITLED “FEES”, AS TO “CHAPTER 130, WATER”, OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY.”** Upon roll call the following votes were cast: AYES: DiRenzo, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None.
Motion carried.

AN ORDINANCE TO AMEND SECTION 66-1, ENTITLED “FEES”, OF CHAPTER 66, ENTITLED “FEES”, AS TO “CHAPTER 130, WATER”, OF 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 portion of Section 66-1, entitled “Fees” of Chapter 66, entitled “Fees” pertaining to “Chapter 130, Water”, which reads as follows:

Notwithstanding any inconsistent terms in this chapter, water rental fees for residential and nonresidential users shall be subject to an annual increase based on the consumer price index (CPI) using 2011 as the base year. The fee shall be rounded to the nearest \$5 increment.

IS HEREBY REPLACED WITH THE FOLLOWING:

Notwithstanding any inconsistent terms in this chapter, water rental fees may be increased once each calendar year by resolution of the Governing Body.

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.

The following ordinance was tabled. No action was taken.

Ordinance #2024-05 – second reading and adoption – tabled

Stormwater Tier A – addressing tree removal

“AN ORDINANCE TO AMEND CHAPTER 124A, ENTITLED “TREES AND SHRUBS” OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY.

Ordinance #2024-06 – second reading and adoption – Retaining Wall Improvements

Fully Funded Ordinance for Improvements to Park

A MOTION was made by Mr. Smith, seconded by Mr. Mallon to approve the second reading and adoption of “AN ORDINANCE APPROPRIATING THE SUM OF \$10,000.00 FOR RETAINING WALL IMPROVEMENT”. Upon roll call the following votes were cast: AYES: DiRenzo, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

ORDINANCE #2024-06

**ORDINANCE APPROPRIATING THE SUM OF \$10,000.00
FOR RETAINING 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 ten thousand dollars (\$10,000.00) 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 Parks: \$10,000.00

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 #2024-03 – first reading and introduction – new chapter 88

Lead Paint Inspection – in compliance with State requirements

A MOTION was made by Mr. Smith, seconded by Mr. Mallon to approve the first reading and introduction 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.**” Upon roll call the following votes were cast: AYES: 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.

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.

There was some discussion regarding the fee schedule and whether it can be adjusted if the municipality incurred additional costs. The following ordinance was tabled. No action taken.

Ordinance #2024-04 – first reading and introduction – tabled – amending Chapter 66

Lead Paint Inspection Fees – creating fee for new Chapter 88

“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”

DRAFT ORDINANCE:

The Council reviewed the draft ordinance pertaining to the regulating unauthorized retail gifting of cannabis

Ordinance #2024-08 – 1st reading and introduction

Amending Chapter 95 Entitled Municipal Cannabis Permit

A MOTION was made by Mr. Lane, seconded by Mr. Mallon to approve the first reading and introduction 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.**” Upon roll call the following votes were cast: AYES: DiRenzo, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

ORDINANCE NO. 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. 24:61-33).

CONSUMER

Means the same as that term is defined in Section 3 of P.L. 2021, c. 16 (N.J.S.A. 24:61-33).

USABLE CANNABIS

Means the same as that term is defined in Section 3 of P.L. 2021, c. 16 (N.J.S.A. 24:61-33).

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).

PREPARATION OF THE 2024 MUNICIPAL BUDGET:

Salary Ordinance 2024: review and discussion

Ordinance #2024-09 – 1st reading and introduction

A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the first reading and introduction 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”. Upon roll call the following votes were cast: AYES: DiRenzo, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

ORDINANCE #2024-9

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

2024 Budget Discussion:

There was some discussion regarding the preparation of the municipal budget. It was confirmed that the cap bank ordinance has been introduced and the tax levy is 2% with 3 cents on open space. A MOTION was made by Mr. Smith, seconded by Mr. Lane to approve the 1st reading 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: DiRenzo, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

R-2024-15

**BOROUGH OF ANDOVER
COUNTY OF SUSSEX, NEW JERSEY**

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	533,277.00
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

A hearing on the budget and tax resolution will be held at the Municipal Building, 137 Main Street, Andover, NJ, on May 13, 2024 at 7:00 PM at which time and place objections to the Budget and Tax Resolution may be presented by taxpayers or other interested persons.

AUDIENCE PARTICIPATION: None.

MOTION TO PAY THE BILLS:

A MOTION was made by Mr. Mallon, seconded by Mrs. Webb to approve the following Resolution: BE IT RESOLVED by the Governing Body to approve the payment of all vouchers on the bill listed April 8, 2024 submitted by the Chief Financial Officer for payment. Upon roll call the following votes were cast: AYES: DiRenzo, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

MOTION TO ADJOURN:

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

Beth Brothman
Municipal Clerk