

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

**PRESENT:** Mayor Morgan and Council Members:  
Dennison, DiRenzo (7:15 P.M.), Smith, Lane, Mallon, and Webb

**ABSENT:** None.

**ALSO, Present:** Jessica Caldwell, Municipal Planner  
Frank McGovern, Borough Attorney

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.

**Jessica Caldwell, Municipal Planner** attend this meeting to present her report on the new affordable housing legislation and provide her recommendations as per her memorandum dated 4/30/24.

**MINUTES:**

A MOTION was made by Mr. Lane, seconded by Mrs. Webb approve the minutes of the meeting held on 06/10/24. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

**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 Report for May, ABFD June report. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

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

JoAnn George/Sugar Plum Cottage email dated 6/12/24 re: Parking Along Main Street, Rte 206

State of NJ Environmental Protection Div. of Water dated 6/14/2024 re: Service Line Inventory Requirement for Community Water Systems PWSID: NJ1901001

SCCC Veteran SCO re: Invitation to annual 9/11 Memorial Ceremony – Councilman Mallon will attend.

County of Sussex dated 6/13/24 re: Resolution Establishing the Sussex NJ 250 Committee and Designating the Logo and Catchphrase for the Sussex NJ 250 Committee

- *Mr. DiRenzo entered into meeting (7:15 p.m.)*

**AUDIENCE PARTICIPATION:**

Mr. R. Mooney asked about the water problem on Lindley Court. The Mayor reported that the gas line contractor hit the service even though it was marked. The Mayor reported that when the gas install contractor (Skoda) popped the service line they discovered there are two lines there, but one is capped off. Mr. Mooney wanted the Council to know that across from the Presbyterian Church there was a barn and that could be a problem when the gas line is installed. Mr. Mooney then asked how the lead service line replacement project is going because he hasn't heard from anyone yet.

## **REPORTS OF SPECIAL COMMITTEE:**

### **NJ Lead Law:**

A proposal from LEW Environmental was reviewed. The contract is non exclusive and there is flexibility in the fee that can be contracted. The Mayor asked for more information on fee collection.

### **Cannabis Review Committee:**

Mr. Lane reported that he needs to step down from the committee. With Mrs. Delfing's retirement in 2023, that leaves only the Mayor on the committee. A new member should be appointed until all licenses are issued.

## **Closed Session:**

A MOTION was made by Mrs. Webb, seconded by Mr. Lane to adopt Resolution to adjourn into Executive Session to discuss matters which are exempted from the public. Upon roll call the following votes were cast: AYES: Dennison, Fred, Smith, Lane, Mallon, and Webb. NAYS: None. ABSTAIN: None. Motion carried.

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Andover will go into closed session for reasons of: Personnel (7:20 p.m.)

A MOTION was made by Mr. Smith, seconded by Mr. Lane to resume the public portion of the meeting. Upon roll call the following votes were cast: AYES: Dennison, Fred, Smith, Lane, Mallon, and Webb. NAYS: None. ABSTAIN: None. Motion carried. (7:38 p.m.)

## **REPORTS OF STANDING COMMITTEES:**

**Administrative & Executive:** Mr. Dennison reported that that he still needs to communicate with the municipal clerk to discuss coverage. The personnel policy changes will be compiled and a sample copy provided for the Council's review. An estimate from General Code was provided. A MOTION was made by Mr. Lane, seconded by Mr. Dennison to approve the estimate. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

### **Celebration of Public Events:**

Mr. Dennison had no report.

### **Finance:**

Mr. Lane reported that the audit is complete, but we are still waiting on the report. He also reported that the cannabis tax should be coming in soon as we just closed 2<sup>nd</sup> quarter. The Mayor reported that the school board meeting had about 40 people in attendance. The entire Andover Township Committee and himself were inquiring as to the effect of the proposed levy. The school board explained that a special ed student is expected to attend and that is where some of the funding will be spent.

**Parks & Playgrounds:**

Mr. Mallon reported that the flag in the mini park needs to be replaced. An estimate for work on the park pavilion from Nepa Bros. was reviewed.

A MOTION was made by Mr. Dennison, seconded by Mr. Lane to approve the estimate in the amount of \$6,000 for a concrete slab. Upon roll call the following votes were cast: AYES: Dennison, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

**Public Bldgs. & Grounds:**

Mr. Smith reported that he's noticed some of the cement "pointing" coming out of the town hall building. He thinks this can be fixed and he'll have someone look at it.

**Public Safety:**

Mr. Lane reported that Valtek is seeking payment, but the truck is close to finished.

**Streets & Roads:**

Mr. Mallon reported that there are multiple street lights down along Main Street. The Clerk reported that she has tried to have one in front of 126 Main replaced/repared for several weeks, but has gotten no response from JCP&L.

**Water Utility:**

Mr. Smith and Mayor Morgan discussed the work needed to exercise the valves and flush the hydrants. There was some discussion over the number of times per year it must be done and records needed to show repairs have been done. There was also some discussion regarding the empty carboy containers at the pump house and the need to make a purchase for chlorine if one is not already in the works.

**BOARD OF HEALTH:***Reporting:*

*The Council reviewed the May Activity Report and the BOH secretary reported that 2024/2025 retail food handlers licenses are due on 8/1*

**OLD BUSINESS:**

The Morris County CoOp – Winter Bids submissions are due by 7/15/24. EQS's were available to be completed.

The Mayor asked is oil & stone are a possibility to for Prospect Avenue work.

The Mayor reported that Tom S. has marked out Gristmill and Andover Mohawk for the gas line main installation project.

The Mayor reported that he has witnessed some kind of operation dumping materials at 39 Lenape Road. The Municipal Attorney was present and will look into the matter.

Mr. Smith reported that it may be almost time to calibrate the water meters. Replacement of one of the meters or repair may be necessary.

The Mayor reported that the Joint Court meeting held on 6/27 between seven municipalities for the Andover Township Joint Court saw a total cost in 2023 of \$388,000 with Andover Borough's portion being \$26,500 with about 1% of the cases being attributed to the Borough. There will be another meeting with the coming of a new contract and payments will be discussed. The cost of the court in 2024 is coming to \$567,000. Two-thirds of the cases are virtual, 15% are live and 15% never show for the case. A new

**NEW BUSINESS:**

N.J. Lead Law – LEW Environmental – Agreement

A MOTION was made by

## RESOLUTIONS:

### R-2024-22

A MOTION was made by MR. Lane, seconded by Mr. Mallon to approve “**A RESOLUTION OPPOSING THE PROPOSAL BY THE DELAWARE RIVER NATIONAL PARK AND LENAPE PRESERVE ALLIANCE TO CHANGE THE DESIGNATION OF DELAWARE WATER GAP NATIONAL RECREATION AREA TO A NATIONAL PARK AND PRESERVE**”. Upon roll call the following votes were cast: AYES: Dennison, DiRenzo, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

### **RESOLUTION OPPOSING THE PROPOSAL BY THE DELAWARE RIVER NATIONAL PARK AND LENAPE PRESERVE ALLIANCE TO CHANGE THE DESIGNATION OF DELAWARE WATER GAP NATIONAL RECREATION AREA TO A NATIONAL PARK AND PRESERVE**

**WHEREAS**, the Delaware Water Gap National Recreation Area (DEWA) was established September 1, 1965, one of 10 National Recreation Areas of the National Park Service, currently encompassing nearly 70,000 acres in New Jersey and Pennsylvania and is a protected area in the United States established by an Act of Congress to preserve enhanced recreational opportunities in places with significant natural and scenic resources; and

**WHEREAS**, the DEWA offers recreational opportunities such as hiking, walking, bicycling, fishing, hunting, swimming, camping, canoeing, boating, cross country skiing, bird watching, horseback riding, sightseeing, and special events; cultural resources, infrastructural facilities, national resources, and rare, threatened and endangered species of plants, fish, mammals, reptiles and amphibians; and

**WHEREAS**, the residents of Andover Borough enjoy the recreational opportunities as well as cultural and natural resources of this open space and local businesses benefit from the tourism brought by Stokes State Forest, State of New Jersey, Department of Environmental Protection, Division of Fish & Wildlife and DEWA bring to the Borough; and

**WHEREAS**, the Mayor and Council of the Borough of Andover is aware of the initial proposal in 2022 and a revised proposal 2023 by the Delaware River National Park and Lenape Preserve Alliance seeking to change the designation of the Delaware Water Gap National Recreation Area and Middle Delaware National Scenic and Recreational River to the Delaware River National Park and Lenape Preserve; and

**WHEREAS**, the proposal by the Delaware River National Park and Lenape Preserve Alliance offers no insight, plan or benefit to the residents of Sandyston Township in the proposed change in designation; namely the environmental, economic and agricultural impact to the DEWA and to the residents and local businesses of Andover Borough and Sussex County; and

**WHEREAS**, the proposal by the Delaware River National Park and Lenape Preserve Alliance offers no insight or information on how the rights of public land and private property owners will be safeguarded and protected against eminent domain to acquire public lands, namely, Stokes State Forest, High Point State Park and State of New Jersey Department of Environmental Protection, Division of Fish & Wildlife lands as well as acquisition of private property; and

**WHEREAS**, the proposal by the Delaware River National Park and Lenape Preserve Alliance will reduce tax revenue realized by Andover Borough and surrounding municipalities, negatively impact enrollment of local school districts, and negatively impact our local economy by reducing access to recreational activities enjoyed by residents and visitors to Andover Borough and Sussex County; and

**WHEREAS**, the proposal by Delaware River National Park and Lenape Preserve Alliance offers no information on the plan to facilitate this change; the implementation of fee collection and location of collection stations; and how funding will be provided for this proposed National Park; and

**WHEREAS**, the proposal by Delaware River National Park and Lenape Preserve Alliance offers no information on the plan to compensate local volunteer first responders (Fire and EMS) on the inevitable increase in emergency calls and response, wear and tear on vehicles and equipment and devastation to these organizations both financially and in membership and will adversely impact and affect the safety, health and welfare of the residents of Andover Borough and Sussex County; and

**WHEREAS**, the proposal by the Delaware River National Park and Lenape Preserve Alliance offers no insight or plan on funding and maintenance of infrastructure and vegetation management; changes agricultural leasing which will economically impact farmers who depend on crops to hold livestock over the winter months and farming for cash crops; causes agricultural fields to fallow and which will encourage invasive species such as Russian Olive to thrive allows Forest to Field Conversion which will leave approximately 58,000 acres in the proposed preserve open to timber degradation, land clearing, soil erosion, resource extraction, mineral, gas and oil exploration, and wildfires.

**NOW, THEREFORE, BE IT RESOLVED** the Mayor and Council of the Borough of Andover firmly opposes the proposal of the Delaware River National Park and Lenape Preserve Alliance, or any other organization, seeking to change the designation of the Delaware Water Gap National Recreation Area to a National Park and Preserve as this proposal offers no benefit to the residents of Andover Borough and Sussex County.

**BE IT FURTHER RESOLVED** the Mayor and Council of the Borough of Andover requests copies of this resolution be sent to President Joe Biden; Governor Phil Murphy; New Jersey State Senator F. Parker Space; New Jersey State Senator Douglas Steinhardt; New Jersey Assemblyman Michael Inganamort; New Jersey Assemblywoman Dawn Fantasia; Assemblyman John DiMaio; NJ and PA State Assembly and State Senate members; US Congressman Josh Gottheimer; US Congressman Tom Kean; US Congressman Matt Cartwright; US Senator Cory Booker; US Senator Robert Menendez; US Senators and US Congressmen; Sussex County Board of County Commissioners; all municipalities of Sussex County; National Park Service, Charles Sams, Director; National Park Service Northeast Region, Gay Vietzke, Regional Director; Delaware Water Gap National Recreation Area, Doyle Sapp, Superintendent; Delaware River Basin Commission; Partnership for the Delaware Estuary; National Lands Trust; Warren County Board of County Commissioners; High Point Regional High School Board of Education and Scott Ripley, Superintendent; Andover Regional School Board of Education and John Fritzky, Superintendent; New Jersey League of Municipalities; Delaware River National Park and Lenape Preserve Alliance; New Jersey and Pennsylvania Chapters of the Sierra Club.

**R-2024-23**

A MOTION was made by MR. Lane, seconded by Mr. Mallon to approve “**A RESOLUTION SUPPORTING ASSEMBLY RESOLUTION AR133 AND SENATE RESOLUTION SR93 OPPOSING ALL PROPOSALS TO CHANGE THE DESIGNATION OF THE DELAWARE WATER GAP NATIONAL RECREATION AREA TO NATIONAL PARK AND PRESERVE, INCLUDING PROPOSAL BY THE DELAWARE RIVER NATIONAL PARK AND LENAPE PRESERVE ALLIANCE**”. Upon roll call the following votes were cast: AYES: Dennison, DiRenzo, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

**RESOLUTION SUPPORTING ASSEMBLY RESOLUTION AR133 AND SENATE RESOLUTION SR93 OPPOSING ALL PROPOSALS TO CHANGE THE DESIGNATION OF THE DELAWARE WATER GAP NATIONAL RECREATION AREA TO NATIONAL PARK AND PRESERVE, INCLUDING PROPOSAL BY THE DELAWARE RIVER NATIONAL PARK AND LENAPE PRESERVE ALLIANCE**

**WHEREAS**, the Delaware Water Gap National Recreation Area (DEWA) was established September 1, 1965, one of 10 National Recreation Areas of the National Park Service, currently encompassing nearly 70,000 acres in New Jersey and Pennsylvania and is a protected area in the United States established by an Act of Congress to preserve enhanced recreational opportunities in places with significant natural and scenic resources; and

**WHEREAS**, the DEWA offers recreational opportunities such as hiking, walking, bicycling, fishing, hunting, swimming, camping, canoeing, boating, cross country skiing, bird watching, horseback riding, sightseeing, and special events; cultural resources, infrastructural facilities, national resources, and rare, threatened and endangered species of plants, fish, mammals, reptiles and amphibians; and

**WHEREAS**, Andover Borough residents enjoy the recreational opportunities as well as cultural and natural resources of this open space and local businesses benefit from the tourism brought by Stokes State Forest, State of New Jersey, Department of Environmental Protection, Division of Fish & Wildlife and DEWA bring to the Borough; and

**WHEREAS**, the Mayor and Council of the Borough of Andover is aware of the initial proposal in 2022 and a revised proposal in 2023 by the Delaware River National Park and Lenape Preserve Alliance seeking to change the designation of the Delaware Water Gap National Recreation Area and Middle Delaware National Scenic and Recreational River to the Delaware River National Park and Lenape Preserve; and

**WHEREAS**, the proposal by the Delaware River National Park and Lenape Preserve Alliance offers no insight or plan for the change in designation; namely the environmental, economic and agricultural impact to the DEWA and to the residents and local businesses of Andover Borough and Sussex County; and

**WHEREAS**, the proposal by the Delaware River National Park and Lenape Preserve Alliance offers no information on how the rights of public land and private property owners will be safeguarded and protected against eminent domain to acquire and public lands, namely, Stokes State Forest, High Point State Park and State of New Jersey Department of Environmental Protection, Division of Fish & Wildlife lands as well as acquisition of private property; and

**WHEREAS**, conversion of private property to federal parkland would reduce tax revenue realized by Andover Borough and surrounding municipalities, negatively impact enrollment of local school districts, and negatively impact our local economy by reducing access to recreational activities enjoyed by residents and visitors to Andover Borough and Sussex County; and

**WHEREAS**, the proposal by Delaware River National Park and Lenape Preserve Alliance offers no information on the plan to facilitate this change; the implementation of fee collection and location of collection stations; and how funding will be provided for this proposed National Park; and

**WHEREAS**, the proposal by Delaware River National Park and Lenape Preserve Alliance offers no information on the plan to compensate local volunteer first responders (Fire and EMS) on the inevitable increase in emergency calls and response, wear and tear on vehicles and equipment and devastation to these organizations both financially and in membership and will adversely impact and affect the safety, health and welfare of the residents of Andover Borough and Sussex County

**WHEREAS**, the proposal by the Delaware River National Park and Lenape Preserve Alliance offers no insight or plan on funding and maintenance of infrastructure and vegetation management; changes agricultural leasing which will economically impact farmers who depend on crops to hold livestock over the winter months and farming for cash crops; causes agricultural fields to fallow and which will encourage invasive species such as Russian Olive to thrive allows Forest to Field Conversion which will leave approximately 58,000 acres in the proposed preserve open to timber degradation, land clearing, soil erosion resource extraction, mineral, gas and oil exploration, and wildfires.

**WHEREAS**, the Mayor and Council of the Borough of Andover firmly opposes the proposal of the Delaware River National Park and Lenape Preserve Alliance, or any other organization, seeking to change the designation of the Delaware Water Gap National Recreation Area to a National Park and Preserve as this proposal offers no benefit to the residents of Andover Borough and Sussex County.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Andover does hereby support New Jersey Assembly Resolution AR133 and New Jersey Senate Resolution SR93 opposing all proposals to change the designation of the Delaware Water Gap National Recreation Area and Middle Delaware National Scenic and Recreational River to the Delaware River National Park and Lenape Preserve.

**BE IT FURTHER RESOLVED**, the Mayor and Council of the Borough of Andover requests copies of this resolution be sent to President Joe Biden; Governor Phil Murphy; New Jersey State Senator F. Parker Space; New Jersey State Senator Douglas Steinhardt; New Jersey Assemblyman Michael Inganamort; New Jersey Assemblywoman Dawn Fantasia; New Jersey Assemblyman John DiMaio; NJ and PA State Assembly and State Senate members; Sussex County Board of County Commissioners; all municipalities of Sussex County; National Park Service, Charles Sams, Director; National Park Service Northeast Region, Gay Vietzke, Regional Director; Delaware Water Gap National Recreation Area, Doyle Sapp, Superintendent; Delaware River Basin Commission; Partnership for the Delaware Estuary; National Lands Trust; Warren County Board of County Commissioners; High Point Regional High School Board of Education and Scott Ripley, Superintendent; Andover Regional School Board of Education and John Fritsky, Superintendent; New Jersey League of Municipalities; Delaware River National Park and Lenape Preserve Alliance; New Jersey and Pennsylvania Chapters of the Sierra Club.

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**ORDINANCES:**

**2024-13 Fee Amendment – Fire “Smoke” Inspections**

A MOTION was made by Mrs. Webb, seconded by Mr. Lane to approve the first reading and introduction of **“AN ORDINANCE TO AMEND SECTION 66-4, ENTITLED “MISCELLANEOUS FEES AND CHARGES”, OF CHAPTER 66, ENTITLED “FEES”, OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY”**. Upon roll call the following votes were cast: AYES: Dennison, DiRenzo, Smith, Lane, Mallon and Webb. NAYS: None. ABSTAIN: None. Motion carried.

**AN ORDINANCE TO AMEND SECTION 66-4, ENTITLED “MISCELLANEOUS FEES AND CHARGES”, OF CHAPTER 66, ENTITLED “FEES”, OF THE CODE OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY.**

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

SECTION 1. Section 66-4, entitled “Miscellaneous Fees and Charges”, of Chapter 66, entitled “Fees”, of the Code of the Borough of Andover, County of Sussex, State of New Jersey, is amended to add paragraph H, which shall read as follows:

- H. CSACMAPFEC fee. The fees for the issuance of a certificate of smoke alarm, carbon monoxide alarm and portable fire extinguisher compliance (CSACMAPFEC) pursuant to N.J.A.C. 5:70-2.3 shall be \$75.00. The fee for Reinspection shall be \$40. The same fee shall apply for each additional re-inspection.

The property owner is responsible for applying for each inspection.

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 following the required twenty-day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

**2024-14 New Jersey’s Updated Flood Damage Prevention Ordinance Model**  
AN ORDINANCE FOR ADOPTION OF THE FLOODPLAIN MANAGEMENT  
REGULATIONS OF ANDOVER BOROUGH

This ordinance review was tabled.

**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 July 8, 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 to adjourn the meeting. Mayor Morgan adjourned the meeting.

Beth Brothman  
Municipal Clerk