

## ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

THOMAS WALSH, JR, MAYOR  
JANIS MC GOVERN, DEPUTY MAYOR  
ELLSWORTH E. BENSLEY, JR  
DOLORES BLACKBURN  
JACK BURKE

July 24, 2017

The regular meeting of the Andover Township Committee was called to order at 6:41 p.m. at 134 Newton Sparta Road, Andover Township, by Mayor Walsh, followed by a salute to the flag.

**ROLL CALL:** Present: Mr. Bensley, Ms. Blackburn, Mr. Burke Ms. Mc Govern, Mayor Walsh

Also, present: Attorney Fred Semrau, and Diana Francisco, Clerk/Administrator

**OPEN PUBLIC MEETING STATEMENT** The statement of compliance with Chapter 231, P. L. 1975 was read by Mayor Walsh.

### **EXECUTIVE SESSION**

*Mr. Burke moved to go in to executive session at 6:41pm there was a second, the motion carried with a unanimous roll call vote*

### **Personnel Matters**

1. **Personnel Policy: Ordinance Conflict for Noncontract Employees.**

### **Potential Litigation:**

1. **Lackawanna Cutoff**

### **Contract Negotiations**

1. **Rolling Hills Condo Association**
2. **Lower Level of Hillside Park Barn**

*The regular meeting resumed at 7:36p on motion by Mr. Burke, seconded by Mr. Bensley, carried with all in favor.*

### **APPROVAL OF THE GENERAL AGENDA**

Mr. Burke moved to approve the general agenda, Mr. Bensley seconded, the motion carried with a unanimous roll call vote.

### **APPROVAL OF CONSENT AGENDA**

Mayor Walsh opened the consent agenda to public, no one came forward. Mayor Walsh asked the committee if they had anything that they wanted removed from the consent agenda. With no response, Mayor Walsh then requested check no. 21655 in the amount of \$1,560.46 payable to Lake Lenape Water Company be pulled from the consent agenda and be place on the general agenda for discussion.

Mr. Bensley moved to approve the consent agenda as amended, Ms. Mc Govern seconded, the motion carried with a unanimous roll call vote.

**CONSENT AGENDA:**

**\*OTHER BUSINESS:**

1. **APPROVAL OF VOUCHERS FOR PAYMENT**
2. **ACCEPTANCE OF THE CFO'S REPORT FOR THE MONTH OF JUNE 2017.**
3. **ACCEPTANCE OF THE TAX COLLECTORS REPORT FOR THE MONTH OF JUNE \$61,494.07 YEAR TO DATE \$10,766,041.14**

**\*RESOLUTIONS:**

1. **#R2017- 104 RESOLUTION OF THE TOWNSHIP OF ANDOVER , COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING A TAX APPEAL JUDGEMENT FOR AN ASSESSMENT ON BLOCK 151, LOT 19, OWNER OF RECORD RICHARD JUMP, FOR THE YEAR 2016, REDUCING THE ASSESSMENT FROM \$983,200.00 TO \$800,000.00**
2. **#R2017-105 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ISSUANCE OF A FIREWORKS DISPLAY PERMIT TO APPLICANT "CELEBRATION FIREWORKS" ON THE PROPERTY FOR NEWTON COUNTRY CLUB, SATURDAY, JULY 22, 2017**
3. **#R2017-106 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND TO RICHARD JUMP IN THE AMOUNT OF \$2,729.11 FOR OVERPAYMENT**

**MINUTES: MAY 22, JUNE 12, & JUNE 26, 2017 EXECUTIVE SESSIONS**  
**JUNE 12, & JUNE 26, 2017 REGULAR MEETING MINUTES**

**Voucher For Payment Lake Lenape Water Company: Hydrants**

Mayor Walsh explained, because of the continuing issues Lake Lenape Water Company customers are dealing with and because the fire hydrants do not meet standards as to the flow and things of that nature. Attorney Semrau added, we do have the hydrants inspection report from Barton Construction Corp. We are currently getting the appropriate interpretation of that report. The report does indicate that many of the hydrants do not meet standards. We will see how to proceed in the upcoming weeks.

**PUBLIC PORTION**

Mayor Walsh Opened the Public Portion of the Meeting

**Mr. Jay Fisher**, resident of Cedar Drive and president of AG Choice asked the committee to explain the outdoor storage ordinance on the agenda. He also commented on the difficulties he had experienced in 2015-16 while attempting to sell his property on rt. 206. Mr. Fisher stated, three of the five of his potential buyers came to the township building and the buyers were told by members of the township that the property was not buildable and that they would not get involved. He lost all 3 buyers. Mayor Walsh said he would meet with the administrator and follow up with the appropriate department regarding his allegations.

Mr. Fisher also made claims that he had spent 2-3 months going back and forth between the NJDEP and the Zoning Department regarding a zoning permit and then was told he needed to

**Andover Township Meeting Minutes**

**July 24, 2017**

**Page 3**

get a site plan waiver from the Land Use Board and has spent \$15,000 to get it. He stated that there seems to be something missing upstairs, a disconnect upstairs

**Resident Diane Gillespie**, asked when the ordinances are introduced if the committee could explain what changes are being considered and why for each ordinance.

**John Carafello**, resident and Economic Development Committee Member, commented that if people want to improve their properties they should be encouraged. They should have an idea of what that is going to cost them. We as a town should look at trying to alleviate some of the negative aspects or obstacles in the way of improvements.

**Resident, Bill Howell** gave the committee some history on the Lake Lenape water system and how it developed over time.

**John O'Connell**, was present on behalf of the Land Use Board, he is also a member of the route 206 subcommittee for Redevelopment. He stated the Land Use Board needs a resolution of authorization from the township committee to look at the route 206 corridor.

The township attorney said we need to have the properties identified to put them in the resolution. There was conversation regarding whether they wanted to exercise the right to eminent domain/condemnation in the resolution. Attorney Semrau further explained there are other components needed for the implementation of the study and the funding needs to be in place. The township committee needs the professionals to provide estimates of their fees, which are the planner, the LUB attorney and the LUB engineer. These figures are needed for a resolution to fund the redevelopment project.

There being no other hands, Mayor Walsh closed the public portion of the meeting

**RESOLUTIONS**

**R#2017-107 RESOLUTION URGING THE STATE LEGISLATURE TO EXTEND THE 2% CAP ON POLICE AND FIRE ARBITRATION CONTRACT AWARDS**

Mr. Burke Moved to adopt the referenced resolution, Mr. Bensley seconded, the motion carried by a unanimous roll call vote.

**R#2017-108 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO CARLIN & WARD, P.C. TO ACT AS SPECIAL LEGAL COUNSEL TO THE TOWNSHIP IN CONNECTION WITH THE ACQUISITION OF PROPERTY KNOWN AS A PORTION OF LAND NEAR AND AROUND 300 ROSEVILLE ROAD IN CONNECTION WITH THE LAKAWANNA CUT-OFF PROJECT IN THE TOWNSHIP OF ANDOVER, SUSSEX COUNTY, NEW JERSEY**

Ms. Blackburn moved to adopt the referenced resolution, Mr. Burke seconded, the motion carried by a unanimous roll call vote.

**R# 2017-109 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING A RIGHTS OF WAY USE AGREEMENT BETWEEN THE TOWNSHIP OF ANDOVER AND TILSON**

Mr. Bensley moved to adopt the referenced resolution, Ms. Blackburn seconded, the motion carried by a unanimous roll call vote.

**ORDINANCES INTRODUCTION**

1. **ORDINANCE # 2017-07 AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX, AND THE STATE OF NEW JERSEY, TO MODIFY CHAPTER 190, SECTION 11, "ONE PRINCIPAL STRUCTURE PERMITTED"**

Mr. Burke moved to adopt on introduction, Mr. Bensley seconded, the motion carried with a unanimous roll call vote.

**BE IT RESOLVED** that the foregoing ordinance was introduced and passed at first reading at a Regular Meeting of the Township Committee of the Township of Andover held on July 24, 2017. A public hearing regarding same will be held at a meeting scheduled for September 11, 2017 beginning at 7:30 P.M., at the Municipal Building, 134 Newton-Sparta Road, Andover Township, NJ, at which time all persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same.

2. **ORDINANCE # 2017-08 AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX, AND THE STATE OF NEW JERSEY, TO MODIFY CHAPTER 190, SECTION 21, "OUTDOOR STORAGE"**

Mr., Burke moved to adopt the above referenced ordinance on introduction, Mr. Bensley seconded, the motion carried with a unanimous roll call vote.

**BE IT RESOLVED** that the foregoing ordinance was introduced and passed at first reading at a Regular Meeting of the Township Committee of the Township of Andover held on July 24, 2017. A public hearing regarding same will be held at a meeting scheduled for September 11, 2017 beginning at 7:30 P.M., at the Municipal Building, 134 Newton-Sparta Road, Andover Township, NJ, at which time all persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same.

3. **ORDINANCE # 2017-09 AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX, AND THE STATE OF NEW JERSEY, TO MODIFY CHAPTER 190, SECTION 22(E), "PROHIBITED USES"**

Ms. Mc Govern moved to adopt above referenced ordinance on introduction, Ms. Blackburn seconded, the motion carried with a unanimous roll call vote.

**BE IT RESOLVED** that the foregoing ordinance was introduced and passed at first reading at a Regular Meeting of the Township Committee of the Township of Andover held on July 24, 2017. A public hearing regarding same will be held at a meeting scheduled for September 11, 2017 beginning at 7:30 P.M., at the Municipal Building, 134 Newton-Sparta Road, Andover Township, NJ, at which time all persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same.

4. **ORDINANCE # 2017-10 AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX, AND THE STATE OF NEW JERSEY, TO MODIFY CHAPTER 190, SECTION 13, "ACCESSORY BUILDINGS"**

Mr. Bensley moved to adopt above referenced ordinance on introduction, Ms. Blackburn seconded, the motion carried with a unanimous roll call vote.

**Andover Township Meeting Minutes**

**July 24, 2017**

**Page 5**

**BE IT RESOLVED** that the foregoing Ordinance was introduced and passed at first reading at a Regular Meeting of the Township Committee of the Township of Andover held on July 24, 2017. A public hearing regarding same will be held at a meeting scheduled for September 11, 2017 beginning at 7:30 P.M., at the Municipal Building, 134 Newton-Sparta Road, Andover Township, NJ, at which time all persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same.

**5. ORDINANCE # 2017-11 AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX, AND THE STATE OF NEW JERSEY, TO MODIFY CHAPTER 190, SECTION 90, "PROHIBITED SIGNS"**

Ms. Mc Govern moved to adopt above referenced ordinance on introduction, Ms. Blackburn seconded, the motion carried with a unanimous roll call vote.

**BE IT RESOLVED** that the foregoing ordinance was introduced and passed at first reading at a Regular Meeting of the Township Committee of the Township of Andover held on July 24, 2017. A public hearing regarding same will be held at a meeting scheduled for September 11, 2017 beginning at 7:30 P.M., at the Municipal Building, 134 Newton-Sparta Road, Andover Township, NJ, at which time all persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same.

**NEW BUSINESS:**

**1. Drive Through**

The committee briefly discussed allowing drive through windows for businesses. The committee to defer to the Land Use Board for recommendations.

**2. Gypsy Moth Survey**

Mr. Burke moved to approve the gypsy moth survey to be completed by the NJ Department of Agriculture to identify specific areas of egg masses, if any, within the township, Ms. Blackburn seconded, the motion carried with all in favor.

**UNFINISHED BUSINESS**

**1. Domestic Animals;**

There was a discussion regarding amending the ordinance and limiting the number of domestic animals in residential areas. It was the consensus of the committee to have the attorney prepare the ordinance limiting the number of dogs to (5).

**2. Zoning – Chickens**

The township committee discussed amending the ordinance allowing chickens in residential zones. The setbacks and acreage allowable was discussed as well as the number. It was the consensus of the committee for each of them to look at the ordinance and make suggestions for the next meeting.

**3. Land Use Board-Subcommittee: Redevelopment Plan.**

Discussed earlier during the public session.

**Andover Township Meeting Minutes**

**July 24, 2017**

**Page 6**

**4. Lackawanna Cutoff**

The governing body took action on the resolution earlier in the meeting. The township attorney suggested the committee continue to have dialogue with the NJ Transit and the DEP and to press forward. The committee had approved the memorandum of understanding, and the township is ready to take whatever steps are necessary. NJ Transit has agreed to reimburse the township.

**COMMITTEE REPORTS:**

**Ms. Blackburn**

She informed the committee that over the past few months there have a number inquiries and meetings with groups that are interested, mainly in client rehabilitation at the Abbey Property. She suggested the committee to give the subcommittee some ideas on what types of business they would like to see there.

**Mr. Burke;**

The DPW has many projects going on. The Goodale parking lot is underway. He discussed the basketball court project, and informed the committee that the Lake Iliff access will be done simultaneously. He added the DPW does the preliminary work at these site.

The Fire Department: is preparing for the Chicken Barbeque this Saturday. It is a great fundraiser and helps to keep the fire department's budget down.

**Mr. Bensley:**

The Land Use Board met, they paid bills, they had an applicant, and a site plan waiver  
Recreation Committee has planned a movie night and barbeque on July 9<sup>th</sup>. The next one is scheduled for August 13, as well as Bingo on August 15 at the Park.

**Ms. Mc Govern**

The Andover Seniors are very happy meeting in the Hillside House.  
August 21<sup>st</sup> is the Senior Picnic. She missed the last BOE meeting. She reported that the School Superintendent has a new 5 year contract, with merit pay. Mr. Walsh said that it is important for the committee to support the schools not to tear them down. He suggested the committee meet with the BOE to see what can be done to promote the schools.

**Mayor Walsh:**

He performed the ribbon cutting ceremony at the Pig Whistle Inn on Stickles Pond Road. It was a great event they had live music and pig roast  
Mr. Walsh informed the committee that he has been approached by Mr. Siplely to consider changing the names of certain roads. He suggested the committee consider adding a street sign to go atop of the regular street names. He will look into this.

**Andover Township Meeting Minutes**

**July 24, 2017**

**Page 7**

**REPORT FROM THE CLERK/ADMINISTRATOR**

She informed the committee that they had received a very nice letter from the Donald Duke DeGroat, manager of the Bodhi Monastery Food Pantry, for the food donations made by the Staff and the Residents of Andover Township.

**REPORT FROM THE MUNICIPAL ATTORNEY**

He reported on COAH, he reminded the members of the committee that they no longer have to deal with Affordable Housing litigation, all of the other towns that do not have a judgement need to pay an additional \$5K to participate.

A lawsuit has been filed by American Salt Company against the towns belonging to the Morris County Coop. The suit involves estimates for salt which the towns did not purchase because the salt was not needed. . Andover will to file a motion for dismissal on Thursday.

**NEXT SCHEDULED MEETINGS:**


**AUGUST 14, 6:30 PM Executive Session 7:30 PM Regular Session**

**SEPTEMBER 11, 2017, 6:30 PM Executive Session 7:30 PM Regular Session**

**ADJOURN**

With nothing further Ms. Blackburn moved to adjourn the meeting at 9:16pm, there was a second, the motion carried with all in favor.

Submitted by,



Diana Francisco, RMC/CMR

Clerk Administrator

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**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Committee of the Township of Andover on the 24th day of July 2017, that:

- 1. Before the commencement of the Regular Meeting, the Township Committee shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-26, sub-section(s):**
  - ( ) a. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) a. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) a. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
  - ( ) a. (4) A collective bargaining agreement including negotiations.
  - ( ) a. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
  - ( ) a. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
  - ( ) a. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
  - (X) a. (8) Personnel matters.
  - ( ) b. (9) Deliberations after a public hearing that may result in penalties.
    1. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

**Personnel Matters**

- 2. *Personnel Policy: Ordinance Conflict for Noncontract Employees.***

**Potential Litigation:**

- 2. *Lackawanna Cutoff***

**Contract Negotiations**

- 3. *Rolling Hills Condo Association***
- 4. *Lower Level of Hillside Park Barn***

Adopted: July 24, 2017

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ANDOVER TOWNSHIP - CFO'S REPORT  
for the Month Ending June 30, 2017

	Beginning Balance	Receipts	Disbursements	Ending Balance
Assessment Trust	\$ 18,848.78	\$ 4,383.86		\$ 23,232.64
Current Fund	\$ 2,478,351.87	\$ 126,905.23	\$ 1,619,129.37	\$ 986,127.73
Current Fund - Investment	\$ 123,665.90	\$ 109.77		\$ 123,775.67
Capital Fund	\$ 156,443.58	\$ 139.14	\$ 30,589.67	\$ 125,993.05
Capital Fund - Investment	\$ 180,746.49	\$ 160.45		\$ 180,906.94
Dog Trust Fund	\$ 2,511.95	\$ 51.25	\$ 2,227.40	\$ 335.80
COAH Trust Fund	\$ 23,529.25	\$ 4,204.36		\$ 27,733.61
Open Space Trust Fund	\$ 206,334.56	\$ 181.90	\$ 5,065.94	\$ 201,450.52
Escrow Trust Fund	\$ 407,283.24	\$ 21,698.96	\$ 20,243.10	\$ 408,739.10
Developers Escrow Accounts	\$ 84,337.33	\$ 3.44		\$ 84,340.77
Net Payroll Account	\$ 31.30	\$ 149,119.11	\$ 149,109.39	\$ 41.02
Agency Payroll Account	\$ 13,718.50	\$ 117,686.11	\$ 103,746.77	\$ 27,657.84
Sustainable Andover	\$ 4,928.16			\$ 4,928.16
SUI Trust Account	\$ 29,567.48	\$ 26.24		\$ 29,593.72
Totals	\$ 3,730,298.39	\$ 424,669.82	\$ 1,930,111.64	\$ 2,224,856.57

Submitted by Yasunaga Date July 13, 2017

**TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX,  
STATE OF NEW JERSEY**

**RESOLUTION #R2017-104**

**WHEREAS**, on June 19, 2017 the Tax Court of New Jersey granted a tax appeal judgement for an assessment on Block 151, Lot 19, owner of record Richard Jump, for the year 2016, reducing the assessment from \$983,200.00 to \$800,000.00, *and*,

**WHEREAS**, the reduction of assessment resulted in the 2016 taxes being reduced from \$33,458.30 to \$27,224.00, resulting in an overpayment \$6,234.30, as the 2016 taxes were previously paid in full, *and*,


**WHEREAS**, the aforementioned Tax Court of New Jersey Judgment, states “Statutory interest pursuant to N.J.S.A. 54:3-27.2 having been waived by taxpayer, shall not be paid provided the tax refund is paid within 60 days of the date of entry of the Tax Court Judgment”, *and*,

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Andover, County of Sussex, New Jersey, in accordance with State Statutes that the Tax Collector be authorized to make the necessary refund, payable to Richard Jump and Thomas Olson, Esq, in the amount of \$6,234.30.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Tax Collector, the Chief Financial Officer, Township Attorney, and Township Auditor for their records.

**CERTIFICATION**

I, Diana Francisco, Clerk of the Township of Andover, in the County of Sussex in the State of New Jersey, do hereby certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the Andover Township Committee at the meeting of July 24, 2017.

  
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Diana Francisco, R.M.C.  
Municipal Clerk

TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY

RESOLUTION #R2017-105

**RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE ISSUANCE OF A FIREWORKS DISPLAY PERMIT TO APPLICANT "CELEBRATION FIREWORKS" ON THE PROPERTY FOR NEWTON COUNTRY CLUB, SATURDAY, JULY 22, 2017**

**WHEREAS**, Celebration Fireworks, 7911 Seventh Street, Slatington, Pa 18080 has requested a Fireworks Display Permit from Fire Official Virgil Rome to conduct an exhibit on Saturday, July 22, 2017 at the Newton Country Club, 25 Club Road property; and,

**WHEREAS**, Fire Official Rome has received and reviewed all the required documentation and fees and has recommended the approval of this permit; and,

**WHEREAS**, officials from the Andover Township Police Department and Andover Township Volunteer Fire Department were notified of this event and are on standby; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Andover, County of Sussex, State of New Jersey to hereby authorize the issuance of the Fireworks Display Permit to Celebration Fireworks to be held on the Newton Country Club property on Saturday, July 22, 2017.; and,

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution be forwarded to Celebration Fireworks, the Fire Official, the Andover Township Police Department, the Andover Township Volunteer Fire Department and the Township Administrator for their records.

CERTIFICATION

I, Diana Francisco, Clerk/Administrator of the Township of Andover, in the County of Sussex in the State of New Jersey, do hereby certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the Andover Township Committee at its meeting on July 24, 2017.



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Diana Francisco, R.M.C./C.M.R.  
Clerk/Administrator

**TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY**

**RESOLUTION #R2017-106**

**RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AUTHORIZE  
THE TAX COLLECTOR TO ISSUE A REFUND TO RICHARD JUMP IN THE  
AMOUNT OF \$2,729.11 FOR OVERPAYMENT  
OF TAXES FOR THE YEAR 2017**

*WHEREAS*, on February 7, property owner Richard Jump paid \$8,364.58 for the 1st quarter taxes for Block 151, Lot 19, known as 310 Stickles Pond Rd, and on June 19, 2017, a payment was made by Richard Jump representing 2nd quarter 2017 taxes against the same property in the amount of \$8,364.57, and he also paid interest in the amount of \$184.51 at that time, *and*,

*WHEREAS*, that the assessment on the property has been lowered to 400,000.00 for the year; it was previously assessed at 983,200 for the year 2016, *and*,

*WHEREAS*, the new assessment has resulted in taxes due in the amount of \$14,064.00 for 2017, and the amounts paid in the 1<sup>st</sup> and 2<sup>nd</sup> quarters have created an overpayment in the amount of \$2,665.14. There is also a partial interest refund due in the amount of \$63.96, *and*,

*NOW, THEREFORE, BE IT RESOLVED* by the Township of Andover, County of Sussex, State of New Jersey, that a refund be issued to Richard Jump in the amount of \$2,729.11.

*BE IT FURTHER RESOLVED* that a certified copy of this resolution be forwarded to the Tax Collector, the Chief Financial Officer, and Township Auditor for their records.

**CERTIFICATION**

I, Diana Francisco, Municipal Clerk of the Township of Andover, in the County of Sussex in the State of New Jersey, do hereby certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the Andover Township Committee at the meeting of July 24, 2017.



\_\_\_\_\_  
Diana Francisco, R.M.C.  
Municipal Clerk

**ANDOVER TOWNSHIP**  
**R#2017-107**

**Resolution Urging the State Legislature to Extend the 2% Cap on Police and Fire Arbitration Contract Awards**

**WHEREAS**, local municipalities require specific tools to address the rising cost of municipal government; and

**WHEREAS**, in July 2010 the Governor and New Jersey State Legislature enacted a permanent 2% cap on municipal and school board tax levies with limited exceptions that did not include police and fire arbitration contract awards; and

**WHEREAS**, salary costs, to a great extent, drive property tax increases; and

**WHEREAS**, in December 2010 the Legislature unanimously approved and the Governor enacted a temporary 2% cap on police and fire arbitration contract awards in an effort to control increasing salary costs and provide a solution to assist local governments in keeping property taxes down and cost under control; and

**WHEREAS**, the December 2010 legislation included an April 1, 2014 sunset on the 2% arbitration cap while the 2% property tax levy remained permanent for municipalities and school boards; and

**WHEREAS**, in June 2014 the Legislature unanimously approved and the Governor enacted an extension to December 31, 2017 for the 2% arbitration cap, however, the 2% property tax levy cap continues to remain permanent, without an exemption for police and fire arbitration contract awards; and

**WHEREAS**, municipalities continue efforts to contain costs and provide vital services to residents within the 2% property tax levy while the New Jersey economy remains sluggish and taxpayers struggle to keep their homes and pay their taxes; and

**WHEREAS**, we recognize that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers; and

**WHEREAS**, the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force, which was established in the December 2010 legislation, is not due until the same day as the expiration of the cap on interest arbitration awards, December 31, 2017; and

**WHEREAS**, we recognize it is now time for our taxpayers to benefit directly from these cost saving measures as many police and fire contracts will come due for negotiation after the sunset date, and

**WHEREAS**, if the cap on interest arbitration expires while the 2% levy cap remains in effect, municipalities will be forced to reduce or eliminate municipal services in order to fund interest arbitration awards;

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of Andover Township urges the State Legislature to extend the 2% cap on Police and Fire Arbitration Contract Awards for 5 more years at which time the Legislature will have hard data to examine and then make a final decision as to whether this law should be made permanent; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution is forwarded to Assemblywoman Gail Phoebus, Assemblyman Parker Space of 24<sup>th</sup> District, Senator Steven V. Oroho, the Commissioner of the Department of Labor, the Lieutenant Governor and the Governor of State of New Jersey and the League of Municipalities.

Adopted this 24<sup>th</sup> day of July 2017  
And certified as a true copy of an original

  
Diana Francisco, RMC/CMR  
Municipal Clerk

**ANDOVER TOWNSHIP**

**R#2017-108**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO CARLIN & WARD, P.C. TO ACT AS SPECIAL LEGAL COUNSEL TO THE TOWNSHIP IN CONNECTION WITH THE ACQUISITION OF PROPERTY KNOWN AS A PORTION OF LAND NEAR AND AROUND 300 ROSEVILLE ROAD IN CONNECTION WITH THE LAKAWANNA CUT-OFF PROJECT IN THE TOWNSHIP OF ANDOVER, SUSSEX COUNTY, NEW JERSEY**

**WHEREAS**, the Township of Andover ("Township") requires professional services in connection with New Jersey Transit's potential acquisition of a portion of land near and around 300 Roseville Road in connection with the Lackawanna Cut-Off Project in the Township of Andover, Sussex County, New Jersey; and

**WHEREAS**, the Township requires legal representation by special counsel in connection with the potential acquisition of the above-referenced property; and

**WHEREAS**, all costs shall be reimbursed by New Jersey Transit; and

**WHEREAS**, the Township desires to retain the law firm of Carlin & Ward, P.C. ("Carlin & Ward") as special legal counsel to provide these services, as identified in Carlin & Ward's retainer agreement dated July 19, 2017; and

**WHEREAS**, the Township Chief Financial Officer has certified that sufficient funds are available for this purpose; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. requires that the resolution authorizing the award of a contract for professional services without competitive bidding, and the contract itself, be available for public inspection.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Andover, County of Sussex, and State of New Jersey, as follows:


1. The Township hereby awards and authorizes the Mayor and Borough Clerk to execute an agreement with Carlin & Ward to provide professional services as special legal counsel in connection with the acquisition of property known as a portion of 300 Roseville Road a/k/a Block 5, Lot 1, Township of Andover, Sussex County, New Jersey, to be performed at the hourly rates set forth in the retainer agreement dated July 19, 2017.
2. The contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a firm licensed under law to practice a recognized profession.

3. The total fee authorized for this contract shall not exceed \$17,500 without the prior written approval of the Township Council.
4. Notice of this action shall be published once in the Township's official newspaper as required by law.
5. A copy of this resolution shall be provided to the Township's Chief Financial Officer and to Carlin & Ward, P.C. located at 25A Vreeland Road, P.O. Box 751, Florham Park, NJ 07932, for their information and guidance.

This Resolution shall take effect immediately.

DATED: July 24, 2017

Adopted this 24<sup>th</sup> day of July, 2017  
And certified as a true copy of an original

  
\_\_\_\_\_  
Diana Francisco, RMC/CMR  
Municipal Clerk



**Resolution 2017- 109**  
**RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX,**  
**STATE OF NEW JERSEY AUTHORIZING A RIGHTS OF WAY USE AGREEMENT**  
**BETWEEN THE TOWNSHIP OF ANDOVER AND TILSON**

**WHEREAS**, Tilson is a New Jersey competitive local exchange carrier that has partnered with Verizon Wireless to assist in the development of small network nodes in New Jersey; and

**WHEREAS**, pursuant to the Telecommunications Act and an order from the New Jersey BPU, Tilson and Verizon are permitted to utilize their right of ways throughout the Township of Andover for the purposes of installing, operating, repairing and maintaining their telecommunication system; and

**WHEREAS**, a right of way agreement has been proposed by Tilson to the Township of Andover; and

**NOW, THEREFORE, BE IT RESOLVED**, By the Mayor and Township Committee of the Township of Andover, County of Sussex, and State of New Jersey, as follows:

The Mayor is hereby authorized to execute a right of way agreement with Tilson for a period of ten (10) years which contains specific provisions regarding notice and escrows for the development of the small network nodes in Andover Township.

Adopted: 7/24/2017

Adopted this 24th day of July 2017  
and certified as a true copy of an original.

  
Diana Francisco, Municipal Clerk

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

**ORDINANCE # 2017-07**

**AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, IN THE  
COUNTY OF SUSSEX, AND THE STATE OF NEW JERSEY,  
TO MODIFY CHAPTER 190, SECTION 11, "ONE PRINCIPAL  
STRUCTURE PERMITTED"**

**BE IT ORDAINED**, by the Township Committee of the Township of Andover, in the County of Sussex, and the State of New Jersey, as follows:

**SECTION 1.** The Code of the Township of Andover is hereby amended at Chapter 190, Section 11, entitled "One principal structure permitted," to read in its entirety as follows:

**§190-11      One principal structure permitted.**

A lot used for a single-family residence purpose shall contain only one principal structure. Every principal structure shall be built upon a lot with frontage upon the public street. Only one principal permitted use is allowed in any zone district, with the exception of shopping centers (see §190-44) and flex-space buildings (defined at §190-4).

[Proposed amendments are underlined]

**SECTION 2.** All ordinances of the Township of Andover which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, 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.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

INTRODUCED:      07-24-2017

ADOPTED:

EFFECTIVE DATE:

  
\_\_\_\_\_  
Diana Francisco, Municipal Clerk

TOWNSHIP OF ANDOVER  
SUSSEX COUNTY, NEW JERSEY

ORDINANCE # 2017-08

AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, IN THE  
COUNTY OF SUSSEX, AND THE STATE OF NEW JERSEY, TO  
MODIFY CHAPTER 190, SECTION 21, "OUTDOOR STORAGE"

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

**SECTION 1.** The Code of the Township of Andover is hereby amended at Chapter 190, Section 21, entitled "Outdoor storage," to read in its entirety as follows:

**§190-21**      Outdoor storage.

[Amended 4-26-2010 by Ord. No. 2010-5] In the business, commercial and industrial zones, except for concrete and asphalt product and production facilities within the General Industrial Zone district in accordance with the standards set forth in §190-55.2, no article or material shall be kept or stored, except articles for sale, outside the confines of a building unless it is so screened by special planting or a fence, as approved by the Land Use Board, so that it is not visible from any adjacent residential zone or public street, except such storage is as normal and incidental thereto. This shall not be construed to prohibit the storage or display of shrubbery grown on the premises. Outdoor storage as permitted and regulated in this section is only permitted in the side and rear yards. Seasonal farm produce grown on the premises is a specifically permitted outdoor use and may be displayed in the front yard of any lot without being screened. All outdoor storage of materials, equipment, and vehicles (including tractor trailers, mason dump trucks, roll-off containers, shipping containers, etc.) is prohibited unless the principal structure or use is functional and not vacant for more than three consecutive (3) months.

[Proposed amendments are underlined]

**SECTION 2.** All ordinances of the Township of Andover which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, 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.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

INTRODUCED:      7/24/2017  
ADOPTED:

  
Diana Francisco, Municipal Clerk

TOWNSHIP OF ANDOVER  
SUSSEX COUNTY, NEW JERSEY

ORDINANCE # 2017-09

AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, IN THE  
COUNTY OF SUSSEX, AND THE STATE OF NEW JERSEY, TO  
MODIFY CHAPTER 190, SECTION 22(E), "PROHIBITED USES"

**BE IT ORDAINED**, by the Township Committee of the Township of Andover, in the County of Sussex, and the State of New Jersey, as follows:

**SECTION 1.** The Code of the Township of Andover is hereby amended at Chapter 190, Section 22, entitled "Prohibited uses," subsection E, to read in its entirety as follows:

**§190-22      Prohibited Uses.**

E. Any use which emits excessive or objectionable amounts of dust, fumes, noise, odor, smoke, vibration, glare or waste products. In particular, outdoor wood boilers are prohibited in Zone Districts R-0.5, R-1.0, and all commercial and industrial zones. Outdoor wood boilers are permitted in Zone Districts R-2, R-2.5 and R-3, subject to compliance with the requirements set forth in N.J.A.C. 7:27-3-2, "Smoke emissions from stationary indirect heat exchanges."

[Proposed amendments are underlined]

**SECTION 2.** All ordinances of the Township of Andover which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, 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.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

INTRODUCED:      07-24-2017

ADOPTED:

EFFECTIVE DATE:

  
\_\_\_\_\_  
Diana Francisco, Municipal Clerk

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

**ORDINANCE # 2017-10**

**AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, IN THE  
COUNTY OF SUSSEX, AND THE STATE OF NEW JERSEY,  
TO MODIFY CHAPTER 190, SECTION 13, "ACCESSORY  
BUILDINGS"**

**BE IT ORDAINED**, by the Township Committee of the Township of Andover, in the County of Sussex, and the State of New Jersey, as follows:

**SECTION 1.** The Code of the Township of Andover is hereby amended at Chapter 190, Section 13, entitled "Accessory buildings," to read in its entirety as follows:

**§190-13      Accessory buildings.**

Any accessory building attached to the main building shall comply in all respects with the requirements of this chapter applicable to the main building. An accessory building shall be located at least 10 feet from the main building. It shall comply in all respects with the requirements of the schedule applicable to accessory buildings. Height of unattached accessory buildings shall be 20 feet maximum. No accessory building shall encroach upon the front yard setback for the principal structure. Flagpoles are permitted in all residential zones subject to a height restriction of 25 feet and allowed in the front yard setback area. Flagpoles are also permitted in commercial industrial zones subject to a height restriction of 35 feet and allowed in the front yard setback area.

[Proposed amendments are underlined]

**SECTION 2.** All ordinances of the Township of Andover which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, 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.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

INTRODUCED:      07-24-2017  
ADOPTED:  
EFFECTIVE DATE:

  
\_\_\_\_\_  
Diana Francisco, Municipal Clerk

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

**ORDINANCE # 2017-11**

**AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, IN THE  
COUNTY OF SUSSEX, AND THE STATE OF NEW JERSEY, TO  
MODIFY CHAPTER 190, SECTION 90, "PROHIBITED SIGNS"**

**BE IT ORDAINED**, by the Township Committee of the Township of Andover, in the County of Sussex, and the State of New Jersey, as follows:

**SECTION 1.** The Code of the Township of Andover is hereby amended at Chapter 190, Section 90 entitled "Prohibited signs," to read in its entirety as follows:

**§190-90      Prohibited signs.**

The following types of signs or artificial lighting are prohibited in all zones:

- A. Billboards.
- B. Exposed neon tubing.
- C. Any flashing, moving or animated signs except in the CB, HC and B/A zone districts. In addition, such signs may be allowed upon approval of a special permit therefor issued by the Township Zoning Officer to be displayed on any property operated by the Township (municipal building/recreation), Police Department, Fire Department, and First Aid Squad. Any new electronic messaging signs shall be no larger than 32 sq. ft. (both sides), contain no more than four (4) lines of text, and must contain no less than a 30-second interval change. Any electronic messaging signs must be turned off between the hours of 11:00 p.m. and 6:00 a.m. located in any zone district within the Township.
- D. Any sign whose lighting or central mechanism causes radio or television interference.
- E. Signs utilizing the color red, green, or yellow in their illumination within 100 feet of a street intersection.
- F. Signs which resemble, simulate or may be mistaken for a traffic sign within 20 feet of a roadway.
- G. Signs which are a menace to public safety.
- H. Roof signs.
- I. Signs affixed to trees, rocks or other natural things.
- J. Signs affixed or painted on water towers or similar structures.
- K. Freestanding pylon signs located in a public right-of-way or approval sign easement.
- L. String banners, string flags, aluminum ribbons or similar attention-getting devices, except that commercial businesses shall be allowed to hang or suspend one banner from a structure or business as long as it is not offensive or inappropriate. String banners strung on poles sunk into the ground are prohibited.

[Proposed amendments are underlined]

**SECTION 2.** All ordinances of the Township of Andover which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, 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.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

INTRODUCED: 07-24-2017  
ADOPTED:  
EFFECTIVE DATE:

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Diana Francisco, Municipal Clerk