

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

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

November 13, 2017

The regular meeting of the Andover Township Committee was called to order at 6:37 p.m. at 134 Newton Sparta Road, Andover Township, by Mayor Walsh, Ms. Blackburn moved to go into **executive session** at 6:48pm, Ms. McGovern seconded the motion carried with a unanimous roll call vote.

Mr. Bensley moved to come out of executive session at 7:07 pm. the motion was seconded. The regular meeting resumed at 7:31 p.m. followed by a salute to the flag.

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

Also, present: Attorney Dawn Sullivan, 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

CONTRACT NEGOTIATIONS

1. *Andover Board of Education Services*
2. *Old Creamery Road Property*
3. *Rolling Hills Condo Association*
4. *T-Mobile*

ATTORNEY CLIENT

1. *Pace Glass*
2. *Lackawanna Cutoff*

LITIGATION:

1. *Cato v. Andover Township*
2. *Investors Property Inc. v. Andover Township*

APPROVAL OF THE GENERAL AGENDA

Ms. McGovern moved to approve the general agenda, Ms. Blackburn 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 have removed from the consent agenda, Ms. Blackburn requested to have voucher 211990 pulled for discussion. Mr. Bensley moved to approve the consent agenda as amended, Ms. McGovern seconded, the motion carried with a unanimous roll call vote.

*CONSENT AGENDA:

*OTHER BUSINESS:

1. APPROVAL OF VOUCHERS FOR PAYMENT
2. ACCEPTANCE OF THE TAX COLLECTORS REPORT FOR THE MONTH OF OCTOBER 2017, \$1,544,342.46 AND YEAR TO DATE, \$18,321,489.50.
3. ACCEPTANCE OF THE CFO'S REPORT FOR THE MONTH OF OCTOBER 2017

*RESOLUTIONS:

1. #R2017-143 A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE SETTLEMENT OF THE 2012, 2013, 2014, 2015, 2016, AND 2017 TAX APPEALS OF INVESTOR PROPERTIES, INC:
2. #R2017-144 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO ISSUE A TAX REFUND TO US BANK CUST BV TRST 2015-1 IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE #15-00003 SOLD FOR DELINQUENT TAXES FOR BLOCK 57, LOT 7 IN THE AMOUNT OF \$42,741.63
3. #R2017-145 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO PREPARE CERTAIN SURPLUS MUNICIPAL EQUIPMENT AND VEHICLES THAT IS CONSIDERED UNREASONABLY EXPENSIVE TO REPAIR FOR SALE ONLINE AT MUNICIPAL AUCTION THROUGH MUNICIBIDS IN ACCORDANCE WITH THE CONDITIONS OF THE STATE CONTRACT
4. R#2017-146 BUDGET APPROPRIATIONS TRANSFER
5. #R2017-147 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY REVISING THE QUANTITIES AND UNIT PRICES AUTHORED BY THE MORRIS COUNTY COOPERATIVE FOR MILLING AND PAVING THE PINKNEYVILLE RD RECONSTRUCTION PROJECT
6. #R2017-148 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY REVISING THE QUANTITIES AND UNIT PRICES FOR DRAINAGE & TRAFFIC SIGNS FOR THE PINKNEYVILLE RD RECONSTRUCTION PROJECT
7. #R 2017-149 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO FORMALLY ACCEPT THE GOODALE ROAD PARKING LOT RECONSTRUCTION IMPROVEMENTS AND TO AUTHORIZE TO BOB & VIERSMA SONS, INC. IN ORDER TO OBTAIN THEIR ONE YEAR MAINTENANCE BOND
8. #R2017-150 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY REVISING THE QUANTITIES AND UNIT PRICES AUTHORIZED BY THE MORRIS COUNTY COOPERATIVE FOR THE LAKE ILIFF RD RECONSTRUCTION PROJECT

*MINUTES: SEPTEMBER 24, 2017 REGULAR SESSION

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- Pulled item 211990 from consent agenda. Ms. Blackburn stated that the Land Use Board subcommittee has scheduled a meeting to discuss the bill with Ms. Caldwell. The meeting was cancelled and is still to be rescheduled.

PUBLIC SESSION

Mayor Walsh opened to the public portion of the meeting.

Ms. Diane Gillespie, Andover Mohawk Road, asked about **R#2017-151** Township Property. She asked if they were buildable lots and if the adjoining property owners may be interested in bidding. She also asked about the Ordinance for Mobile Video recording.

Seeing no one else from the public, Mayor Walsh closed the public portion of the meeting.

RESOLUTIONS

R#2017-151 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AUTHORIZING THE SALE OF CERTAIN LANDS AND PROPERTIES WHICH ARE NO LONGER NEEDED FOR PUBLIC USE BY THE TOWNSHIP

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

ORDINANCES: INTRODUCTION

ORDINANCE #2017-17 ORDINANCE OF THE TOWNSHIP OF ANDOVER COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AMEND THE TOWNSHIP CODE BY AMENDING CHAPTER 82 ENTITLED LITTERING

Chief Danielson was present and explained that he had brought it to the committee's attention that the current ordinance did not address individuals using businesses or township owned receptacles without the owner's consent. Also, the new ordinance will expand on the individuals who can enforce the complaints.

Ms. McGovern moved to introduce **Ordinance #2017-17**, Mr. Bensley seconded. The motion carried with a unanimous roll call vote.

ORDINANCES: FINAL ADOPTION

ORDINANCE #2017-15 AN ORDINANCE TO PROVIDE FUNDING FOR THE COST OF MOBILE VIDEO RECORDING SYSTEMS, FOR THE TOWNSHIP OF ANDOVER AND TO PROVIDE FOR THE FUNDING THEREOF

Mayor Walsh opened to the public, seeing no hands, he closed to the public. Chief Danielson explained to the audience the current system is old and unable to perform the duties needed. Mayor Walsh then opened discussion to the committee, there being none.

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

ORDINANCE #2017-16 AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO AMEND THE TOWNSHIP CODE BY AMENDING CHAPTER 198-1 ENTITLED "BOARD OF HEALTH FEE SCHEDULE"

Mayor Walsh opened to the public, seeing no hands, he closed to the public. He then opened discussion to the committee, there being none.

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

NEW BUSINESS

2017 Best Practices Worksheet CY2017/SFY2018

The committee reviewed the best practices worksheets and explained that they are required annually by the NJ Division of Local Government Services. The town received 20 out of a possible 25 questions scored. The committee is working to obtain a higher score moving forward.

UNFINISHED BUSINESS

1. Lackawanna Cutoff

Mayor Walsh explained that the Memorandum of Agreement had been signed by the township. Then NJ Transit, made additional minor changes, he then signed the new agreement which was amended once again by NJ Transit. He is hoping to hear something in the next day or so. Once that is underway, the engineers will get together and see how to proceed with the culvert.

2. Lake Lenape Water Company Fire Hydrants

There were no new developments to report

COMMITTEE REPORTS:

Ms. McGovern:

The next senior's meeting is at the Hillside House on Monday November 20, 2017.

Open Space Projects completed. Sustainable Andover has been busy planning the upcoming Winter Market in February.

Ms. McGovern added Tom Walsh was named Mayor of the Year by the Sussex County Economic Development. She then mentioned some of the highlights noted by SCED at the Mayor's Symposium and Reception held at the Mohawk House last week.

The Mayor has been relentless when it comes to the Lackawanna Cutoff and NJ Transit. He even went down to Newark to find out what the problem is at one of their NJ Transit meetings. He has been very vocal in pursuit to getting the train here to not only Andover Township but to the county. He extremely passionate about that project as well.

As you may be aware Pace Glass, a class a recycling facility, has found a home on County Route 669 in Andover Township. The Andover Township Committee, the Land Use Board, the Environmental Commission and the Sussex County Solid Waste Advisory Council, along with the many professionals have spent many hours working with the owner to ensure this \$50 million project is safe and beneficial to all.

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The Land Use Board and professionals are diligently working on a Redevelopment Plan to address the Route 206 corridor in Andover Township. Other recent approvals by the LUB are AB Richards, a shipping container storage facility on Stickles Pond Road and Combined Energy Services on Route 206, as well as AG Choice, LLC on Stickles Pond Rd another recycler. The relocation of Homers Restaurant and Green Life Market have proven to be great additions to Andover Township.

The Land Use Board, Zoning Department and the township committee recently amended (6) six different Zoning ordinances to help make the application process and regulations more user friendly.

The township committee along with the Open Space Commission saw the need to make improvements to parking at the Goodale Road recreational fields making the parking and field access much safer for spectators and children. Improvements to the Hillside Park such as the walkways and Basketball Courts via the township's Open Space Fund. The paving of the Apron to Lake Iliff Access along Limecrest Road, this project was also funded by township Open Space fund.

Mr. Bensley:

Reported that he met with the Fire Department, they talked about goals for 2018.

He also reported on the Lakeland ambulance year to date they have had 920 calls.

Ms. Blackburn:

Reported, the Environmental Commission met they had a guest speaker from ANJAC.

Dave Pfeiffer, Association of New Jersey Economic Commissions, they would also like to apply for membership as a resource. Sustainable Andover is working on booklet about the town, and businesses in the town which will also be available online. Sussex Tech may be able to print the booklets.

Also working on a trail map, possibly having Vocational Tech do the printing of the map.

Mayor Walsh

Finance Committee had one meeting to work on the new budget.

Christmas tree lighting November 24 at the park 6pm.

He congratulated Officer Alex Price for saving a little girls life in Andover Borough, which was reported in the front page of the New Jersey Herald.

REPORT FROM THE CLERK/ADMINISTRATOR

Ms. Francisco congratulated her coworkers' Toni-Lu Martin for successfully completing the Registrars Certification course and Toni Grisaffi for completing all the CFO courses successfully.

Congressman Gotthiemer would like to set up a mobile session November 28, 2017, from 3-4 pm at town hall. This will be their third mobile session here in Andover Township. He will have a representative to answer questions and discussion regarding issues residents of the 24th district are experiencing and any matters the public would like to discuss. Also, Thursday, November 16th is the Great American Smoke Out.

REPORT FROM THE MUNICIPAL ATTORNEY

Attorney Sullivan did not have a report at this time.

NEXT SCHEDULED MEETINGS:

NOVEMBER 27, 2017 6:30 PM Executive Session 7:30 PM Regular Session
DECEMBER 11, 2017, 6:30 PM Executive Session 7:30 PM Regular Session

ADJOURN

With no further business, Ms. Blackburn moved to adjourn at 7:58pm, there was a second, the motion carried with all in favor.

Submitted by,

Diana Francisco

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Andover on the 13th day of November 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).

CONTRACT NEGOTIATIONS

- 1. *Rolling Hills***
- 2. *Public Land Sale***

POTENTIAL LITIGATION:

- 1. *Chief Danielson Police Matters***

ATTORNEY CLIENT

- 1. *Lake Lenape Fire Hydrants***
- 2. *Lackawanna Cutoff***

ANDOVER TOWNSHIP - CFO'S REPORT
for the Month Ending October 31, 2017

	Beginning Balance	Receipts	Disbursements	Ending Balance
Assessment Trust	\$ 30,822.51	\$ 30.32	\$ 6,210.73	\$ 24,642.10
Current Fund	\$ 1,390,019.67	\$ 1,719,184.48	\$ 1,483,571.46	\$ 1,625,632.69
Current Fund - Investment	\$ 124,130.38	\$ 122.12	\$ -	\$ 124,252.50
Capital Fund	\$ 65,395.54	\$ 64.73	\$ -	\$ 65,460.27
Capital Fund - Investment	\$ 181,425.37	\$ 178.49	\$ -	\$ 181,603.86
Dog Trust Fund	\$ 651.78	\$ 20.65	\$ 11.40	\$ 661.03
COAH Trust Fund	\$ 27,813.09	\$ 27.36	\$ -	\$ 27,840.45
Open Space Trust Fund	\$ 149,239.41	\$ 146.18	\$ 4,339.10	\$ 145,046.49
Escrow Trust Fund	\$ 396,494.41	\$ 6,612.83	\$ 18,485.96	\$ 384,621.28
Developers Escrow Accounts	\$ 84,351.31	\$ -	\$ -	\$ 84,351.31
Net Payroll Account	\$ 99.13	\$ 157,115.67	\$ 157,104.43	\$ 110.37
Agency Payroll Account	\$ 20,280.83	\$ 114,368.47	\$ 119,743.32	\$ 14,905.98
Sustainable Andover	\$ 4,928.16	\$ -	\$ -	\$ 4,928.16
SUI Trust Account	\$ 30,759.72	\$ 30.27	\$ -	\$ 30,789.99
Totals	\$ 2,506,411.31	\$ 1,997,901.57	\$ 1,789,466.40	\$ 2,714,846.48

Doree Maguire
Submitted by

November 8, 1027

Date

ANDOVER TOWNSHIP
TAX DEPARTMENT
INTER-OFFICE MEMORANDUM

DATE: November 1, 2017
TO: Mayor, Committee & Administrator
FROM: Daryn Cashin, Tax Collector
SUBJECT: Monthly Report for October, 2017

October tax collections: \$1,544,342.46 (see attached)

Below is a comparative chart of collections in the tax office, from 2016 to 2017.

	<u>2016</u>	<u>2017</u>
January	\$ 874,583.25	\$ 1,178,601.13
February	4,291,740.91	4,145,219.32
March	249,806.98	177,329.86
April	974,177.18	1,031,748.11
May	4,016,238.04	4,171,648.65
June	84,899.30	61,494.07
July	769,751.99	1,124,789.02
August	4,993,644.97	4,745,275.99
September	195,631.45	141,040.89
October	1,146,939.41	1,544,342.46
<i>Year to date</i>	<i>\$17,597,413.48</i>	<i>\$18,321,489.50</i>
Delinquent 2016	\$ 415.16	
Delinquent 2017	185,412.00	
<i>Total Taxes Delinquent</i>	<i>\$ 185,827.16</i>	

Special Assessment (Forest Lakes Dam, year 2 of 10)

Collected: May	\$5,410.50
June	4,364.75
July	4,021.37
August	196.62
September	3,294.37
October	-0-

Collected Year to Date \$17,287.61

All Forest Lakes Dam assessments for year 2017 have been paid for 2017, none are in default.



October 31, 2017
03:17 PM

ANDOVER TOWNSHIP
Cash Receipts Totals from 10/01/17 to 10/31/17

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Code Description	Count	Arrears/Other	Principal			Interest	Total
			2016	2017	2018		
001 TAX PAYMENT	707	0.00	13,613.79	1,438,296.38	10,757.11	4,754.26	1,467,421.54
026 TAX SUB PAYMENTS	12	0.00	0.00	22,560.48	0.00	1,794.15	24,354.63
901 TAX - TAX SALE	14	0.00	26,561.57	0.00	0.00	2,431.50	28,993.07
902 6% YEP PENALTY	1	0.00	942.89	0.00	0.00	2,273.77	3,216.66
Tax Payments	734	0.00	41,118.25	1,460,856.86	10,757.11	11,253.68	1,523,985.90
028 SPECIAL CHARGES TAX	1	0.00	0.00	0.00	0.00	74.29	74.29
Sp Charges Payments	1	0.00	0.00	0.00	0.00	74.29	74.29
004 REDEEM LIEN	6	15,718.55	0.00	0.00	0.00	3,471.08	19,189.63
024 LIEN RECORDING FEE	1	52.00	0.00	0.00	0.00	0.00	52.00
Lien Payments	7	15,770.55	0.00	0.00	0.00	3,471.08	19,241.63
002 TAX SRCH/STATUS/REDP	3	110.00	0.00	0.00	0.00	0.00	110.00
021 TAX SALE AD/MAIL FEE	2	295.78	0.00	0.00	0.00	0.00	295.78
906 TAX SALE PREMIUM	1	100.00	0.00	0.00	0.00	0.00	100.00
908 TAX SALE COST	4	0.00	0.00	0.00	0.00	534.86	534.86
Misc Payments	10	505.78	0.00	0.00	0.00	534.86	1,040.64
Payments Total:	752	16,276.33	41,118.25	1,460,856.86	10,757.11	15,333.91	1,544,342.46
Cash o/s Total:	0	0.00	0.00	0.00	0.00	0.00	0.00
NSF Reversals Total:	0	0.00	0.00	0.00	0.00	0.00	0.00
Total:	752	16,276.33	41,118.25	1,460,856.86	10,757.11	15,333.91	1,544,342.46

Total Cash: 2,070.10

Total Check: 1,542,272.36

Total Credit: 0.00

Range: Block: First to Last
 Lot:
 Qual:
 Range of Codes: First to Last
 Range of Batch Ids: First to Last
 Range of Spec Tax Codes: First to Last
 Payment Type Includes: Tax: N Sp Charges: N Lien: N Sp Assmnt: Y
 Misc: N
 Payment Method Includes: Cash: Y Check: Y Credit: Y Range of Installment Due Dates: First to Last
 Print Miscellaneous w/Block/Lot/Qual: N
 Print Only Miscellaneous w/Block/Lot/Qual: N

Dam assessment

Range of Years: First to 2018
 Range of Periods: 1 to 12
 Range of Dates: 10/01/17 to 10/31/17
 Print Ref Num: N

Code Description	Count	Arrears/Other	Principal			Interest	Total
			2016	2017	2018		
Payments Total:	0	0.00	0.00	0.00	0.00	0.00	0.00
Cash O/S Total:	0	0.00	0.00	0.00	0.00	0.00	0.00
NSF Reversals Total:	0	0.00	0.00	0.00	0.00	0.00	0.00
Total:	0	0.00	0.00	0.00	0.00	0.00	0.00

Total Cash: 0.00
 Total Check: 0.00
 Total Credit: 0.00

RESOLUTION NO. 2017-143

A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE SETTLEMENT OF THE 2012, 2013, 2014, 2015, 2016, AND 2017 TAX APPEALS OF INVESTOR PROPERTIES, INC.

WHEREAS, Investor Properties, Inc. has filed a tax appeal for the years 2012, 2013, 2014, 2015, 2016 and 2017 with respect to Block 163, Lot 4.02: Brighton Road;

WHEREAS, the taxes paid by Investor Properties, Inc. over the six year period under appeal amounts to over \$35,000;

WHEREAS, the Township Assessor and Attorney have negotiated a settlement of this litigation; and

WHEREAS, settlement of the appeals is in the best interest of the Township.

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:

1. The settlement of the above referenced tax appeals filed at the Tax Court of New Jersey is hereby authorized as follows:

**Investor Properties, Inc.
Brighton Road
Block 163, Lot 4.02**

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Proposed Assessment</u>	<u>Approximate Refund</u>
2012	\$182,200	\$182,200	\$0
2013	\$182,200	\$182,200	\$0
2014	\$182,200	\$182,200	\$0
2015	\$182,200	\$182,200	\$0
2016	\$169,400	\$135,000	\$1,170
2017	\$169,400	\$125,000	\$1,560


2. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.

3. This Resolution shall take effect immediately.

This resolution shall take effect immediately.

ADOPTED: 11-13, 2017

Adopted this 13th day of Nov., 2017 and certified as a true copy of an original.



Diana Francisco, Township Clerk

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

RESOLUTION #R2017-144

**RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE
TO ISSUE A TAX REFUND TO US BANK CUST BV TRST 2015-1 IN REGARDS
TO THE REDEMPTION OF TAX SALE CERTIFICATE #15-00003 SOLD FOR
DELINQUENT TAXES FOR BLOCK 57, LOT 7
IN THE AMOUNT OF \$42,741.63**

WHEREAS, On October 6, 2015, Tax Sale Certificate #15-00003 was sold for delinquent 2014 taxes on Block 57, Lot 7, owners of record Lloyd LaBrie & Carol Stephens, to US Bank Cust BV001 Trst & Crdts in the amount of \$7,010.54, *and*,

WHEREAS, the tax sale certificate was subsequently assigned to US Bank BV Trst 2015-1 on January 6, 2016, *and*,

WHEREAS, the lien holder paid a premium in the amount of \$23,500 at the time of sale, and the lienholders paid subsequent taxes from the 1st quarter 2015 thru the 4th quarter 2015 in the amount of \$8,708.01, *and*,

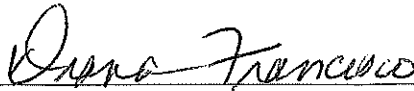
WHEREAS, on October 30, 2017, homeowner Carol Stephens paid the lien and subsequent principal of \$15,718.55, search & recording fees in the amount of \$52.00, penalties in the amount \$280,42, and interest in the amount of \$3,190.66 through November 14, 2017 for the redemption of Tax Sale Certificate #15-00003.

NOW, THEREFORE, BE IT RESOLVED by of the Township Committee of Andover, County of Sussex, State of New Jersey, that upon certification of Daryn L. Cashin, Tax Collector, a refund be issued to US Bank Cust BV Trst 2015-1 in the amount of \$42,741.63.

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 November 13, 2017.



Diana Francisco, R.M.C.
Municipal Clerk

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

RESOLUTION #R2017-145

RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO PREPARE CERTAIN SURPLUS MUNICIPAL EQUIPMENT AND VEHICLES THAT IS CONSIDERED UNREASONABLY EXPENSIVE TO REPAIR FOR SALE ONLINE AT MUNICIPAL AUCTION THROUGH MUNICIBIDS IN ACCORDANCE WITH THE CONDITIONS OF THE STATE CONTRACT

WHEREAS, the Township of Andover is the owner of the certain surplus equipment and vehicles, which is no longer needed for public use due to its deterioration; and,

WHEREAS, the Township of Andover desires to authorize these items for sale in an "as is" condition without express or implied warranties; and,

NOW THEREFORE BE IT RESOLVED by the Mayor and Township Committee of the Township of Andover, County of Sussex, State of New Jersey that the Items listed in the list of equipment and vehicles, attached hereto is described surplus equipment is no longer needed for public use and the sale of such property shall be conducted through Municibids in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with Municibids is available online at www.Municipal bids.com and also available from Andover Township Clerk's Office.

(1) The sale will be conducted online and the address of the auction site is www.municibids.com.

(2) The sale is being conducted pursuant to Local Finance Notice 2008-9.

(3) A list of the surplus property to be sold is attached to this resolution

(4) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(5) The Township of Andover reserves the right to accept or reject any bid submitted.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Municibids,, the Department of Public Works, the Police Department, the Finance Department and the Township Auditor 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 November 13, 2017.



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

2001 Ford Explorer 4x4
Vin # 1FMZU72E817A23094
Mileage 69,498
Color White

2007 Dodge Charger
Vin # 2B3KA43H27H843932
Mileage 74,839
Color Black

2008 Dodge Durango
Vin # 1D8HB38N08F115027
Mileage 97,258
Color White

2010 Ford Crown Victorian
Vin # 2FABP7BV1AX111347
Mileage 93,431
Color White

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

RESOLUTION #R2017-146-

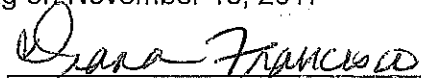
2017 BUDGET APPROPRIATIONS TRANSFER

BE IT RESOLVED by the Township Committee of the Township of Andover, County of Sussex and State of New Jersey, that 2017 Budget Appropriations Transfers totaling \$4,706.00 are to be made in the following manner:

<u>FROM:</u>	<u>AMOUNT</u>
<u>Township Legal</u>	<u>\$ 4,706.00</u>
<u>TOTAL:</u>	<u>\$ 4,706.00</u>
<u>TO:</u>	
<u>IT – Payroll processing</u>	<u>\$ 2,000.00</u>
<u>Finance o/e – Education</u>	<u>\$ 1,200.00</u>
<u>Emergency Squad - Insurance</u>	<u>\$ 1,506.00</u>
<u>TOTAL:</u>	<u>\$ 4,706.00</u>

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Auditor and Finance Department for their records.

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 its meeting on November 13, 2017



Diana Francisco, R.M.C.
Municipal Clerk

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

RESOLUTION #R2017-147

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY
REVISING THE QUANTITIES AND UNIT PRICES AUTHORED BY THE MORRIS COUNTY
COOPERATIVE FOR THE MILLING AND PAVING OF PINKNEYVILLE RD
RECONSTRUCTION PROJECT

WHEREAS, the Pinkneyville Road Reconstruction Project was completed using the approved purchasing power of the of the Morris County Cooperative Pricing Council (MCCPC); and,

WHEREAS, the Township Committee of the Township of Andover authorized utilizing the Morris County Cooperative for items included in the 2017 schedule of awarded contracts; and,

WHEREAS, the MCCPC determines pricing through a yearly competitive public bidding process; and,

WHEREAS, the Pinkneyville Road Project was constructed in 2017 utilizing the revised MCCPC pricing schedule; and,

WHEREAS, the Township Committee of the Township of Andover authorizes utilizing the revised Morris County Cooperative for items included in the 2017 schedule of awarded contracts; and,

WHEREAS, the actual as-built quantities differ from the estimated quantities; and,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Andover, County of Sussex and State of New Jersey to hereby authorize the Township Clerk to revise the following items of construction, quantities, pricing and contractors for the Pinkneyville Road Reconstruction Project as listed below:

- **SUPPLEMENTAL**
- 5S Police Traffic Directors –corrected Rate: *Final Police Traffic Director Hours at the corrected hourly rate of police and administration fee.* Quantity 18.5 MN, HR. Unit Price \$87.35 Total Supplemental of \$1616.02 ;
-
- **REDUCTION**
- 2 HMA 9.5 Surface Course, 2 inch Thick *as built quantity* 67.97 Ton \$61.00 in the amount of \$4146.177
- 3 Police Traffic Directors *final police director hours at the corrected hourly rate and administration fee*, 60 MN. HR. \$76.50 total \$4590.00
- 4 Asphalt Price Adjustment
- *When MCCPC was bid in September 2016 the price index was \$318.00/ton. When this project was paved the Price Index was \$373.00/ton or an increase of \$373.00-\$318.00=\$55/ton; therefore the asphalt price escalation is (742.30tons) (4.25%)=31.54775 tons x\$55.00/ton=\$1,735.13 increase. \$10,000.00 Contract -\$1,735.13 Escalation= \$8,264.87 Reduction.*
- **Total Reduction \$17,001.04**

The Amount of the Original Contract \$79,370.00

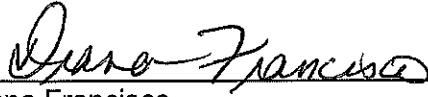
The Adjusted Amount Based on Change Order #1 \$63,984.98

% change in contract -19.38%:

Extra \$0.00 Supplemental \$1616.02 Reduction \$17,001.04 Total Change (\$15,385.02)

BE IT FURTHER RESOLVED, the Chief Financial Officer of the Township of Andover has certified that sufficient funds are available for this purpose.

Adopted this 13th day of November, 2017 and certified as a true copy of an original.

A handwritten signature in cursive script, reading "Diana Francisco", written over a horizontal line.

Diana Francisco
Clerk/Administrator

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

RESOLUTION #R2017-148

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY
REVISING THE DRAINAGE DESIGN & TRAFFIC SIGNS FOR THE PINKNEYVILLE RD
RECONSTRUCTION PROJECT**

WHEREAS, the Pinkneyville Road Reconstruction Project was completed using the approved Drainage Design & Traffic Signs; and,

WHEREAS, the Township Committee of the Township of Andover authorized the drainage and Traffic sign items included in the 2017 awarded contracts; and,

WHEREAS, the township Engineer determines pricing through a competitive public bidding process; and,

WHEREAS, the Pinkneyville Road Project was constructed in 2017 utilizing the pricing schedule; and,

WHEREAS, the Township Committee of the Township of Andover authorizes utilizing the revised drainage design and traffic signs items included in the 2017 awarded contracts; and,

WHEREAS, the actual as-built drainage design and traffic sign quantities differ from the estimated quantities; and,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Andover, County of Sussex and State of New Jersey to hereby authorize the Township Clerk to revise the following items of construction, quantities, pricing and contractors for the Pinkneyville Road drainage design and traffic signs for the reconstruction project as listed below:


<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>QUANTITY (+/-)</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
<u>EXTRA</u>					
8	15" RCCP	90	LIN. FT.	\$ 94.60	\$ 8,514.00
Total EXTRA:					\$ 8,514.00
<u>SUPPLEMENTAL</u>					
17S	INLET, TYPE "B"	4	UNIT	\$ 3,650.00	\$ 14,600.00
18S	CONVERT "E" INLET TO MANHOLE	1	UNIT	\$ 2,500.00	\$ 2,500.00
Total SUPPLEMENTAL:					\$ 17,100.00
<u>REDUCTION</u>					
3	SAWCUTTING	20	LIN. FT.	\$ 5.00	\$ 100.00
9	INLET, TYPE "E"	1	UNIT	\$ 4,300.00	\$ 4,300.00
13	ROCK EXCAVATION, UNCLASSIFIED, IF & WHERE	20	CU. YD.	\$ 100.00	\$ 2,000.00

15	TREE REMOVAL	1	UNIT	\$ 1,800.00	\$ 1,800.00
16	MANHOLE	1	UNIT	\$ 5,000.00	\$ 5,000.00
Total REDUCTION:					\$ 13,200.00

The Amount of the Original Contract \$52,893.00
The Adjusted Amount Based on Change Order #1 \$65,307.00
 % change in contract 23.47%:
Extra \$8,514.00 Supplemental \$17,100.00 Reduction \$13,200.00 Total Change \$12,414.00

BE IT FURTHER RESOLVED, the Chief Financial Officer of the Township of Andover has certified that sufficient funds are available for this purpose.

Adopted this 13th day of November, 2017 and certified as a true copy of an original.



 Diana Francisco
 Clerk/Administrator

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

RESOLUTION #R2017-149

RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO FORMALLY ACCEPT THE GOODALE ROAD PARKING LOT RECONSTRUCTION IMPROVEMENTS AND TO AUTHORIZE TO BOB & VIERSMA SONS, INC. IN ORDER TO OBTAIN THEIR ONE YEAR MAINTENANCE BOND

WHEREAS, the Township of Andover had entered into a contract with Bob Viersma & Sons Inc., for the Goodale Road Parking Lot Reconstruction Improvements –# # R2017-100 Awarding Bid Project, #R2017 - 136; Change Order #1 and

WHEREAS, Bob Viersma and Sons, Inc. has completed the work on this project on Oct 30, 2017; and

WHEREAS, Municipal Engineer Cory Stoner has certified that all work is complete and acceptable and hereby recommends acceptance of this project by the Township Committee Bob Viersma & sons, Inc.; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Andover, County of Sussex, State of New Jersey, based on the recommendation of Municipal Engineer Stoner hereby authorizes formal acceptance of this project in order that they may obtain their one year maintenance bond.

BE IT FURTHER RESOLVED, that the Chief Financial Officer hereby certifies the availability of funds for this project; and,

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Bob Viersma & sons Inc., the Supervisor of Roads, the Municipal Engineer, the Chief Financial Officer and the 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 its meeting on November 13, 2017.



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

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

RESOLUTION #R2017-150

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY
REVISING THE QUANTITIES AND UNIT PRICES AUTHORIZED BY THE MORRIS COUNTY
COOPERATIVE FOR THE LAKE ILIFF RD
RECONSTRUCTION PROJECT

WHEREAS, the Lake Iliff Road Reconstruction Project was completed using the approved purchasing power of the of the Morris County Cooperative Pricing Council (MCCPC); and,

WHEREAS, the Township Committee of the Township of Andover authorized utilizing the Morris County Cooperative for items included in the 2017 schedule of awarded contracts; and,

WHEREAS, the MCCPC determines pricing through a yearly competitive public bidding process; and,

WHEREAS, the Lake Iliff Road Project was constructed in 2017 utilizing the revised MCCPC pricing schedule; and,

WHEREAS, the Township Committee of the Township of Andover authorizes utilizing the revised Morris County Cooperative for items included in the 2017 schedule of awarded contracts; and,

WHEREAS, the actual as-built quantities differ from the estimated quantities; and,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Andover, County of Sussex and State of New Jersey to hereby authorize the Township Clerk to revise the following items of construction, quantities, pricing and contractors for the Lake Iliff Road Milling and Paving Reconstruction Project as listed below:

EXTRA

1 Milling, 2" Thick As Built Quantity, 160 SQ. YD. at \$2.65 Amount = **\$424.00**

• SUPPLEMENTAL

- 5S Police Traffic Directors –Corrected Rate: Final Police Traffic Director Hours at the corrected hourly rate of police and administration fee. Quantity 72 MN, HR. Unit Price \$87.35 Total Supplemental of **\$6,289.20** ;

•

• REDUCTION

- 2 HMA 9.5 M64 Surface Course, 2 inch Thick as built quantity 83.10 Ton at \$61.00 in the amount of **\$5,069.10**
- 3 Police Traffic Directors corrected hourly rate and administration fee, and actual number of Police Directors required for project 80 MN. HR. at \$76.50 total **\$6,120.00**
- 4 Asphalt Price Adjustment
- When MCCPC was bid in September 2016 the price index was \$318.00/ton. When this project was paved the Price Index was \$373.00/ton or an increase of \$373.00-\$318.00=\$55/ton; therefore the asphalt price escalation is 69.43 % L.S. 15,000.00 increase. \$10,414.28 Contract Reduction **\$21, 603.38.**

The Amount of the Original Contract **\$188,371.00**


The Adjusted Amount Based on Change Order #1 **\$173,480.83**

% change in contract **--7.90%:**

Extra \$424.00 Supplemental \$6,289.20 Reduction \$21,603.38 Total Change (\$14,890.18)

BE IT FURTHER RESOLVED, the Chief Financial Officer of the Township of Andover has certified that sufficient funds are available for this purpose.

Adopted this 13th day of November, 2017 and certified as a true copy of an original.



Diana Francisco
Clerk/Administrator

TOWNSHIP OF ANDOVER

RESOLUTION NO. 2017 - 151

RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AUTHORIZING THE SALE OF CERTAIN LANDS AND PROPERTIES WHICH ARE NO LONGER NEEDED FOR PUBLIC USE BY THE TOWNSHIP

WHEREAS, the Township of Andover is the owner of certain lands and premises within the Township of Andover; and

WHEREAS, the Mayor and Township Committee of the Township of Andover does hereby determine that the lands and properties set forth in Schedule A are no longer needed for public use; and

WHEREAS, the Township of Andover desires to make available for public sale said lands, with the right of prior refusal to be afforded to adjacent property owners pursuant to N.J.S.A. 40A:12-13.2.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Andover as follows:

1. The Township of Andover hereby declares that the lands and premises set forth in Schedule A are no longer needed for public use and should be sold in accordance with appropriate statutes of the State of New Jersey.
2. The Township Committee of the Township of Andover hereby authorizes the Township Clerk/Administrator to offer for sale to the highest bidder by open public sale at auction the property set forth in Schedule A below and made a part hereof.
3. The public sale shall take place at the Andover Township Municipal Building, 134 Newton Sparta Road, Newton, New Jersey, 07860 on January 22, 2018, at 5:00 p.m. or as soon thereafter as the matter can be heard and publicly announced, provided the sale is not cancelled.
4. The public sale, if not cancelled, shall take place by open public sale at auction to the highest bidder.
5. The successful bidder at the time of the sale must present cash or a certified check or money order, payable to the Township of Andover, in an amount that equals 10% of the assessor's suggested minimum sales price. This deposit shall be non-refundable. The balance of the purchase price shall be paid to the Township no later than sixty (60) days following the acceptance by the Township and the tender of marketable title to the purchaser and submitted to the Township. The purchaser shall be entitled to possession immediately following closing of title.
6. The Township makes no representation as to the title or any other aspects of the land to be sold, including utility, sewer or environmental conditions.
7. At closing of title, purchaser shall also pay to the Township a buyer's premium in the amount of ten (10%) percent of the bid amount.
8. The Township reserves the right to accept or reject any and all bids at the public sale and not to award to the highest bidder. Such decision will be made by the Township Committee at a Public Meeting within 30 days from the date of such sale.
9. In the event the Township of Andover is unable to convey clear and marketable title, insurable at regular rates by a title insurance company authorized to do business in the State of New Jersey, the Township shall forthwith return to the purchaser the deposit and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Township shall extinguish any claims the said purchaser may have against the Township of Andover in connection with the quality of title conveyed.
10. All conveyances by the Township shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the purchaser is forwarded to the Township prior to the conveyance and discloses that the Township holds marketable title in which case a Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. The Township will include within its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchaser.

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

ORDINANCE NO. 2017-15

AN ORDINANCE TO PROVIDE FUNDING FOR THE COST OF MOBILE VIDEO RECORDING SYSTEMS, FOR THE TOWNSHIP OF ANDOVER AND TO PROVIDE FOR THE FUNDING THEREOF

BE IT ORDAINED by the Township Committee of the Township of Andover, County of Sussex and State of New Jersey, that the following improvements be properly authorized:

FUNDING OF THE COST OF MOBILE VIDEO RECORDING SYSTEMS FOR A TOTAL COST OF \$47,000

BE IT FURTHER ORDAINED that the financing for the above be as follows:

PROJECTS ESTIMATED COST

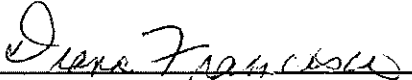
FUNDING OF THE COST OF MOBILE VIDEO RECORDING SYSTEM FOR A TOTAL COST OF \$47,000

BE IT FURTHER ORDAINED that the period of usefulness of the improvements is in excess of the five (5) year statutory requirement, and that no debt shall be incurred by the Township for this improvement authorization.

The total amount of \$47,000 is hereby appropriated from the Capital Improvement Fund.

The Chief Financial Officer hereby certifies the aforementioned funds are available.

This ordinance shall take effect immediately upon passage and publication in accordance with the law.


Diana Francisco, R.M.C.
Municipal Clerk

Vote:
Ayes: Bensley, Blackburn, McGovern, Walsh
Nays: 0
Absent: 0

INTRODUCTION: 10-23-2017
ADOPTION: 11-13-2017
PUBLICATION: 11-20-2017

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

ORDINANCE No. 2017-16

**AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND
STATE OF NEW JERSEY TO AMEND THE TOWNSHIP CODE BY AMENDING
CHAPTER 198-1 ENTITLED "BOARD OF HEALTH FEE SCHEDULE"**

WHEREAS, the Township Committee has reviewed and assessed the Township Code section regarding Board of Health fees; and

WHEREAS, the Township Committee has determined that the fee for "Renewal to locate and construct individual sewage disposal system" should be removed; and

WHEREAS, the Township Committee has determined that it is in the Township's best interest to amend the Code to remove this fee.

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

SECTION 1. Chapter 198-1 "Board of Health Fee Schedule is amended to read as follows:

A. Fees shall be as follows:

Description	Fee
Locate and construct an individual sewage disposal system (two-year permit)	\$300
Alter an existing individual sewage disposal system	\$50
Renewal to alter existing individual sewage disposal system	\$50
Repair an existing individual sewage disposal system	\$25
Re-inspection of an individual sewage disposal system	\$50
Inspection of soil logs for new construction and alterations for expansions	\$25 per hole
Locate and construct a water supply system, monitoring well, geothermal and all other wells	\$100
Renewal of permit to locate and construct a water supply system, monitoring well, geothermal and all other wells	\$50
Reinspection of an individual water supply system, monitoring well, geothermal and all other wells	\$50

The remainder of this Chapter remains as is.

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.

SECTION 5. This Ordinance may be renumbered for codification purposes.

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

ATTEST:



Diana Francisco, Administrator/Clerk

Votes:

Ayes: Bensley, Blackburn, McGovern, Walsh

Nays: 0

Absent: 0

Introduction: October 23, 2017

Adoption: November 13, 2017

Publication November 20, 2017

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

ORDINANCE NO. 2017-17

**AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND
STATE OF NEW JERSEY TO AMEND THE TOWNSHIP CODE BY AMENDING
CHAPTER 82 ENTITLED "LITTERING"**

WHEREAS, the Township Committee has reviewed and assessed the Township Code section regarding litter specifically in light of complaints from residents that dumping of litter and construction materials brought in from outside the Township has been observed; and

WHEREAS, the Township Committee has determined that the issue must be addressed in order to ensure that there is no illegal littering or dumping occurring within the Township; and

WHEREAS, the Township Committee has determined that it is in the Township's best interest to amend the Code to address this situation.

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

SECTION 1. Chapter 82 "Littering" is amended to read as follows:

§82-2 "Littering Prohibited" shall be amended:

It shall be unlawful for any person to throw, drop, discard, or otherwise place litter of any nature upon any public or private property, other than in a litter receptacle.

No person shall bring, cart, remove, transport or collect any litter from outside the Township and bring same into the Township for the purpose of dumping or disposing thereof without prior necessary approvals.

§82-3 "Illegal dumping" shall be amended:

- A. It shall be unlawful for any person to discard or dump along any street, roadway, private property, on or off any right-of-way or any other place not specifically designated for the purpose of solid waste storage or disposal, any litter, including but not limited to household or commercial solid waste, rubbish, vehicles or vehicle parts, rubber tires, appliances, furniture or any other personal property.
- B. It shall be unlawful for any person to place, deposit, or bury any asphalt, road millings, tree stumps, rock or concrete without having first obtained governmental approvals as required by law. Notwithstanding receipt of any required governmental approvals, it shall be unlawful to place, deposit or bury any asphalt, road millings, tree stumps, rock or concrete in pieces over 12 inches in any dimension on any parcel of land, public or private.
- C. It shall be unlawful for any person to place, dump, discard or deposit in or about any dumpster, bulk container or demolition container any off-site accumulated garbage, litter, refuse, or rubbish, including construction, demolition, industrial, building, institutional and commercial debris and materials without having first obtained governmental approval as required by state or local law and the permission of the property or business owner.

§82-14 Enforcing officer shall be amended to read:

This chapter shall be administered and enforced by the Health Officer, the Township Recycling Coordinator, Township Police Officers and/or Township Zoning Officer.

§82-15 "Violations and penalties" shall be amended:

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to a penalty of one or more of the following: a fine of not less than \$2,500 for a first offense, up to \$5,000 for a second offense and up to a maximum of \$10,000 for a third and each and every subsequent offense, imprisonment in the county jail for a term not to exceed 90 days, or to a period of community service not exceeding 90 days, at the discretion of the Municipal Court Judge. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (N.J.S.A. 40:49-5)

Additionally, each individual convicted of a violation of this Chapter of the Code must make restitution in the form of reimbursement to the Township and/or the property or business owner for all costs and expenses incurred from the storage and/or legal disposal of such materials.

The remainder of this Chapter remains as is.

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.

SECTION 5. This Ordinance may be renumbered for codification purposes.

VOTE:

Yes: Bensley, Blackburn, Mc Govern, Walsh

No: 0

Absent: 0

I, Diana Francisco, Municipal Clerk of the Township of Andover, do hereby certify that the above is a true and accurate copy of an ordinance adopted by the Andover Township Committee on November 27, 2017.



Diana Francisco, Administrator/Clerk

Introduction: November 13, 2017

Adoption: November 27, 2017

Publication: December 1, 2017