

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

**MICHAEL LENSAK, MAYOR
JANIS MC GOVERN, DEPUTY MAYOR
DOLORES BLACKBURN
JACK BURKE
TOM WALSH**

JULY 13, 2015

EXECUTIVE SESSION 6:30 P.M.

REGULAR MEETING 7:30 P.M.

The regular meeting of the Andover Township Committee was called to order at 6:35 P.M. by Mayor Lensak, followed by a salute to the flag.

ROLL CALL: Present: D. Blackburn, J. Burke, T. Walsh, J. Mc Govern, Mayor M. Lensak
Also, present were Attorney Semrau, Attorney Dawn Sullivan, Diana Francisco, Deputy Clerk

OPEN PUBLIC MEETING STATEMENT Statement of compliance with Chapter 231, P. L. 1975 was made by Mayor Lensak.

EXECUTIVE SESSION:

Mr. Burke motioned to amend the Executive Session Agenda to include the Sussex County Tax Board, under Pending Litigation, the matter of the Lakeland Squad Ambulance as it pertains the PSEG Grant Guidelines, under Attorney-Client Privilege, and COAH under pending litigation, seconded by Mr. Walsh, the motion was carried.

On a motion by Mr. Walsh, seconded by Ms. Blackburn, the resolution to go into executive session to discuss

Personnel Matters:

1. *Tax Collector*
2. *Clerk/Administration-Deputy Clerk*

Contract Negotiations:

1. *Police Dispatchers Union Contract Renewal*

Attorney-Client Privilege:

1. *Lake Lenape Water Company*
2. *Lakeland Squad Ambulance and PSEG Grant (AS AMENDED)*

Pending Litigation:

1. *Sussex County Tax Board (AS AMENDED)*
2. *COAH (AS AMENDED)*

, was carried unanimously.
(See Insert Attached to These Minutes)

The committee went into executive session at 6:39 P.M. The came out of executive session at 7:32 P.M.

APPROVAL OF AGENDA

Mr. Walsh motioned to approve the agenda, Ms. Blackburn seconded, and the motion was carried.

APPROVAL OF THE CONSENT AGENDA

Mr. Walsh motioned to amend the consent agenda to table **R2015-99 RESOLUTION AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE FOR J & M WALDRON, INC., FOR THE TERM JULY 1, 2015 TO JUNE 30, 2016**

Ms. Mc Govern seconded and the motion was carried.

***CONSENT AGENDA:**

***OTHER BUSINESS:**

1. APPROVAL OF VOUCHERS FOR PAYMENT
2. ACCEPTANCE OF CFO'S REPORT FOR MONTH ENDING JUNE 30, 2015
3. ACCEPTANCE OF TAX COLLECTORS REPORT FOR JUNE 2015
JUNE -\$154,227.17 YEAR TO DATE - \$10,199,290.39

***RESOLUTIONS:**

1. **#R2015-91 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE (WITH BROAD PACKAGE PRIVILEGE)# 1902-32-011-002 FOR THE CORNER RESTAURANT, INC. FOR TERM JULY 1, 2015 THROUGH JUNE 30, 2016**
2. **#R2015-92 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE RENEWAL OF LIQUOR LICENSE #1902-44-015-002 PLENARY DISTRIBUTION LICENSE FOR ANDOVER WINE AND LIQUORS FOR THE TERM JULY 01, 2015 THROUGH JUNE 30, 2016**
3. **#R2015-93 RESOLUTION OF THE TOWNSHIP OF ANDOVER COUNTY OF SUSSEX STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE 1902-33-012-007 FOR THE ESTATE OF RAYMOND P.CERASOLI III., LORAINÉ D'OLIVO ADMINISTRATOR FOLLOWING SPECIAL RULING TO PERMIT THE RENEWAL OF INACTIVE LICENSE PURSUANT TO NJSA 33:1-12.39 FOR THE PERIOD OF JULY 01, 2015 THROUGH JUNE 30, 2016**

ANDOVER TOWNSHIP - CFO'S REPORT
for the Month Ending June 30, 2015

	Beginning Balance	Cash Receipts	Disbursements	Ending Balance
Current Fund	\$ 2,268,793.90	\$ 289,890.13	\$ 1,563,372.50	\$ 995,311.53
Current Fund - Investment	\$ 122,448.84	\$ 65.00	\$	\$ 122,513.84
Capital Fund	\$ 300,418.43	\$ 159.43	\$ 1,234.50	\$ 299,343.36
Capital Fund - Investment	\$ 180,469.77	\$ 357.78	\$	\$ 180,827.55
Dog Trust Fund	\$ 2,716.17	\$ 180.42	\$ 2,118.50	\$ 778.09
COAH Trust Fund	\$ 16,289.43	\$ 8.64	\$	\$ 16,298.07
Open Space Trust Fund	\$ 182,204.04	\$ 96.42	\$ 1,680.00	\$ 180,620.46
Escrow Trust Fund	\$ 406,064.29	\$ 7,094.29	\$ 31,067.59	\$ 382,090.99
Developers Escrow Accounts	\$ 126,241.39	\$	\$	\$ 126,241.39
Net Payroll Account	\$ 11.39	\$ 144,368.08	\$ 144,365.53	\$ 13.94
Agency Payroll Account	\$ 61,724.74	\$ 107,508.34	\$ 169,156.27	\$ 76.81
Sustainable Andover	\$ 4,378.16	\$ 260.00	\$	\$ 4,638.16
SUI Trust Account	\$ 1,786.66	\$ 3,562.56	\$	\$ 5,349.22
Totals	\$ 3,673,547.21	\$ 553,551.09	\$ 1,912,994.89	\$ 2,314,103.41

Shawn Maguire
Submitted by

July 10, 2015
Date

ANDOVER TOWNSHIP

TAX DEPARTMENT

INTER-OFFICE MEMORANDUM

DATE: July 6, 2015
TO: Mayor, Committee & Administrator
FROM: Daryn Cashin, Tax Collector
SUBJECT: Monthly Report for June, 2015

June collections: \$154,227.17 (see attached)

Below is a comparative chart of collections in the tax office, from 2014 to 2015.

	<u>2014</u>	<u>2015</u>
January	\$ 1,598,817.75	\$ 1,418,450.96
February	3,319,347.34	3,618,961.74
March	117,596.06	188,382.54
April	881,462.54	912,268.52
May	4,176,555.58	3,906,999.46
June	112,731.58	154,227.17
<i>Year to date</i>	\$10,206,510.85	\$10,199,290.39

Delinquent prior year	\$ 163,015.52	(57 accounts, eligible for tax sale 10/6/15)
Delinquent current year	289,957.91	(164 accounts)
<i>Total Delinquent</i>	\$ 452,973.43	



Code Description	Count	Arrears/other	Principal			Interest	Total
			2014	2015	2016		
001 TAX PAYMENT	163	0.00	44,456.86	85,261.06	0.00	5,909.78	135,627.70
023 6% YEP PENALTY	2	0.00	1,505.21	0.00	0.00	2,051.97	3,557.18
026 TAX SUB PAYMENTS	1	0.00	0.00	5,004.69	0.00	102.60	5,107.29
Tax Payments	166	0.00	45,962.07	90,265.75	0.00	8,064.35	144,292.17
030 Subseq. Special Chrg	1	0.00	9,905.00	0.00	0.00	0.00	9,905.00
Sp Charges Payments	1	0.00	9,905.00	0.00	0.00	0.00	9,905.00
002 TAX SRCH/STATUS/REDP	3	30.00	0.00	0.00	0.00	0.00	30.00
Misc Payments	3	30.00	0.00	0.00	0.00	0.00	30.00
Payments Total:	170	30.00	55,867.07	90,265.75	0.00	8,064.35	154,227.17
NSF Reversals Total:	0	0.00	0.00	0.00	0.00	0.00	0.00
Total:	170	30.00	55,867.07	90,265.75	0.00	8,064.35	154,227.17
Total Cash:	4,100.00						
Total Check:	150,127.17						
Total Credit:	0.00						

*CONSENT AGENDA CONTINUED

4. #R2015-94 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-003-003, FOR MCRITE ENTERPRISES, INC. T/A THE LAKE LENAPE LODGE FOR THE TERM JULY 1, 2015 THROUGH JUNE 30, 2016.
5. #R2015-95 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY HAS FILED OR ANTICIPATES FILING A DECLARATORY JUDGEMENT ACTION IN THE SUPERIOR COURT OF NEW JERSEY
6. #R2015-96 RESOLUTION OF THE TOWNSHIP OF ANDOVER STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE (WITH HOTEL/MOTEL EXCEPTION) #1902-36-002-005 FOR SOMERSET INVESTORS, INC. T/A ANDOVER STEAK AND SEAFOOD FOR THE TERM JULY 1, 2015 THROUGH JUNE 30, 2016
7. #R2015-97 RESOLUTION OF THE TOWNSHIP OF ANDOVER STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF LIQUOR LICENSE #1902-31-014-002-CLUB LICENSE FOR THE NEWTON COUNTRY CLUB INC. FOR THE TERM JULY 1, 2015 THROUGH JUNE 30, 2016
8. #R2015-98 RESOLUTION OF THE TOWNSHIP OF ANDOVER STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF LIQUOR LICENSE #1902-33-006-003 FOR PERONA ENTERPRISES , INC. T/A PERONA FARMS PLENARY RETAIL CONSUMPTION LICENSE FOR THE TERM JULY 1, 2015 THROUGH JUNE 30, 2016
9. #R2015-99 RESOLUTION OF THE TOWNSHIP OF ANDOVER STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE # 1902-33-005-005 FOR J&M WALDRON, INC. / MAX'S STATION HOUSE FOR THE TERM JULY 1, 2015 THROUGH JUNE 30, 2016
10. #R2015-100 RESOLUTION OF THE TOWNSHIP OF ANDOVER STATE OF NEW JERSEY TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND OF \$1082.13 TO THE OWNER OF BLOCK 161 LOT 6 DUE TO AN OVERPAYMENT OF TAXES FOR THE YEAR 2015, AS A RESULT OF A COUNTY BOARD TAX APPEAL JUDGEMENT

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

RESOLUTION #R2015-91

RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE (WITH BROAD PACKAGE PRIVILEGE) #1902-32-011-002 FOR THE CORNER RESTAURANT, INC. T/A THE CORNER RESTAURANT FOR THE TERM JULY 1, 2015 THROUGH JUNE 30, 2016

WHEREAS, the following Plenary Retail Consumption Licenseholder has made proper application for renewal, has submitted to the New Jersey Division of Alcoholic Beverage Control the proper fee of Two Hundred Dollars (\$200.00) and to the Township of Andover, the proper fee of Five Hundred Ninety-Seven Dollars (\$597.00):

#1902-32-011-002

**The Corner Restaurant, Inc.
T/A The Corner Restaurant
470 Route 206, South
Newton, New Jersey 07860
(With Broad Package Privilege)**

WHEREAS, the Director of the Division of Taxation, in accordance with chapter 161, Laws of NJ, 1995, has reviewed the records of this holder of retail alcoholic beverage license. This license holder is in compliance and the necessary Tax Clearance Certificates have been filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Andover, County of Sussex and State of New Jersey, that the above listed Plenary Retail Consumption License be and is hereby renewed for the 2015-2016 licensing year, effective July 1, 2015, subject to substantial compliance with all existing codes and provisions of N.J.S.A. 33:1-12.13.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Division of Alcoholic Beverage Control and the License holder for their records.

CERTIFICATION

I, Diana Francisco, Deputy 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 July 13, 2015.



Diana Francisco, R.M.C.
Deputy Clerk

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

RESOLUTION #R2015-92

RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF LIQUOR LICENSE #1902-44-015-002 PLENARY RETAIL DISTRIBUTION LICENSE FOR ANDOVER WINE AND LIQUORS FOR THE TERM JULY 1, 2015 THROUGH JUNE 30, 2016

WHEREAS, The Andover Wine and Liquors has made proper application for renewal of Plenary Retail Distribution License Number 1902-44-015-002 for the licensing year 2015-2016, and has submitted to the New Jersey Division of Alcoholic Beverage Control the proper fee of Two Hundred Dollars (\$200.00) and to the Township of Andover the proper fee of One Hundred Fifty Dollars (\$597.00).

WHEREAS, the Director of the Division of Taxation, in accordance with chapter 161, Laws of NJ, 1995, has reviewed the records of this holder of retail alcoholic beverage license. This license holder is in compliance and the necessary Tax Clearance Certificate has been filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Andover, County of Sussex and State of New Jersey, that the above listed Plenary Retail Distribution License be and is hereby renewed for the 2015-2016 licensing year, effective July 1, 2015, subject to substantial compliance with all existing codes and provisions of N.J.S.A. 33:1-12.13.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Division of Alcoholic Beverage Control and the License holder for their records.

CERTIFICATION

I, Diana Francisco, Deputy 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 the Andover Township Committee at its meeting on July 13, 2015.



Diana Francisco, RMC./CMR
Deputy Clerk

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

RESOLUTION #R2015-93

RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #1902-33-012-008 FOR THE ESTATE OF RAYMOND P. CERASOLI III, LARRAINE D'OLIVO, ADMINISTRATOR WITH CERTAIN CONDITIONS FOLLOWING SPECIAL RULING TO PERMIT RENEWAL OF INACTIVE LICENSE PURSUANT TO NJSA 33:1-12.39 FOR THE PERIOD OF JULY 01, 2015 TO JUNE 30, 2016

WHEREAS, the following Plenary Retail Consumption License holder has made proper application for renewal, has submitted to the New Jersey Division of Alcoholic Beverage Control the proper fee of Two Hundred Dollars (\$200.00) and to the Township of Andover, the proper fee of Five Hundred Ninety-Seven Dollars (\$597.00):

#1902-33-012-008

***Estate of Raymond P. Cerasoli III,
Lorraine D'Olivo, Administrator
91 Andover-Sparta Road
Newton NJ 07860***

WHEREAS, the applicant is in possession of the aforementioned liquor license which is currently classified as Inactive and has been since October 05, 2009; and,

WHEREAS, due to the fact that the license has been in the Inactive Status on or before June 30, 2010, Verified Petition was sent to the Director of the State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control for Special Ruling for a period of two years; and,

WHEREAS, on September 12, 2013, the Office of the Attorney General has ruled that good cause exists for the issuing authority to consider the application for renewal of the license for the 2015-2016 and 2016-2017 license terms; and,

WHEREAS, the Director of the Division of Taxation, in accordance with chapter 161, Laws of NJ, 1995, has reviewed the records of this holder of retail alcoholic beverage licenses. This license holder is in compliance and the necessary Tax Clearance Certificates have been filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Andover, County of Sussex and State of New Jersey, that the above listed Plenary Retail Consumption License be and is hereby renewed for the 2015-2016 licensing year, effective July 01, 2015, subject to substantial compliance with all existing codes and provisions of N.J.S.A. 33:1-12.13, and

BE IT FURTHER RESOLVED, this license shall remain a "pocket license" and in order for the license holder to activate at a premises during this license term they must file a full 12-page application transferring the license from "pocket" status to the intended premises; and,

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Division of Alcoholic Beverage Control and the License holder for their records.

This Resolution shall take effect immediately.

TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY
RESOLUTION #R2015-94

**RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND
STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF LIQUOR LICENSE
#1902-33-003-004 FOR MCRITE ENTERPRISES, INC. T/A THE LAKE LENAPE
LODGE FOR THE TERM JULY 1, 2015 THROUGH JUNE 30, 2016 WITH
CERTAIN CONDITIONS**

WHEREAS, McRite Enterprises Inc. T/A The Lake Lenape Lodge has made proper application for renewal of Plenary Retail Consumption License Number 1902-33-003-004 for the licensing year 2015-2016, and has submitted to the New Jersey Division of Alcoholic Beverage Control the proper fee of Two Hundred Dollars (\$200.00) and to the Township of Andover, the proper fee of Five Hundred Ninety-Seven Dollars (\$597.00); and,

WHEREAS, the Director of the Division of Taxation, in accordance with chapter 161, Laws of NJ, 1995, has reviewed the records of this holder of retail alcoholic beverage license. This license holder is in compliance and the necessary Clearance Certificate has been filed.

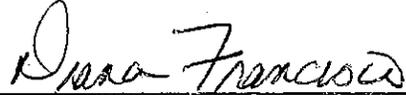
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Andover, County of Sussex and State of New Jersey, that Plenary Retail Consumption License Number 1902-33-003-004, McRite Enterprises, Inc., T/A The Lake Lenape Lodge, is hereby renewed for the licensing year 2015-2016 subject to the following conditions:

1. That the two contiguous blocks adjacent to the Lake Lenape Lodge be policed by the licensee for any bar-related litter and debris.
2. All doors, except for normal ingress and egress and all windows shall be closed on any evening that amplified music is being played on the premises, and licensee shall restrict noise to the licensed premises in compliance with applicable municipal noise ordinance.
3. That licensee shall insure orderly patron ingress and egress to control noise and patron conduct within the confines of the licensee's parking area.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Alcoholic Beverage Control Commission and the License holder for their records.

CERTIFICATION

I, Diana Francisco, Deputy 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 July 13, 2015.



Diana Francisco, R.M.C.
Deputy Clerk

TOWNSHIP OF ANDOVER

RESOLUTION NO.2015- 95

WHEREAS, the Township of Andover has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey, Sussex County in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Township of Andover desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter MSSDA”), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter “the Rutgers Agreement”) and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC (“Surenian”) will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

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

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Township of Andover for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Township of Andover and is appended hereto.
4. The Mayor be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Township of Andover in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.

5. The Township of Andover hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Township of Andover the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Township of Andover will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
7. This Resolution shall take effect immediately.

ATTEST:

TOWNSHIP OF ANDOVER



By: Diana Francisco
Diana Francisco, Clerk

Mike Lensak, Mayor

CERTIFICATION

I, Diana Francisco, Clerk of the Township of Andover, hereby certify that the above Resolution was approved by the Township Council of the Township of Andover at a meeting held on July 13, 2015.



Diana Francisco, Deputy Clerk

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

RESOLUTION #R2015-96

RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND
STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL
CONSUMPTION LICENSE (WITH HOTEL/MOTEL EXCEPTION)
#1902-36-002-005 FOR SOMERSET INVESTORS, INC. T/A ANDOVER STEAK AND
SEAFOOD
FOR THE TERM JULY 1, 2015 THROUGH JUNE 30, 2016

WHEREAS, Somerset Investors, Inc., T/Andover Steak and Seafood, has made proper application for renewal of Plenary Retail Consumption License Number #1902-36-002-005 for the licensing year 2015-2016 and has submitted to the New Jersey Division of Alcoholic Beverage Control the proper fee of Two Hundred Dollars (\$200.00) and to the Township of Andover, the proper fee of Five Hundred Ninety-Seven Dollars (\$597.00).

WHEREAS, the Director of the Division of Taxation, in accordance with Chapter 161, Laws of NJ, 1995, has reviewed the records of this holder of retail alcoholic beverage license. This license holder is in compliance and the necessary Clearance Certificate has been filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Andover, County of Sussex and State of New Jersey, that Plenary Retail Consumption License Number 1902-36-002-005, **Somerset Investors, T/A Andover Steak and Seafood**, is hereby renewed for the licensing year 2015-2016 subject to the following condition:

that all requirements pertaining to the issuance of the Hotel/Motel plenary retail consumption license, pursuant to the provisions of N.J.S.A. 33:1-12.20 as promulgated by the State of New Jersey, but not limited to the minimum 50-room requirement, be complied with. Failure to comply shall constitute an automatic revocation of said license.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the License holder and the Alcoholic Beverage Control Commission 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 July 13, 2015.



Diana Francisco, R.M.C.
Deputy Clerk

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

RESOLUTION #R2015-97

RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE
OF NEW JERSEY AUTHORIZING THE RENEWAL OF LIQUOR LICENSE
#1902-31-014-002 - CLUB LICENSE FOR THE *NEWTON COUNTRY CLUB, INC.*
FOR THE TERM JULY 1, 2015 THROUGH JUNE 30, 2016

WHEREAS, *The Newton Country Club, Inc. T/A The Newton Country Club* has made proper application for renewal of Club License Number 1902-31-014-002 for the licensing year 2015-2016, and has submitted to the New Jersey Division of Alcoholic Beverage Control the proper fee of Two Hundred Dollars (\$200.00) and to the Township of Andover the proper fee of One Hundred Fifty Dollars (\$150.00).

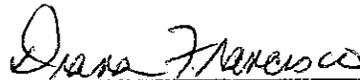
WHEREAS, the Director of the Division of Taxation, in accordance with chapter 161, Laws of NJ, 1995, has reviewed the records of this holder of retail alcoholic beverage license. This license holder is in compliance and the necessary Clearance Certificate has been filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Andover, County of Sussex and State of New Jersey, that the above listed Club License be and is hereby renewed for the 2015-2016 licensing year, effective July 1, 2015, subject to substantial compliance with all existing codes and provisions of N.J.S.A. 33:1-12.13.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Division of Alcoholic Beverage Control and the Licenseholder for their records.

CERTIFICATION

I, Diana Francisco, Deputy 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 July 13, 2015.



Diana Francisco, R.M.C.
Deputy Clerk

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

RESOLUTION #R2015-98

RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND
STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF LIQUOR LICENSE
#1902-33-006-003 FOR PERONA ENTERPRISES, INC. T/A PERONA FARMS,
PLENARY RETAIL CONSUMPTION LICENSE FOR THE TERM
JULY 1, 2015 THROUGH JUNE 30, 2016

WHEREAS, the following Plenary Retail Consumption Licenseholder has made proper application for renewal, has submitted to the New Jersey Division of Alcoholic Beverage Control the proper fee of Two Hundred Dollars (\$200.00) and to the Township of Andover, the proper fee of Five Hundred Ninety-Seven Dollars (\$597.00):

**#1902-33-006-003 Perona Enterprises, Inc.
T/A Perona Farms
350 Andover-Sparta Road
Andover, New Jersey 07821**

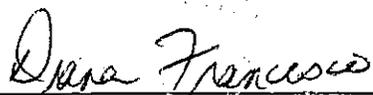
WHEREAS, the Director of the Division of Taxation, in accordance with chapter 161, Laws of NJ, 1995, has reviewed the records of these holders of retail alcoholic beverage licenses. This license holder is in compliance and the necessary Tax Clearance Certificate has been filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Andover, County of Sussex and State of New Jersey, that the above listed Plenary Retail Consumption License be and is hereby renewed for the 2015-2016 licensing year, effective July 1, 2015, subject to substantial compliance with all existing codes and provisions of N.J.S.A. 33:1-12.13.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Division of Alcoholic Beverage Control and the Licenseholder 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 July 13, 2015.



Diana Francisco, R.M.C.
Deputy Clerk

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

RESOLUTION #R2015-100

RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO AUTHORIZE
THE TAX COLLECTOR TO ISSUE A REFUND OF \$1,082.13 TO JESSE
WOLOSKY DUE TO AN OVERPAYMENT OF TAXES FOR THE YEAR 2015, AS
A RESULT OF A COUNTY BOARD TAX APPEAL JUDGEMENT

WHEREAS, on May 14, 2015, the Sussex County Board of Taxation granted a tax appeal judgement for Block 161, Lot 6, owner of record Jesse Wolosky for the year 2015, reducing the assessment from 123,000 to 30,100 , *and*,

WHEREAS, the reduction of the assessment resulted in the 2015 taxes being reduced to \$1,072.16, and the property owner had previously paid \$2,143.28 for the first two tax quarters, resulting in an overpayment \$1,071.12, *and*,

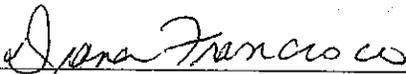
WHEREAS, statutory interest pursuant to N.J.S.A. 54:3-27.2 in the amount of \$11.01 is also due to the owner, making the total refund due in the amount of \$1,082.13, *and*

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 Jesse Wolosky, in the amount of \$1,082.13.

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, Deputy 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 13, 2015.



Diana Francisco, R.M.C.
Deputy Municipal Clerk

CERTIFICATION

I, Diana Francisco, Deputy 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 July 13, 2015.



Diana Francisco, RMC/CMR
Deputy Clerk

LAKELAND AMBULANCE SQUAD:

Mr. Rourke Day of the Lakeland Emergency Squad briefly explained the process and the need to re-chassis the 2003 ambulance verses the purchase of a new ambulance. They are looking to fund the re-chassis of the ambulance at a maximum cost of \$155,000.

Mr. Walsh suggested that the committee could introduce an ordinance tonight for the funding.

Mr. Day reminded the committee that tomorrow evening there is a reopening celebration of their new location at the intersection of Goodale Rd. and Route 206 at 7pm., and they will be serving refreshments.

Mr. Burke said he recently read in the paper about a rescue squad in another town disbanding and therefore causing an increase in response time. He also thanked Mr. Day for doing such a good job presenting at the last meeting. Mr. Burke expressed, as a committee member, he wants to make sure that the residents receive the best service possible.

The committee thanked Mr. Walsh for his follow up with PSE&G, and the grant that made it possible to fund the ambulance rechassis.

Mr. Lensak also commented on the phenomenal service and the amount of hours they volunteer.

Mr. Burke motioned to adopt the Ordinance stated below, the motion was seconded.

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

ORDINANCE NO. 2015-11

AN ORDINANCE TO PROVIDE FUNDING FOR THE COST OF RECHASSIS OF THE 2003 FORD/HORTON AMBULANCE, FOR THE TOWNSHIP OF ANDOVER AND TO PROVIDE FOR THE FUNDING THEREOF

BE IT RESOLVED by the Township Committee of the Township of Andover, County of Sussex and State of New Jersey, that Ordinance #2015-11, entitled above, be passed on first reading to be published in the New Jersey Herald and the public hearing to be held on August 10, 2015 at 7:30PM local prevailing time or as soon thereafter as the matter can be reached in the Municipal Building, 134 Newton Sparta Rd. the following improvements be properly authorized:

The motion was carried by a unanimous roll call vote.

PUBLIC PORTION

Mayor Lensak opened the public portion of the meeting.

Elizabeth Demontigney resident at 230 Sussex Avenue explained that she had sent a letter to the township committee regarding a block party she was hosting and requested an approval to close off the street to through traffic. She further explained that since sending the letter, she had spoken to the Chief of Police and he told her he did not recommend that she close off the street to through traffic for public safety reasons. Ms. Demontigney stated she wished to withdraw the request and that she will have the party in her back yard. She further thanked the committee for their time.

Seeing no other hands, Mayor Lensak closed the public portion of the meeting.

ORDINANCES:

PUBLIC HEARING

ORD#2015-09

AN ORDINANCE TO PURCHASE A NEW DUMP TRUCK, FOR THE TOWNSHIP OF ANDOVER AND TO PROVIDE FOR THE FUNDING THEREOF

Mayor Lensak opened the discussion to the public. Seeing no hands, he closed to the public. Mayor Lensak opened discussion to the committee, receiving no response he closed the discussion.

Ms. Blackburn motioned to adopt the ordinance to purchase the new dump truck. Mr. Burke seconded. The motion carried by a unanimous roll call vote.

PUBLIC HEARING

ORD# 2015-10

AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AMEND THE TOWNSHIP CODE BY AMENDING CHAPTER 59. FOOD ESTABLISHMENTS, RETAIL, TO INCLUDE ARTICLE III. OUTDOOR DINING

Mayor Lensak opened the discussion to the public. Seeing no hands, he closed the discussion to the public. Mayor Lensak opened the discussion to the committee; receiving no response, he closed the discussion to the committee.

Mr. Burke motioned to adopt the Outdoor Dining Ordinance, Mr. Walsh seconded, and motion was carried by a unanimous roll call vote.

UNFINISHED BUSINESS

There was a lengthy follow-up discussion regarding a complaint from a Lake Lenape resident. There were several issues addressed in the complaint. The main topic was a porta john in use on private property on Lake Lenape. Ms. McGovern pointed out that our ordinances do not address the use of porta johns. Ms. McGovern expressed that perhaps the Lake Lenape Association may wish to deal with the matter. Ms. Blackburn agreed that it was a private matter for the Lake Lenape Association. Ms. McGovern told the committee that she would personally respond to the resident.

The second part of the complaint regarded business friendly banners at Lake Lenape Lodge. The banner states that they are open 7 days weekly and the complaint is that they are not open 7 days per week. It was the consensus of the committee not to take any action on this matter.

Thirdly, included in the complaint was the condition of a house on Lenape Avenue. The committee discussed the fact the that house is not in foreclosure, however, it is part of an estate that has been empty for over 30 years and in a condition of disrepair. The committee agreed to defer to the Zoning Officer on this matter.

NEW BUSINESS- There was no new business discussion.

OTHER BUSINESS: There was no other business discussed.

COMMITTEE REPORTS

Mr. Burke: Reminded us that there is a Chicken dinner on July 25, 2015. He also reported we have members of the Fire Department that are in Wisconsin looking at the new firetruck the township is purchasing. Mr. Melfi informed the committee that the Fire Department received a Valor Award from the 200 Club for their efforts regarding a fatal traffic accident.

Mr. Burke then informed the committee that in our community we have children who suffer from a condition known as Fragile X. Our Andover Township Schools have shown great support for those children suffering from Fragile X. Senators Oroho and Vital have supported a bill that passed, and have recognized July 22 as Fragile X Awareness Day. He suggested that the committee put together a resolution supporting the bill for the next meeting. Mr. Burke motioned to make July 22nd, **Fragile X Awareness Day**, the motion was seconded and carried.

Ms. Blackburn: Reported that the Land Use Board has not met since the last township meeting. The next Land Use Board meeting is scheduled for July 21, 2015. The Environmental Commission meeting had been cancelled as well. She informed the committee that the Sustainable Andover Committee did meet and they are in favor of supporting local homeowners. The **Be in Business Recognition Program** is a program that the committee is supporting. The program recognizes businesses that utilize green products and their efforts to have a greener cleaner Andover. They would like to collaborate with the Economic Development Commission and have the representatives come to the next Sustainable Andover meeting, which is scheduled for July 30, at 7PM at the Hillside House.

On a side note, Ms. Blackburn informed the committee that the Sustainable Andover Committee has lost three members and they are now down to four members. The Environmental Commission is also down to four members. That is eight seats, which makes it difficult because six of those seats are filled by the same (3) people. She suggested some thought be given to helping the volunteers and really looking for additional volunteers. Ms. Blackburn further explained, when you do not have a quorum for the meetings, you cannot have a meeting, so it is becoming more difficult to take on any projects. That is why they are looking to the Economic Development Commission to partner.

Mr. Walsh: Reported that recreation too, needs more volunteers. Friday night is Family Bingo at the barn at 6:30pm., and everyone is invited.

The DPW had reported to him that there is a Mulford Road paving meeting this week and they are set to start next Monday. The roads in Lake Iliff have had oil and stone treatment. Maple, Ravine, Peirce, Goodale, Lake Iliff, Current, and Payne Roads. are scheduled for oil and stone next week. He added that lots of rain equals lots of mowing.

He also informed the Township Committee that the Recreation Committee would like to attend the Open Space meeting to discuss some of the projects that they are interested in doing. Ms. McGovern responded that they have one coming up on the 2nd week of July and that she will email him the information.

Ms. McGovern: Added that the Open Space Committee also needs a member from the Land Use Board in addition to the Economic Development Commission. One of the things they are looking at are the plans for the Lake Iliff Access. She suggested that perhaps Open Space money might be used to fix the tennis courts. Mr. Walsh commented that the DPW is currently looking at prices.

On Volunteer Day, they had volunteers to cut down an invasive species at the Lake Iliff Access; six campers from the YMCA, along with Carla Kostelnik Eric Olson, and David Kolstad were there.

The next Open Space meeting is on August 12, 2015. If anyone has any time and would like to volunteer, they meet once a month, just call the town hall and fill out a form.

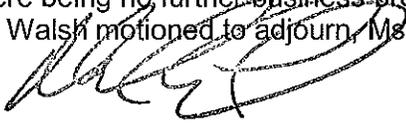
The Senior Club has a lot going on. Appraisal System Inc. will be attending the August 3 meeting at 1PM and doing a presentation on the Revaluation process. It is open to all seniors. The Senior Picnic is on August 17 at Andover Senior Center in the Borough. They have asked Tax collector Daryn Cashin to attend to the seniors meeting on September 21, 2015. She will talk about the Senior Tax Freeze program. The school board meets July 21 at 7pm; she added that they are looking for new school superintendent.

Mayor Lensak reported the Court is moving along smoothly, with no issues. He discussed the I Choose Home Program. There are people who are coming out of nursing homes and back into the community who need help with cooking, transportation and other activities of daily living. He expressed that it may something that we should follow up on and may count toward COAH units. He further reported that he was in touch with the attorney from the BMX bike park. They are located over by the quarry on Limecrest Road where the paving plant was going to be. They were excited about collaborating, and they will have a follow up meeting.

NEXT SCHEDULED MEETINGS: **August 10, 2015**
 September 14, 2015
 6:30PM Executive Session
 7:30PM Regular Meeting

ADJOURNMENT

There being no further business brought before the Committee:
Mr. Walsh motioned to adjourn, Ms. McGovern seconded and the meeting adjourned at 8:24 PM.



Mike Lensak, Mayor



Diana Francisco, Deputy Clerk

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

ORDINANCE NO. 2015-11

AN ORDINANCE TO PROVIDE FUNDING FOR THE COST OF 4X4 RECHASSIS OF THE 2003 FORD/HORTON AMBULANCE, 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 4X4 RECHASSIS OF THE 2003 FORD/HORTON AMBULANCE **\$155,000.00**

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

PROJECTS **ESTIMATED COST**

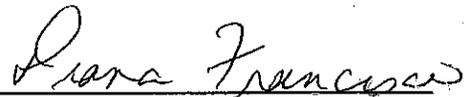
FUNDING OF THE COST OF 4X4 RECHASSIS OF THE 2003 FORD/HORTON AMBULANCE **\$155,000.00**

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 \$155,000.00 is hereby appropriated from the Reserve for Capital Improvement – PSEG Grant

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.
Deputy Municipal Clerk

NOTICE OF PENDING ORDINANCE

PUBLIC NOTICE is hereby given 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 13, 2015. A public hearing regarding same will be held at a meeting scheduled for August 10, 2015 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.

Diana Francisco, R.M.C.
Municipal Clerk

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

ORDINANCE NO. 2015-09

AN ORDINANCE TO PURCHASE A NEW DUMP TRUCK FOR DPW, 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:

PURCHASE A NEW DUMP TRUCK FOR DPW **\$45,000.00**

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

<u>PROJECTS</u>	<u>ESTIMATED COST</u>
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PURCHASE A NEW DUMP TRUCK FOR DPW	\$45,000.00
--	--------------------

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 \$45,000.00 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.
Deputy Municipal Clerk/Administrator

INTRODUCED: JUNE 22, 2015
ADOPTED: JULY 13, 2015
CERTIFIED: July 15, 2015

AYES: D. Blackburn, J. Burke, J. McGovern, T. Walsh, M. Lensak
Nays: NONE

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

ORDINANCE NO. 2015- 10

**AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF
NEW JERSEY TO AMEND THE TOWNSHIP CODE BY AMENDING CHAPTER 59. FOOD
ESTABLISHMENTS, RETAIL, TO INCLUDE ARTICLE III. OUTDOOR DINING**

WHEREAS, the Township of Andover is aware of the desirability and popularity of outdoor dining areas; and

WHEREAS, the Mayor and Township Committee wishes to facilitate outdoor dining for local businesses; and

WHEREAS, the Zoning Officer has evaluated the concept and is in agreement that permitting outdoor dining is a permissible use in commercial zone districts; and

WHEREAS, the Township Committee has determined that amending the Township Code to add a chapter governing outdoor dining is in the best interests of the Township.

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. The Township Code is hereby amended to include a new article in Chapter 59 as follows:

Article III. Sidewalk Cafes

§59-18 Purpose.

The sidewalk cafe regulations as established in this Article are designed to permit sidewalk cafes to be established on public property, commercial zone districts, in locations where they shall be determined to be appropriate by these regulations and all applicable related ordinances to promote and protect the public health, safety and general welfare. These general purposes shall include, among others, the following specific purposes:

- A. To ensure that adequate space will be provided for pedestrian circulation through areas where sidewalk cafes are established and to insure adequate access to adjoining properties and businesses.
- B. To encourage the establishment of sidewalk cafes as one means of developing a pleasant and distinctive shopping atmosphere.

§59-19 Definitions.

As used in this Article:

- A. "Restaurant" shall mean a retail food establishment, or similar establishment such as a bakery, ice cream store, bagel shop, etc., licensed by the Board of Health which

provides indoor seating for dining and restroom facilities for use by patrons in accordance with the requirements of the New Jersey Uniform Construction Code as codified at N.J.A.C. 5:23-1.1 et seq. and as the same may be from time to time amended and supplemented.

B. "Sidewalk cafe" shall mean a seating area where food and drinks are permitted to be consumed at the tables and/or benches placed on the public sidewalk adjacent to and within the confines of the frontage of that portion of the building in which the restaurant is located. A sidewalk cafe may contain readily removable tables and four (4) chairs, but shall be otherwise unenclosed by fixed walls and open to the air except for retractable awnings, umbrellas or other nonpermanent covers provided such covers do not interfere with pedestrian circulation and do not extend beyond the front building façade.

§59-20 License Required.

Any person, firm or corporation may operate a sidewalk cafe (hereinafter called a "cafe") within the Township of Andover in commercial zone districts, in which such use is permitted on a sidewalk adjacent to an existing restaurant operated by such person, firm or corporation upon obtaining a license from the division of health. New applications for such license are to be submitted to the Board of Health no later than July 31, of any calendar year. Such license shall allow the operation of a sidewalk cafe from April 1 through and including December 1 of any calendar year and may be renewed annually during the month of January. No license shall be issued by the Board of Health for the operation of a cafe to a person, persons, firm, or corporation other than the person, persons, firm, or corporation who holds the retail food establishment license from the Board of Health for the restaurant where the cafe shall be operated.

The license issued pursuant to this Article is personal to the applicant, and any change or transfer of ownership of the applicant shall terminate the license and shall require a new application and new license in conformance with all of the requirements of this Article.

§59-21 Application Procedures; Requirements and Fee.

A. Application and Fee. Each applicant for a license shall submit a written application on the form provided by the Board of Health, together with a nonrefundable fee to the Board of Health in the amount set forth at Section 59-3 of the Township Code. All applications for a given calendar year and the application fees must be submitted to the Board of Health by February 15 of the applicable calendar year. No application will be accepted without the fee. In the event that an application, application fee, or other required document as described in this section is received later than February 15, a nonrefundable late fee of one hundred (\$100.00) dollars in addition to the license fee as set forth at Section 59-3 of the Township Code must be paid in order for the application to be considered.

The application shall state the name and address of the applicant, the property owner if other than the applicant, the person preparing the development plans and the written authorization of the owner of the property to submit the application if the applicant is not the owner.

B. Development Plans. The following information shall be shown on all development plans:

1. The applicant's entire property and the adjacent sidewalk area to be used.
2. The design, number and location of all temporary structures proposed including tables, chairs, planters, awnings and other equipment as well as lighting and electrical outlet locations, if any. Each establishment must provide for the placement of at least one (1) raised planter which compliments the décor of the building's façade. Each establishment may provide a bench in place of table and chairs arrangement.
3. Capacity of existing restaurant and proposed cafe.
4. Proposal for providing adequate pedestrian circulation as detailed herein in paragraph (F)(4) below.
5. Name, title and seal, if applicable, of person who prepared the development plan.
6. Statement that a public restroom is available in the existing restaurant.

D. Review of Development Plans. Prior to the issuance of a license pursuant to this section, the development plans and application shall be reviewed by the Board of Health and the zoning officer. The Board of Health shall review the development plans for compliance with N.J.A.C. 8:24-1.1 et seq. and as the same may be from time to time amended and supplemented together with the sanitary requirements detailed in this section and any applicable local health ordinances. The zoning officer shall review the development plan for compliance with applicable New Jersey Uniform Construction Code requirements and requirements detailed in this section relative to the placement of tables, chairs, planters, awnings, lighting, and electrical outlets as well as dimensions and distances. The health officer and construction official/zoning officer shall either approve or recommend modifications of the plans within twenty (20) days of submission of the plans.

E. Conditions for Issuance of License. Upon approval by the Board of Health and zoning officer of the application and plans submitted by the applicant pursuant to this section, the Board of Health shall issue a license to the applicant provided the applicant has furnished the following to the Township:

1. A maintenance agreement signed by the applicant to ensure the outside dining area is kept free from debris and garbage. The maintenance agreement must ensure that a garbage container will be placed outside during hours of operation, but removed prior to closing.
2. An agreement signed by the applicant to repair any damage caused to the sidewalk in the operation of the cafe at the expense of the applicant. The Township may require a bond to be filed by the applicant in an amount to be determined by the Township to secure the repair of any damage to the sidewalk.
3. An agreement signed by the applicant indemnifying and holding the Township harmless against loss, including costs and expenses, resulting from injury to person(s) or property as a direct or indirect result of the operation of the cafe or for injury to person(s) or property occurring on the premises occupied by the cafe. The applicant shall provide a certificate of insurance as evidence of the required general liability policy

to the Township, and naming the Township as an additional named insured, in the amount of not less than one million (\$1,000,000.00) dollars.

F. Rules, Regulations and Specifications. A cafe authorized and operated pursuant to this Article shall comply with all of the following rules, regulations and specifications:

1. The applicant and/or operator shall fully comply with all plans submitted and approved by the Board of Health and zoning officer under the terms of this Article.
2. Within 30 minutes after the closing of the cafe, the operator shall have all furniture, utensils, or any other materials used in the operation of the cafe or within the area used by the cafe, and all customers, removed from the sidewalk area, provided that furniture may remain outside if stored in a neat and orderly manner. Said closing shall be no later than 10:00 p.m.
3. Music, if any, shall be kept at a reasonable level that is not unnecessarily loud or objectionable to persons in or around the area.
4. The operator shall maintain an area for pedestrian movement free of any obstruction a distance of three (3) feet from the curb. The operator shall provide that tables, chairs, and other materials do not interfere with these required open areas and pedestrian traffic. Chairs next to the pedestrian walkway shall be placed at a 90 degree angle so as not to obstruct the pedestrian walkway. Where there are obstructions, such as light posts and mailboxes, which would cause the pedestrian aisle to be less than four feet wide, the construction official/zoning officer shall have the discretion to approve an alternate arrangement.
5. The operator shall comply with all the requirements of N.J.A.C. 8:24-1 et seq., also known as Chapter XXIV of the New Jersey Sanitary Code, and as the same may be from time to time amended and supplemented along with the sanitary requirements detailed in this section.
6. No pets or animals, except for certified service animals, may be present in the sidewalk cafe area at any time.
7. The operator shall comply with all other ordinances of the Township of Andover.
8. A license issued under the provisions of this Article shall limit the operation of a sidewalk cafe to that area within the confines of the frontage of the licensed premises. At no time shall the tables, chairs and other accessory items used in connection with the operation of the licensed cafe extend to the frontage or any portion thereof of any adjacent business, building or property.
9. Applicant shall not be barred from obtaining a license under this Article due to parking restrictions.
10. Applicant shall ensure there are adequate and appropriate curb stops in place, if necessary, to serve as a shield between the sidewalk cafe and parking area(s) in front of the sidewalk café.

§59-22 Location and size limitations.

A. A sidewalk cafe must be located contiguous to and directly in front of a restaurant as hereinabove defined. The term "directly in front of" shall confine the sidewalk cafe to the area represented by an extension of each side of the adjacent building or portion of the adjacent building occupied by the restaurant (whichever is smaller) projected directly to the curbline immediately in front thereof. No sidewalk cafe may be located in a rear yard or side yard. An on-site sidewalk cafe must be located on a preexisting hard, level, man-made surface, such as concrete, asphalt or pavers. Elevated decks, porches, verandas and the like shall not qualify for licensing under this Article and shall require site plan approval. Restaurants located on corner lots may locate a sidewalk cafe in either of the two (2) front yards of the lot (but not both) and may use the sidewalk space fronting either side of the restaurant (but not both) for sidewalk cafe operations.

B. Notwithstanding any other provision of this Article, a sidewalk cafe licensed hereunder may not exceed 250 square feet in total area. The square footage of a sidewalk cafe shall be measured from the façade of the building so that there is no gap between the building and the cafe.

§59-23 Notice of Violation; Failure to Comply.

Upon a finding by the zoning officer that an applicant has violated any provisions of this Chapter, notice shall be given to the applicant to correct said violation. Upon failure to immediately correct said violation the zoning officer may revoke the applicant's license to operate a sidewalk cafe. Upon the revocation of such license, the applicant shall be entitled to a hearing before the governing body within thirty (30) days, upon notice thereof, provided that a hearing is requested by the applicant in writing, within five (5) days of revocation of the license.

§59-24 Sale and Consumption of Alcoholic Beverages.

The area encompassed within a sidewalk cafe authorized pursuant to this Article shall not be considered duly licensed for sale or consumption of alcoholic beverages.

§59-25 Sanitary Requirements.

The licensee shall comply with the following Board of Health requirements:

A. No fruit, vegetables and other food shall be stored or displayed for sale in the cafe authorized by this Article.

B. No food or drinks shall be prepared other than in the interior areas of the retail food establishment approved by the Board of Health for such use.

C. All equipment used in the outdoor seating area, including but not limited to chairs and tables, shall be nonabsorbent, smooth, easily cleanable, of corrosive-resistant material, and meet the requirements of the New Jersey Sanitary Code (N.J.A.C. 8:24-1.1 et seq.), as the same may be from time to time amended and supplemented.

D. No food service equipment shall be located in, stored in or permanently mounted to any area of the outdoor dining area.

E. Containers used in the conveyance of soiled tableware shall not be permanently stored outdoors. Soiled tableware shall be promptly removed to the establishment's equipment washing area after patron use.

F. Smoking shall be prohibited in the outdoor dining area. Such areas shall be marked by a sign approved by the Board of Health indicating that smoking is prohibited.

G. Each licensee is responsible for keeping the area of the outdoor dining area and the adjacent walks and streets clean, free of litter and food wastes, free of nuisances and sanitary at all times. Areas must be cleaned at the beginning of each business day, at closing time and as often as needed so as to prevent unsanitary conditions.

H. Effective control measures shall be utilized to minimize, prevent and eliminate the presence and entry of rodents, flies, and all other vermin into the establishment. Outdoor dining areas and all other parts of the establishment shall be kept in such condition so as to prevent the breeding, harborage or feeding of all vermin.

I. The licensee shall provide adequate receptacles for the depositing of waste by patrons as deemed necessary by the Board of Health. Such receptacles shall have lids and designed so as to preclude the entry, harborage, or breeding of vermin. Such receptacles shall be constructed of easily cleanable nonabsorbent material and shall be maintained in a sanitary manner at all times. The licensee shall ensure that waste receptacles are routinely serviced so as to prevent overflow of contents upon the ground. Waste receptacles owned and maintained by the township shall not be used by the licensee for depositing of waste generated by the establishment including the outdoor cafe.

§59-26 Enforcement.

A. The zoning officer shall investigate violations related to and enforce all applicable requirements set forth in N.J.A.C. 8:24-1.1 et seq. and as the same may be from time to time amended and supplemented along with the sanitary requirements detailed in this section and any applicable local health ordinances.

B. The zoning officer shall investigate violations related to and enforce all applicable requirements set forth in New Jersey Uniform Construction Code and requirements detailed in this section relative to the placement of tables, chairs, planters, awning, lighting, electrical outlets along with dimensions and distances.

C. Violations of subsection 59-21(F)(2) and (3) shall be investigated and enforced by the Andover Township Police Department.

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.

NOTICE OF PENDING ORDINANCE

PUBLIC NOTICE is hereby given 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 June 22, 2015. A public hearing regarding same has been scheduled for July 13, 2015 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.

Diana Francisco, R.M.C.
Deputy Clerk

**TOWNSHIP OF ANDOVER
COUNTY OF SUSSEX
ATTEST:**

STATE OF NEW JERSEY



Diana Francisco, RMC Deputy Clerk

By: _____
Michael Lensak, Mayor