

ANDOVER TOWNSHIP COMMITTEE MEETING AGENDA

**MICHAEL LENSAK, MAYOR
ELLSWORTH E. BENSLEY, JR., DEPUTY MAYOR
JOHN CARAFELLO
JANIS MCGOVERN
THOMAS D. WALSH, JR.**

**OCTOBER 1, 2020
EXECUTIVE SESSION 6:30 PM
REGULAR MEETING 7:30 PM**

Meeting to be held at:

***Andover Township Municipal Building
134 Newton Sparta Road
Andover Township, NJ***

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

SUNSHINE NOTICE: This meeting is being held in compliance with the provisions of the Open Public Meetings Act, Public Laws of 1975, chapter 231 and has been properly advertised and certified by the Municipal Clerk.

RULES FOR MEETING: No new business to be brought before the Committee after 8:30 P.M. The time allotted to the public will be determined by the Committee.

EXECUTIVE SESSION:

- **ANTICIPATED CONTRACT NEGOTIATIONS:**
 1. New Phone System Proposal
 2. Planet Network/Internet Service Proposal
 3. Solid Waste and Recycling Bid
 4. Byram Township Shared Services Proposal

- **PERSONNEL:** Police Department – Intent to Retire/New Hire

PROJECT UPDATE – PACE GLASS

APPROVAL OF THE GENERAL AGENDA

APPROVAL OF CONSENT AGENDA

All items listed with an asterisk (*) are considered to be routine and non-controversial by the Committee and will be approved by one motion. There will be no separate discussion of these items unless a citizen or Committee member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

CONSENT AGENDA

OTHER BUSINESS:

1. Approval of Vouchers for Payment

MINUTES:

- September 17, 2020: Regular and Executive Session Minutes

RESOLUTIONS:

RESOLUTION #R2020-114

A RESOLUTION OF THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO AUTHORIZE A POLICY FOR THE SPONSORSHIP OF SIGNS

RESOLUTION #R2020-115

RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF LIQUOR LICENSE #1902-33-006-004 FOR PERONA ENTERPRISES, INC. T/A PERONA FARMS, PLENARY RETAIL CONSUMPTION LICENSE FOR THE TERM JULY 1, 2020 THROUGH JUNE 30, 2021

PUBLIC PORTION:

RULES FOR THE PUBLIC PORTION OF THE MEETING

1. Please come forward when recognized and state your name and address.
2. Please direct your comments to the Township Committee.
3. The committee may comment or respond when you conclude your comments.
4. Normally, each member of the public will be recognized and given the floor. When you have concluded, you may be recognized again during that public portion of the meeting upon Committee approval.
5. Anyone that is disruptive and/or speaks when they are not recognized will be considered to be disruptive to the meeting and may be asked to leave.

ORDINANCES – PUBLIC HEARING/ADOPTION:

ORDINANCE #2020-06

BOND ORDINANCE PROVIDING FOR VARIOUS 2020 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY, APPROPRIATING \$2,000,000 THEREFOR (INCLUDING A GRANT RECEIVED FROM THE NEW JERSEY STATE CLEAN COMMUNITIES FUND IN THE AMOUNT OF \$13,800) AND AUTHORIZING \$1,891,618 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

ORDINANCE #2020-07

AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO AMEND THE TOWNSHIP CODE BY AMENDING CHAPTER 55 ENTITLED “FLOOD DAMAGE PREVENTION” TO DESIGNATE THE TOWNSHIP ENGINEER AS TOWNSHIP FLOODPLAIN COORDINATOR

ORDINANCE #2020-08

AN ORDINANCE TO PROVIDE FOR VARIOUS POLICE EQUIPMENT FOR THE TOWNSHIP OF ANDOVER AND TO PROVIDE FOR THE FUNDING THEREOF

NEW BUSINESS:

- Request from contiguous property owner Lawrence Mendez to purchase Township owned parcel at 5 Arthur Avenue, Block 136/Lot 12

UNFINISHED BUSINESS

- Proposal for Municipal Building Curb Appeal Project, as submitted by resident Diane Gillespie

COMMITTEE REPORTS

REPORT FROM THE CLERK/ADMINISTRATOR

REPORT FROM THE MUNICIPAL ATTORNEY

NEXT SCHEDULED MEETINGS:

**OCTOBER 15, 2020 6:30PM EXECUTIVE SESSION, 7:30 PM REGULAR SESSION
NOVEMBER 5, 2020 6:30PM EXECUTIVE SESSION, 7:30 PM REGULAR SESSION**

ADJOURN

RESOLUTION

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Andover on the 1st day of OCTOBER 2020, that:

1. PRIOR to the commencement of the Regular Meeting, the Township Council 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. Confidential or excluded matters, by Express provision of Federal law or State statute or rule of court.
- () b. A matter in which the release of information would impair a right to receive funds from the Government of the United States.
- () c. Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
- () d. A collective bargaining agreement including negotiations.
- () e. 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.
- () f. 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.
- (x) g. Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
- (x) h. Personnel matters.
- () i. 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).

EXECUTIVE SESSION:

- **ANTICIPATED CONTRACT NEGOTIATIONS:**
 - 1. New Phone System Proposal
 - 2. Planet Network/Internet Service Proposal
 - 3. Solid Waste and Recycling Bid
 - 4. Byram Township Shared Services Proposal

- **PERSONNEL:** Police Department – Intent to Retire/New Hire

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

ORDINANCE #2020-06

BOND ORDINANCE PROVIDING FOR VARIOUS 2020 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY, APPROPRIATING \$2,000,000 THEREFOR (INCLUDING A GRANT RECEIVED FROM THE STATE OF NEW JERSEY CLEAN COMMUNITIES PROGRAM FUND IN THE AMOUNT OF \$13,800) AND AUTHORIZING \$1,891,618 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Andover, in the County of Sussex, State of New Jersey (the "Township") as general capital improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$2,000,000, which is inclusive of a grant received from the State of New Jersey Clean Communities Program Fund in the amount of \$13,800 (the "Grant") and \$94,582 as the aggregate amount of down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes. Pursuant to N.J.S.A. 40A:2-11(c), as amended and

supplemented, no down payment is required for the bond or notes associated with the acquisition of a sweeper as set forth in Section 3(a)(i) as a portion of such project is being funded by the Grant.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$2,000,000 appropriation not provided for by application hereunder of said down payments or the Grant, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,891,618 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$1,891,618 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued, include, but are not limited to, as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) <u>Acquisition And Installation, As Applicable, Of Equipment And Non-Passenger Vehicles For Various Township Facilities</u> Including, But Not Limited To, Acquisition Of A Fire Truck For The Fire Department; A Sweeper And A Loader For The Department Of Public Works; And 911 Console Improvements For The Office Of Emergency Management; And	\$1,200,000 (Includes The Grant Allocable To Acquisition Of The Sweeper)	\$1,129,714	\$56,486	7.2 years
(ii) <u>Roadway Improvements Throughout The Township</u> Including, But Not Limited To, As Applicable, But Not Limited To, As Applicable, Excavation, Milling,	\$800,000	\$761,904	38,096	20 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement, And Where Necessary, The Sealing Of Pavement Cracks, Installation Of Or Improvements To Curbing And Driveway Aprons, Resetting Utility Castings, Drainage Improvements, Roadway Painting, Landscaping And Aesthetic Improvements.				
Totals	<u>\$2,000,000</u>	<u>\$1,891,618</u>	<u>\$94,582</u>	

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$1,891,618.

(d) The aggregate estimated cost of said improvements or purposes is \$2,000,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grant in the amount of \$13,800 and the down payments available for said purposes in the aggregate amount of \$94,582.

SECTION 4. Except for the Grant, in the event the United States of America, the State of New Jersey, the County of Sussex and/or a private entity make a contribution or grant in aid to the Township, for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of

the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Sussex and/or a private entity. Except for the Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Sussex and/or a private entity, shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes

pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 12.36 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the

Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,891,618 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$400,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Township Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission⁴ (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER

PUBLIC NOTICE

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a regular meeting of the governing body of the Township of Andover, in the County of Sussex, State of New Jersey on September 17, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Township Municipal Building, 134 Newton Sparta Road, Newton, in said County on October 1, 2020 at 7:30 p.m. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS 2020 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY, APPROPRIATING \$2,000,000 THEREFOR (INCLUDING A GRANT RECEIVED FROM THE STATE OF NEW JERSEY CLEAN COMMUNITIES PROGRAM FUND IN THE AMOUNT OF \$13,800) AND AUTHORIZING \$1,891,618 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

Purpose(s): Various 2020 General Capital Improvements Throughout the Township Including, But Not Limited To, Acquisition And Installation Of Various Equipment And Non-Passenger Vehicles, And Roadway Improvements

Appropriation: \$2,000,000

Bonds/Notes Authorized: \$1,891,618

Grant(s) Appropriated: Grant from the State of New Jersey Clean Communities Program Fund in the Amount of \$13,800

Section 20 Costs: \$400,000

Useful Life: 12.36 years

Patricia L. Bussow, RMC
Municipal Clerk/Administrator

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

ORDINANCE #2020-07

**AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX,
AND STATE OF NEW JERSEY TO AMEND THE TOWNSHIP CODE BY
AMENDING CHAPTER 55 ENTITLED "FLOOD DAMAGE PREVENTION" TO
DESIGNATE THE TOWNSHIP ENGINEER AS TOWNSHIP FLOODPLAIN
COORDINATOR**

WHEREAS, the Township Committee has reviewed and assessed the Township Code section related to personnel responsible for Administering and Implementing the Municipal Code concerning Flood Damage Prevention in the Township; and

WHEREAS, the Township Code, Chapter 55, Subsection 13, currently designates the Township Construction Official as Township Floodplain Coordinator; and

WHEREAS, it is proposed that the Township Engineer be designated as Township Floodplain Coordinator; and

WHEREAS, the Township Committee has reviewed the proposed change designating the Township Engineer as Township Floodplain Coordinator and approved of the proposed change as set forth herein; and

WHEREAS, the Mayor and Township Committee desire to amend the Township Code to designate the Township Engineer as Township Floodplain Coordinator.

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 55, Subsection 13 "Administration and implementation by Construction Official" shall be amended to read as follows:

§55-13 Administration and implementation by Township Engineer.

The Township Engineer is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

The remainder of this Chapter remains unchanged.

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 September 17, 2020. A public hearing regarding same will be held at a meeting scheduled for October 1, 2020 beginning at 7:30PM to be held 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.

Patricia L. Bussow, RMC
Municipal Clerk/Administrator

