

**MINUTES OF THE MEETING OF THE
MAYOR AND COUNCIL
OF THE BOROUGH OF SUSSEX
HELD AT THE SUSSEX MUNICIPAL BUILDING
2 MAIN STREET, SUSSEX, NJ
AUGUST 16, 2016**

Mayor Little called the meeting to order and requested the clerk to call the roll. Upon roll call, the following members of the Governing Body were present: Mr. Albert Decker, Mr. Frank Dykstra, Mr. Robert Holowach, Mrs. Linda Masson, Mr. Edward Meyer, Mrs. Georgeanna Stoll, and Mayor Katherine Little.

Absent: None

Also present: Borough Attorney Mr. Frank McGovern, Esq. of McGovern and Roseman, P.A. and Mr. Mark Zschack, Municipal Administrator/Clerk

Mayor Little led the assembly in the flag salute and requested a moment of silence.

Mayor Little stated "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. It has been properly advertised and certified by the Clerk."

APPROVAL OF AGENDA

Mrs. Masson made a motion to approve the agenda for August 16, 2016 as submitted. Motion seconded by Mr. Meyer.

Mr. Decker made a motion to amend the agenda to relocate item number 19, "Introduction Ordinance 2016-18 – \$2,500,000 Bond Ordinance", to first under "New Business". Motion seconded by Mrs. Masson.

Upon roll call vote to amend original motion:
Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll
Nays: None
Abstentions: None
Absent: None

Upon roll call vote of original motion as amended:
Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll
Nays: None
Abstentions: None
Absent: None

PUBLIC HEARING

The Borough of Sussex is proposing a grant application under the Small Cities Community Development Block Grant Program in the amount of \$400,000 for the Lake Rutherford Water Line Installation project. Stephen Welsh, Bruno Associates, presented the following statement:

The time, date, and place of this Public Hearing for Application to the Small Cities Community Development Block Grant Program has been advertised in the newspaper at least 7 days prior to today.

The purpose of the hearing is: (1) to explain federal and state guidelines, (2) to review eligible and proposed program activities, (3) to consider proposals for an application under the Small Cities Community Development Block Grant Program, and (4) to receive citizen comments and recommendations.

This is a Federal program which has \$6,207,624 in funds to award in New Jersey as follows:

Public Facilities - \$2,937,624

Housing Rehabilitation - \$2,250,000

Innovative Development - \$1,000,000

Emergency Housing Repair - \$20,000

At least 70 percent of the funds available must be used for activities that primarily benefit people of low and moderate income. None of the funds requested will result in the displacement or relocation of people.

Eligible activities include:

- 1. Acquisition of real property;*
- 2. Acquisition, construction, or installation of public facilities;*
- 3. Code enforcement in deteriorated or deteriorating areas;*
- 4. Clearance, demolition, and rehabilitation of buildings;*
- 5. Special projects to remove architectural barriers which restrict accessibility of the elderly and handicapped;*
- 6. Provision of public services;*
- 7. Activities necessary to develop a comprehensive community development plan; and policy planning management capacity to enable the recipient to more effectively administer the program;*
- 8. Payment of reasonable administrative costs; and*
- 9. Activities carried out by public or private non-profit organizations.*

The Borough of Sussex is eligible for a Small Cities Community Development Block Grant due to its' small population of 2,130 residents and because over 51% of the population is considered to be low to moderate income.

The Borough of Sussex is applying through the Public Facilities program. It funds the construction or reconstruction of essential public infrastructure that primarily benefits people of low and moderate income.

Sussex Borough owns and operates a surface water storage and treatment system to provide potable water to the Borough residents and environs. The raw water quality has slowly deteriorated over the last several years generally as the result of high sediment in the source flow and deterioration of the settlement pond (Colesville Reservoir).

Additionally there has been significant wear of the apparently undersized Colesville Reservoir dam spillway and appurtenant structures. This condition is under the scrutiny of the New Jersey Bureau of Dam Safety and will result in further expenditures to upgrade or replace that element. The major source of increased turbidity has historically been a side stream that drains local flat lands and enters the main stream between the upland Lake Rutherford and the treatment plant reservoir.

Several alternatives were investigated and published in a "Raw Water Turbidity Study" conducted by Houser Engineering. The Horizontal Directional Drilling (HDD) Configuration 1 option is favored. This technology is a steerable trenchless method of installing underground pipes in a shallow arc along a preplanned path. HDD is used when trenching or excavating is not practical. In this case the pipe can be ductile iron or steel. The best material for HDD is solid rock or sedimentary material. As part of the plan, the Colesville Dam will be removed.

By undertaking this project, the Borough of Sussex meets the national Small Cities objective of “Undertaking Community Development activities that benefit persons of low/moderate income” and two State Small Cities objectives of “Improving the availability and adequacy of essential public facilities and remedy serious deficiencies in areas that principally serve people of low/moderate income” and “To support Community Development projects of particular urgency where existing conditions pose a serious and immediate threat to the health or welfare of the Community and where other financial resources are unavailable”.

All citizens are encouraged to offer their comments today at this public hearing. Thank you.

Mrs. Stoll made a motion to open the meeting to the public for any questions or comments concerning the grant application under the Small Cities Community Development Block Grant Program in the amount of \$400,000 for Lake Rutherford Water Line Installation project. Motion seconded by Mr. Decker.

Mr. Ronald Gerstmann, 6 Fourth Street, addressed the governing body offering information concerning grants for the utility that he received from Congressman Scott Garrett.

There being no one else present who wished to address the Governing Body, Mrs. Masson made a motion to close the meeting to the public. Motion seconded by Mrs. Stoll
All were in favor.

PRESENTATIONS:

No presentations were scheduled for tonight's meeting.

COMMITTEE & LIAISON REPORTS: Mayor Little opened the floor to each member of the Council to offer their respective committee reports.

Mrs. Masson stated that she attended the SCMUA meeting on August 3 and they went into executive session to discuss the Sussex TWA application license agreement along with some other items. Their tonnage is up by 0.1%. Their revenue is up 4.7%. A presentation was given at the meeting about recycling Styrofoam. They are going to be getting some items to collect and process Styrofoam. They were showing some of the things they make out of this Styrofoam. They make picture frames and moldings. They were talking about getting point fifteen cents per pound and they are going to market the material. They said they would like to get this going before the winter. The Grant Committee met just before this meeting. Steve's Grant report for the month is in the packet that was given to all present on the dais. Regarding the USDA \$400,000 waterline replacement and the sewer force main paperwork is still pending from SCMUA and the State. Regarding the small cities CDBG Grant, \$400,000 for Lake Rutherford, December marks one year in the two-year time frame allowed to spend the money. There are American Indian tribes requesting an archaeological dig which has the project stalled at this time. We need to move things along. We need to identify what projects we want to go for regarding the Emergency Local Aid Infrastructure Fund. There is no limit and no match required for this grant, only that it fit the category of an emergency. (A discussion ensued among the Council Members.) The Transportation Alternatives Program Grant will be looked into for the sidewalks. Grants for the Theatre need a prioritized list and estimated figures for the work to be done. (A discussion ensued among the Council Members.)

Mr. Holowach made a motion to suspend the rules and add a Resolution to withdraw further consideration of the H2OLoan application. Motion seconded by Mr. Decker.

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

Mr. Decker offered no report at this time.

Mayor Little suggested the Property Maintenance Committee having an initial meeting even if there are no issues to discuss.

There was a discussion regarding revisiting the Property Maintenance Ordinance.

Mr. Meyer offered no report at this time.

Mrs. Stoll offered no report at this time.

Mr. Dykstra offered no report at this time.

Mr. Holowach stated there were a series of catastrophic failures at the waste water treatment plant. It was likely a lightning strike. The Borough has submitted an insurance claim. There was a lot of electrical failure and some mechanical failure which was not limited to just the pumping station. Repairs are underway. The NJDOT sink hole on Brookside Avenue by the Verizon Wireless needs to be addressed. The State's repair was not acceptable.

Mayor Little stated on July 27th there was an Open Space presentation at the Freeholder's meeting which she attended. Open Space has funds available but it is only for the purchase of land, not for projects such as trails. The fire department helped by providing pictures for the Sussex Borough display at the New Jersey State Fair. The Mayor and the Clerk put the display up on August 3. The fire department would like to reuse the pictures for the display case at Sussex Wantage Public Library so it needs to be taken down with care. On August 13 Mayor Little attended a ceremony for Eagle Scout Joseph Mitchell at the High Point Interpretive Center. Joseph completed a major community service project, dedicating 300 hours to planning and constructing a kiosk and bird houses. Mayor Little presented Joseph with the Resolution passed at the July 19, 2016 meeting and a Certificate of Accomplishment. The finance committee met and reviewed the vouchers for tonight's meeting, all questions were answered satisfactorily.

CONSENT AGENDA

Mayor Little requested that the Governing Body review the consent agenda. If any member of the Council desires an item to be removed, the Municipal Clerk shall remove said item, which will then be considered separately.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Resolution from the County of Sussex: Urging Governor Chris Christie and the New Jersey State Legislature to Adopt "Legislator Budget Resolution Request No.4287" (Prime Sponsor, Senator Steven V. Oroho, R-24) Providing \$21 Million to Create a Funding Mechanism for County Governing Bodies to Offset the Costs Associated with Implementing Criminal Justice Reform.
2. Resolution from the Township of Fredon, County of Sussex and State of New Jersey Opposing the State Legislature's Gas Tax of \$0.23 Per Gallon.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Clerk's Report for the month of July 2016.
2. Water Sewer Collector report for the month of July 2016.
3. Tax Collector's report for the month of July 2016.
4. Construction Department report for the month of July 2016.
5. Property Maintenance Department report for the month of July 2016.
6. Sussex Borough Zoning Report for July 2016.
7. Grant writer's report July 2016
8. Sussex Borough Cash Report July 2016
9. Delinquent Utility Properties report as of August 9, 2016.
10. Unpaid Utility Properties report as of August 9, 2016.
11. Water Shut Off report as of August 9, 2016

APPLICATIONS (APPROVAL OF THE FOLLOWING):

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

Payment of bills for the meeting of August 16, 2016.

Mr. Dykstra made a motion to accept the consent agenda of August 16, 2016 Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

OPEN PUBLIC SESSION #1

Mr. Decker made a motion to open the meeting to the public for any questions or comments concerning items on the agenda for which no public discussion is provided. All comments should be directed to the Mayor and are limited to 5 minutes with a total of 10 minutes for the Council to discuss. Motion seconded by Mrs. Stoll

All were in favor.

Ann Marie Schaeffer from the Center of Prevention and Counseling stated she was present to support the underage drinking ordinance and answer any questions that may arise concerning it.

Mr. Ronald Gerstmann, 6 Fourth Street, addressed the Governing Body concerning the introduction of Ordinance 2016-18.

There being no one else present who wished to address the Governing Body, Mrs. Stoll made a motion to close the meeting to the public. Motion seconded by Mr. Meyer

All were in favor.

OLD BUSINESS

There was no old business discussed at this time.

NEW BUSINESS

Introduction Ordinance 2016-18 – \$2,500,000 Bond Ordinance

Mr. Meyer made a motion to introduce Ordinance 2016-18 entitled “BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE WATER SUPPLY AND DISTRIBUTION SYSTEM IN AND BY THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$2,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,380,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.” Motion seconded by Mr. Holowach

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Meyer, Stoll

Nays: Masson

Abstentions: None

Absent: None

Mayor Little stated that the final reading of Ordinance 2016-18 will be on September 6, 2016

Approval of Meeting Minutes

Mr. Decker made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on July 19, 2016. Motion seconded by Mr. Holowach

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None
Abstentions: None
Absent: None

Resolution 2016-164R – Corrective Action Plan 2015 Audit

Mr. Holowach made a motion to adopt Resolution 2016-164R approving the Corrective Action Plan for the 2015 Audit. Motion seconded by Mr. Meyer

Upon roll call vote:
Ayes: Decker, Dykstra, Holowach, Meyer, Stoll
Nays: Masson
Abstentions: None
Absent: None

Resolution 2016-171R – Commence Foreclosure Proceedings

Mr. Holowach made a motion to adopt Resolution 2016-171R authorizing the commencement of foreclosure proceedings regarding certain tax certificates owned by the Borough. Motion seconded by Mr. Meyer

Upon roll call vote:
Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll
Nays: None
Abstentions: None
Absent: None

Resolution 2016-177R – Third Quarter 2016 Water/Sewer Adjustments

Mr. Meyer made a motion to adopt Resolution 2016-177R approving the Water/Sewer Collector's adjustments for the third quarter 2016. Motion seconded by Mr. Decker

Upon roll call vote:
Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll
Nays: None
Abstentions: None
Absent: None

Resolution 2016-178R – Hazard Mitigation Plan

Mr. Meyer made a motion to adopt Resolution 2016-178R adopting the Sussex County Multi-Jurisdictional Hazard Mitigation Plan Motion seconded by Mr. Holowach

Upon roll call vote:
Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll
Nays: None
Abstentions: None
Absent: None

Resolution 2016-179R – Change Order #1 Fire Apparatus Purchase

Mr. Decker made a motion to adopt Resolution 2016-179R approving change order #1 with Rosenbauer Firefighting in the amount of \$21,185.00. Motion seconded by Mrs. Stoll

Upon roll call vote:
Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll
Nays: None
Abstentions: None
Absent: None

Resolution 2016-180R – Purchasing Policy and Procedures

Mr. Holowach made a motion to adopt Resolution 2016-180R approving the purchasing policy and procedure manual. Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

Resolution 2016-181R – Engineering Services CDBG Grant Application

Mr. Holowach made a motion to adopt Resolution 2016-181R authorizing the Mayor and/or Clerk to execute a contract with Houser Engineering, LLC., to provide engineering and consulting services for the preparation of the CDBG grant application, for a cost not to exceed \$28,530.00. Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

Resolution 2016-183R – Engineering Services Land Acquisition

Mr. Holowach made a motion to adopt Resolution 2016-183R authorizing the Mayor and/or Clerk to execute a contract with Houser Engineering, LLC., to provide engineering and consulting services for land acquisition technical assistance for the Lake Rutherford raw water transmission line for a cost not to exceed \$15,000.00. Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

Resolution 2016-184R – CDBG Grant Management Plan Endorsement

Mr. Holowach made a motion to adopt Resolution 2016-184R endorsing the Grant Management Plan prepared as a requirement of the SFY 2017 Small Cities CDBG Grant Application. Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

Resolution 2016-185R – Fair Housing - Statement of Actions

Mrs. Masson made a motion to adopt Resolution 2016-185R appointing the Administrator and/or Clerk as the Fair Housing Officer and make assurances that Sussex Borough will comply with the Housing and Community Development Act of 1974, Civil Rights Act of 1964, Fair Housing Act of 1968, Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973. Motion seconded by Mr. Holowach

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

Resolution 2016-186R – Small Cities CDBG Citizen Participation Plan

Mrs. Masson made a motion to adopt Resolution 2016-186R adopting the Citizen Participation Plan developed by the New Jersey Department of Community Affairs, Small Cities CDBG Program. Motion seconded by Mr. Holowach

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

Resolution 2016-187R – Customers Request Water/Sewer Adjustment

Mrs. Masson made a motion to adopt Resolution 2016-187R approving the customer's request that \$8,646.12 be removed from the billing of account # 970.

Motion seconded by Mr. Holowach

Upon roll call vote:

Ayes: Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: Decker, Dykstra

Absent: None

Adoption Ordinance 2016-13 – Amend Chapter XXIV Section 24-1.5

Mr. Holowach made a motion to adopt Ordinance 2016-13 entitled "AN ORDINANCE TO AMEND SUBSECTION 24-1.5, ENTITLED "LAND USE FEES", OF SECTION 24-1, ENTITLED "APPLICATIONS FOR LICENSES, PERMITS OR APPROVALS", OF CHAPTER XXIV, ENTITLED "FEES", OF THE CODE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW JERSEY." Motion seconded by Mr. Meyer

Mayor Little opened the meeting to the public for any questions or concerns regarding Ordinance #2016-13.

There being no one present who wished to address the governing body Mayor Little closed the meeting to the public.

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

Adoption Ordinance 2016-14 – Amend Chapter XXIII Section 13-3.4

Mr. Holowach made a motion to adopt Ordinance 2016-14 entitled "AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AMEND CHAPTER XXIII, SECTION 13-3.4, ENTITLED "SEWER SYSTEM CHARGES," OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF SUSSEX."

Motion seconded by Mr. Meyer

Mayor Little opened the meeting to the public for any questions or concerns regarding Ordinance #2016-14.

There being no one present who wished to address the governing body Mayor Little closed the meeting to the public.

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

Adoption Ordinance 2016-15 – Amend Chapter III Section 3-6.1

Mr. Holowach made a motion to adopt Ordinance 2016-15 entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING SUBSECTION 3-6.1, ENTITLED “OBSTRUCTIONS PROHIBITED”, OF SECTION 3-6, ENTITLED “USE OF SIDEWALKS”, OF CHAPTER III, ENTITLED “POLICE REGULATIONS”, OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF SUSSEX.”

There was no second offered.

Adoption Ordinance 2016-16 – Amend Chapter XXIII Section 13-3.4

Mr. Holowach made a motion to adopt Ordinance 2016-16 entitled “AN ORDINANCE GRANTING MUNICIPAL CONSENT TO THE ISSUANCE OF A FRANCHISE TO SERVICE ELECTRIC CABLE T.V. OF NEW JERSEY, INC., TO CONSTRUCT, OWN, OPERATE, EXTEND AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF SAID MUNICIPAL CONSENT AND PROVIDING FOR THE REGULATION AND USE OF SAID SYSTEM.” Motion seconded by Mrs. Masson

Mayor Little opened the meeting to the public for any questions or concerns regarding Ordinance #2016-16.

There being no one present who wished to address the governing body Mayor Little closed the meeting to the public.

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

Introduction Ordinance 2016-17 – Amend Chapter VI Section 6.5

Mr. Holowach made a motion to introduce Ordinance 2016-17 entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING SECTION 6.5, ENTITLED “MINORS”, OF CHAPTER VI, ENTITLED “ALCOHOLIC BEVERAGE CONTROL”, OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF SUSSEX TO ADD SUBSECTION 6-5.7 ENTITLED “CONSUMPTION OR POSSESSION PROHIBITED ON PRIVATE PROPERTY” AND SUBSECTION 6-5.8 ENTITLED “PENALTIES” Motion seconded by Mrs. Stoll

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

Mayor Little stated that the final reading of Ordinance 2016-17 will be on September 6, 2016

OPEN PUBLIC SESSION #2

Mr. Decker made a motion to open the meeting to the public for any questions or comments concerning the good and welfare of the Borough. All comments should be directed to the Mayor and are limited to 5 minutes with a total of 10 minutes for the Council to discuss. Motion seconded by Mrs. Stoll

All were in favor.

There being no one present who wished to address the Governing Body, Mr. Decker made a motion to close the meeting to the public. Motion seconded by Mrs. Masson
All were in favor.

Mr. Dykstra commented on the parking on Route 23. A discussion among the council ensued.

Mr. Dykstra commented on the yearly water quality reports. A discussion among the council ensued.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mrs. Stoll made a motion to adjourn into closed executive session to discuss Personnel Matters. Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

After meeting in closed session, the Governing Body returned to their seats at 10:22 p.m. and Mr. Decker made a motion to adjourn out of closed executive session and to be reconvened into open public session. Motion seconded by Mrs. Masson
All were in favor.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mrs. Stoll made a motion to adjourn the meeting. Motion seconded by Mrs. Masson
All were in favor.

Katherine Little, Mayor

Antoinette Smith,
Acting Municipal Clerk

Date Approved: September 20, 2016