

**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  
SEPTEMBER 6, 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., Mrs. Gail Magura, CFO, Mr. Tom Ferry, Municipal Auditor, Mr. Robert Beinfield, Bond Counsel, Mr. Gerry Gardner & James Schappell, Water/Sewer Engineers, Mr. Mark Zschack, Municipal Administrator/Clerk, Mrs. Toni Smith, and Mr. Michael Restel

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**

Mr. Dykstra made a motion to approve the agenda for September 6, 2016 as submitted. Motion seconded by Mr. Holowach.

Mrs. Masson made a motion, to amend the agenda, to add a discussion concerning committees, liaisons and information sharing to be placed before item G. Motion seconded by Mr. Decker.

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

**NEW BUSINESS:**

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

Mr. Holowach made a motion to adopt 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. Meyer

Mayor Little opened the meeting to the public for any questions or concerns regarding Ordinance #2016-18.

Mr. Charles Fronheiser, 35 Bank Street, addressed the governing body regarding his concerns about work being done and the amount of money being bonded for.

Mr. Ronald Gerstmann, 6 Fourth Street, addressed the Governing Body regarding the cost of the projects being considered and the amount of money being bonded for.

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

Upon roll call vote:

Ayes: Dykstra, Holowach, Meyer, Little

Nays: Decker, Masson, Stoll

Abstentions: None

Absent: None

Motion failed due to not obtaining a two thirds majority.

Mayor Little adjourned the meeting at 8:22 pm for a ten minute recess.

Mayor Little reopened the meeting at 8:42 pm.

**Introduction Ordinance (2016-23) – \$2,500,000 Bond Ordinance**

Mr. Decker made a motion to suspend the rules and add to the agenda a Bond Ordinance 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 \$1,980,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION."

Motion seconded by Mr. Dykstra.

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 (2016-23) will be on September 20, 2016.

**Resolution 2016-182R – Issuance of \$2,200,000 Bond Anticipation Notes**

Mr. Decker made a motion to table Resolution 2016-182R to the September 20, 2016 meeting. Motion seconded by Mrs. Stoll.

Upon roll call vote to table:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: Dykstra

Abstentions: None

Absent: None

**PRESENTATIONS:**

No presentations were scheduled for tonight's meeting.

**DISCUSSION:** There was a discussion regarding information sharing and the flow of information from committees and liaisons. Mrs. Masson voiced concerns.

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

Mrs. Masson: Mrs. Masson stated she has a meeting with SCMUA tomorrow. Mrs. Masson spoke with Steve Welsh and he stated he is waiting for two things then he will submit the \$400,000 grant for the pipeline. Regarding the Theatre, he has sent a letter of inquiry to one of the organizations to fund the roof and is waiting for estimates. Once estimates are obtained Mr. Welsh will have two more he will submit.

Mr. Meyer: offered no report at this time. Mr. Meyer stated for the record he has taken a new job and is out of town most of the time which is why he asked to be taken off as the High Point High School liaison.

Mrs. Stoll: Mrs. Stoll stated that the recreation committee discussed hosting more events with the children in town because it was requested of them to do so. There are only four members, which makes it difficult to plan and host events. Mrs. Stoll stated she will be attending the school board meeting when they resume this month.

Mr. Dykstra: offered no report at this time.

Mr. Holowach: The Borough is getting close to resolving the lightning strike from last month at the sewer pumping station. The muffin monster (grinder) is the last item and our operator is working on sourcing that. There is also one more minor repair to the generator. DPW has been trimming brush back from the roads. Mr. Holowach also forwarded a request from a resident to the DPW Supervisor to trim around the stop signs in the lake area which were becoming difficult to see. In addition the DPW has been working on the storm drains on Main Street. They are also going through all the items for the water plant that were on the spreadsheet from last year. In response to a question from Mr. Dykstra, Mr. Holowach stated brush cannot be dropped off at the Borough garage by residents. Mr. Zschack advised that residents should call Borough Hall if their brush has not been picked up. The Sussex Fire Department ladder truck is repaired and now in service, however, payment is being held because of unresolved issues with the repair. The plans for the parade are falling into place. Mr. Holowach will give the figures for the ambulance remount or replacement, it may be on the next agenda. It will require us to join an additional co-op at no cost to the Borough.

Mr. Decker offered no report at this time.

Mayor Little: Mayor Little stated the finance committee reviewed the vouchers and all questions have been answered. Mayor Little attended a Freeholder meeting. The Clove Lake Committee is planning to place an information kiosk, they have also put two new picnic tables and grills up and are planning to place lights to keep the geese off the beach.

### **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.

Mrs. Masson requested that the bills list be removed and considered separately.

Mr. Dykstra made a motion to accept the consent agenda of September 6, 2016 with the removal of the bills list.

Motion seconded by Mr. Decker.

### **CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):**

1. *Resolution from Montague Township opposing Assembly Bill 1780.*
2. *Resolution from the Township of Wantage opposing the Gas Tax.*

### **REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):**

1. *Animal Control Reports January 2016 through June 2016.*
2. *Delinquent Utility Properties report as of September 2, 2016.*
3. *Unpaid Utility Properties report as of September 2, 2016.*
4. *Water Shut Off report as of September 2, 2016*

### **APPLICATIONS (APPROVAL OF THE FOLLOWING):**

NONE

**RESOLUTIONS: (APPROVAL OF THE FOLLOWING):**

*Payment of bills for the meeting of September 6, 2016.*

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

Mrs. Masson made a motion to accept the bills list from the consent agenda.  
Motion seconded by Mr. Decker.

Mrs. Masson made a motion to amend the previous motion to remove check number 13261 from the bills list.  
Motion seconded by Mr. Holowach.

Upon roll call vote to amend the previous 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

**OPEN PUBLIC SESSION #1**

Mr. Holowach 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 Mr. Meyer.  
All were in favor.

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

**OLD BUSINESS**

There was no old business discussed at this time.

**NEW BUSINESS: (Continued)**

**Approval of Meeting Minutes**

Mr. Meyer made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on August 16, 2016. Motion seconded by Mrs. Stoll.

Mrs. Masson made a motion to table the meeting minutes of the Regular Meeting and Executive Session held on August 16, 2016 to the September 20, 2016 meeting.  
Motion seconded by Mr. Holowach.

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

**Resolution 2016-188R – Authorizing Refunds**

Mr. Holowach made a motion to adopt Resolution 2016-188R authorizing the refunds of \$10,543.44 to US Bank Cust for PC4 Firstrust Bank for redemption of tax sale Certificate #14-08 and \$2,167.92 to US Bank Custodian/PFS Financial 1, LLC for redemption of tax sale Certificate # 13-13. Motion seconded by Mr. Decker.

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

**Resolution 2016-189R – Emergency Contract**

Mr. Meyer made a motion to adopt Resolution 2016-189R awarding an emergency contract to R & R Pump and Control Services, LLC for the repair of the #1 pump at the Borough's DPW pump station. Motion seconded by Mr. Decker.

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

**Resolution 2016-191R – Purchase of ArcGIS for Desktop**

Mr. Holowach made a motion to adopt Resolution 2016-191R authorizing the Qualified Purchasing Agent and/or Clerk to purchase ArcGIS for Desktop Standard Single Use License for a cost not to exceed \$6,000.00. Motion seconded by Mr. Meyer.

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

**Resolution 2016-192R – Third Quarter 2016 Water/Sewer Adjustments**

Mrs. Masson made a motion to adopt Resolution 2016-192R approving the Water/Sewer Collector's adjustments for the third quarter 2016. Motion seconded by Mrs. Stoll.

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

**Resolution 2016-193R – Temporary Part Office Worker**

Mr. Decker made a motion to adopt Resolution 2016-193R approving the hire of Dixie Ferrington as a temporary part time office worker for the Borough of Sussex working approximately 29 hours per week at a rate of \$12.00 per hour. Motion seconded by Mr. Holowach.

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

**Resolution 2016-194R – Resignation of Borough Employee**

Mr. Dykstra made a motion to adopt Resolution 2016-194R accepting the resignation of Mark Zschack effective September 17, 2016. Motion seconded by Mr. Holowach.

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer, Stoll

Nays: Decker

Abstentions: None

Absent: None

**Resolution 2016-195R – Appointment of Acting Municipal Clerk**

Mr. Holowach made a motion to adopt Resolution 2016-195R appointing Antoinette Smith Acting Municipal Clerk for a term of one year at a yearly salary of \$41,800.00.

Motion seconded by Mr. Dykstra.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2016-196R – Appointment of Borough Administrator**

Mr. Decker made a motion to adopt Resolution 2016-196R to approve the Mayor's appointment of Mr. Michael Restel to the Position of Borough Administrator and Superintendent of Public Works at a yearly salary of \$73,500.00 with a \$50.00 per month phone stipend. Motion seconded by Mr. Holowach.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2016-197R – Customers Request Water/Sewer Adjustment**

Mrs. Masson made a motion to adopt Resolution 2016-197R approving the customer's request for a \$320.00 credit to be applied to their account.

Motion seconded by Mrs. Stoll.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2016-198R – Engineering Services Water Meter Replacement**

Mr. Holowach made a motion to adopt Resolution 2016-198R authorizing the Mayor and/or Clerk to execute a contract with Houser Engineering, LLC., to provide observation and consulting services for the Water Meter Replacement Project, for a cost not to exceed \$25,000.00. Motion seconded by Mr. Meyer.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2016-199R – Customers Request Water/Sewer Payment Plan**

Mr. Holowach made a motion to adopt Resolution 2016-199R approving a payment plan for account # 1043. Motion seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Decker, Dykstra, Masson, Meyer, Stoll

Nays: None

Abstentions: Holowach

Absent: None

**Request to Hang Pink Ribbons**

Mrs. Masson made a motion to approve a request from the Sussex County Chronic Disease Coalition to hang pink ribbons on Main Street for the month of October 2016 in observance of Breast Cancer Awareness Month. Motion seconded by Mrs. Stoll.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Adoption Ordinance 2016-17 – Amend Chapter VI Section 6.5**

Mr. Holowach made a motion to adopt 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 Mr. Meyer.

Mayor Little opened the meeting to the public for any questions or concerns regarding Ordinance #2016-17.

Mr. Charles Fronheiser, 35 Bank Street, addressed the governing body regarding enforcement concerns and that this would allow open access to private property.

Annmarie Shafer, Center for Prevention & Counseling, addressed the governing body. Ms. Shafer encouraged anyone who has questions regarding the ordinance visit the website for prevention and counseling. She also stated it does not give any additional authority for a law enforcer to enter private property.

There being no one else 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 2016-19 – Permit Sidewalk Usage**

Mr. Holowach made a motion to introduce Ordinance 2016-19 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.” Motion seconded by Mr. Meyer.

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 2016-19 will be on September 20, 2016.

### **Introduction Ordinance 2016-20 – Salary Ordinance**

Mr. Holowach made a motion to introduce Ordinance 2016-20 entitled “ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY.”

Motion seconded by Mr. Decker.

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 2016-20 will be on September 20, 2016

### **Introduction Ordinance 2016-21 – Establish Borough Administrator**

Mr. Holowach made a motion to introduce Ordinance 2016-21 entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING SECTION 2-6A, ENTITLED “RESERVED”, OF CHAPTER II, ENTITLED “ADMINISTRATION”, OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF SUSSEX.” Motion seconded by Mr. Meyer.

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 2016-21 will be on September 20, 2016.

### **OPEN PUBLIC SESSION #2**

Mrs. Masson 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 Mr. Holowach

All were in favor.

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

All were in favor.

### **EXECUTIVE SESSION**

In accordance with the provisions of the Open Public Meetings Act, Mrs. Masson made a motion to adjourn into closed executive session to discuss Purchase of Real Property. Motion seconded by Mrs. Stoll.

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 9:57 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. Stoll. All were in favor.

**Introduction Ordinance 2016-22 – \$25,000.00 from Capital Improvement Fund**

Mr. Holowach made a motion to introduce Ordinance 2016-22 entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, SUSSEX COUNTY, NEW JERSEY, PROVIDING FOR THE PURCHASE OF 1 EAST MAIN ST AND APPROPRIATING \$25,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND”. Motion seconded by Mr. Meyer.

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 2016-22 will be on September 20, 2016

**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