

**CONSENT AGENDA
FOR THE MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF SUSSEX
AT 2 MAIN STREET, SUSSEX NJ HELD ON
July 19, 2016**

ALL MATTERS LISTED BELOW ARE CONSIDERED ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF ANY DISCUSSION IS DESIRED, THAT PARTICULAR ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Resolution from the Township of Sandyston opposing the Gas Tax.
2. Resolution from the Borough of Hamburg opposing the Gas Tax.
3. Resolution from the Township of Andover opposing the Gas Tax.
4. Resolution from the Township of Montague opposing the Gas Tax.
5. Resolution from the Township of Vernon supporting C.L.E.A.R. Program-Community Law Enforcement Addiction Recovery.
6. Letter dated June 22, 2016 from the Center for Prevention & Counseling regarding presenting the Underage Drinking Ordinance.
7. Letter received July 11, 2016 from New Jersey Legislature regarding the spending side of TTF and ways to control costs & become more efficient in the use of Taxpayers' money.
8. Letter dated June 23, 2016 from New Jersey League of Municipalities regarding 19th Annual Elected Officials Hall of Fame.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Clerk's Report for the month of June 2016.
2. Water Sewer Collector report for the month of June 2016.
3. Tax Collector's report for the month of June 2016.
4. Construction Department report for the month of June 2016.
5. Property Maintenance Department report for the month of June 2016.
6. Sussex Borough Zoning Report for June 2016.
7. Grant writer's report June 2016
8. Sussex Borough Cash Report June 2016
9. Delinquent Utility Properties report as of July 15, 2016.
10. Unpaid Utility Properties report as of July 15, 2016.
11. Water Shut Off report as of July 17, 2016

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for Use of Borough Facilities for Sussex Wantage Little League.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of July 19, 2016.

TOWNSHIP OF SANDYSTON

R-45-2016

RESOLUTION OF THE TOWNSHIP OF SANDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY OPPOSING THE STATE LEGISLATURE'S GAS TAX OF \$0.23 PER GALLON

WHEREAS, the Township Committee has discussed the State Legislature's and Governor's proposal to increase the gas tax by \$0.23 per gallon; and

WHEREAS, the Township Committee recognizes that Sussex County has over 40,000 commuter trips from the County's residents that extend throughout the State of New Jersey; and

WHEREAS, these commuters will likely expend in excess of \$300 per year as a direct result of the \$0.23 per gallon gas tax proposed by the Governor and the certain State Legislators; and

WHEREAS, the Township Committee believes that based on the geographic location of Sussex County, this tax will provide an inequity to the residents of Sussex County in that these commutes to Morris, Passaic, Essex and Bergen Counties will be costlier and cause a financial hardship to the residents of Sussex County; and

WHEREAS, the Township Committee has discussed the overall economic hardships that this gas tax, as well as the deprivation of municipalities receiving the energy tax receipts which have been retained by the State of New Jersey as opposed to being provided to local governments, has resulted in a tax burden that is harmful to the overall quality of life of the residents of Sandyston Township and Sussex County; and

WHEREAS, the Township Committee hereby demands that our local legislators recognize the inequity of a gas tax that is exacerbated by the fact that residents of Sussex County will pay even more than the average \$300 per year in additional taxes to the State of New Jersey if in fact this is approved.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Sandyston, County of Sussex and State of New Jersey vigorously opposes, objects and urges our State Legislative representatives to oppose this \$0.23 gas tax.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Senator Steven Oroho, Assemblyman Parker Space, Assemblywoman Gail Phoebus, and Governor Chris Christie, as well as

all Sussex County Municipalities urging them take action to oppose this legislation on behalf of Sussex County residents.

CERTIFICATION

I hereby certify that the above resolution was adopted by the Sandyston Township Committee at a meeting held on July 12, 2016, at the Sandyston Township Municipal Building, Sandyston, New Jersey.

A handwritten signature in black ink, appearing to read "Amanda F. Lobban". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Amanda F. Lobban, RMC
Municipal Clerk

BOROUGH OF HAMBURG

RESOLUTION 2016-35

RESOLUTION OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX AND STATE OF NEW JERSEY OPPOSING THE STATE LEGISLATURE'S GAS TAX OF \$0.23 PER GALLON

WHEREAS, the Mayor and Council have discussed the State Legislature's and Governor's proposal to increase the gas tax by \$0.23 per gallon; and

WHEREAS, the Mayor and Council recognize that Sussex County has over 40,000 commuter trips from the County's residents that extend throughout the State of New Jersey; and

WHEREAS, these commuters will likely expend in excess of \$300 per year as a direct result of the \$0.23 per gallon gas tax proposed by the Governor and the certain State Legislators; and

WHEREAS, the Mayor and Council believe that based on the geographic location of Sussex County, this tax will provide an inequity to the residents of Sussex County in that these commutes to Morris, Passaic, Essex and Bergen Counties will be more costly and cause a financial hardship to the residents of Sussex County; and

WHEREAS, the governing body discussed the overall economic hardships that this gas tax, as well as the deprivation of municipalities receiving the energy tax receipts which have been retained by the State of New Jersey as opposed to being provided to local governments, has resulted in a tax burden that is harmful to the overall quality of life of the residents of the Borough of Hamburg and Sussex County; and

WHEREAS, the Mayor and Council hereby demand that our local legislators recognize the inequity of a gas tax that is exacerbated by the fact that residents of Sussex County will pay even more than average \$300 per year in additional taxes to the State of New Jersey if in fact this is approved.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hamburg, County of Sussex and State of New Jersey that the governing body of the Borough of Hamburg vigorously opposes, objects and urges our State Legislative representatives to oppose this \$0.23 gas tax.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Borough's local legislators and all Sussex County Municipalities urging to take action to oppose the legislation on behalf of Sussex County residents.

This Resolution shall take effect immediately.

Certification

I hereby certify the forgoing a true and exact copy of a resolution adopted by the Mayor and Council of the Borough of Hamburg at their regular meeting of July 6th, 2016.


Doreen Schott RMC, Borough Clerk

R #2016-99

RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY OPPOSING THE STATE LEGISLATURE'S GAS TAX OF \$0.23 PER GALLON

WHEREAS, the Mayor and Township Committee have discussed the State Legislature's and Governor's proposal to increase the gas tax by \$0.23 per gallon; and

WHEREAS, the Mayor and Township Committee recognize that Sussex County has over 40,000 commuter trips from the County's residents that extend throughout the State of New Jersey; and

WHEREAS, these commuters will likely expend in excess of \$300 per year as a direct result of the \$0.23 per gallon gas tax proposed by the Governor and the certain State Legislators; and

WHEREAS, the Mayor and Township Committee believe that based on the geographic location of Sussex County, this tax will provide an inequity to the residents of Sussex County in that these commutes to Morris, Passaic, Essex and Bergen Counties will be more costly and cause a financial hardship to the residents of Sussex County; and

WHEREAS, the governing body discussed the overall economic hardships that this gas tax, as well as the deprivation of municipalities receiving the energy tax receipts which have been retained by the State of New Jersey as opposed to being provided to local governments, has resulted in a tax burden that is harmful to the overall quality of life of the residents of Andover Township and Sussex County; and

WHEREAS, the Mayor and Township Committee hereby demand that our local legislators recognize the inequity of a gas tax that is exacerbated by the fact that residents of Sussex County will pay even more than the average \$300 per year in additional taxes to the State of New Jersey if in fact this is approved.

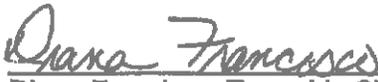
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Andover, County of Sussex and State of New Jersey that the governing body of the

Township of Andover vigorously opposes, objects and urges our State Legislative representatives to oppose this \$0.23 gas tax.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Township's local legislators and all Sussex County Municipalities urging to take action to oppose this legislation on behalf of Sussex County residents.

This Resolution shall take effect immediately.

Adopted:



Diana Francisco, Township Clerk/Administrator



Dolores Blackburn, Mayor

MONTAGUE TOWNSHIP

RESOLUTION 2016-58

RESOLUTION OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX AND STATE OF NEW JERSEY OPPOSING THE STATE LEGISLATURE'S GAS TAX OF \$0.23 PER GALLON

WHEREAS, the Mayor and Township Committee have discussed the State Legislature's and Governor's proposal to increase the gas tax by \$0.23 per gallon; and

WHEREAS, the Mayor and Township Committee recognize that Sussex County has over 40,000 commuter trips from the County's residents that extend throughout the State of New Jersey; and

WHEREAS, these commuters will likely expend in excess of \$300 per year as a direct result of the \$0.23 per gallon gas tax proposed by the Governor and certain State Legislators; and

WHEREAS, the Mayor and Township Committee believe that based on the geographic location of Sussex County, this tax will provide an inequity to the residents of Sussex County in that these commutes to Morris, Passaic, Essex and Bergen Counties will be more costly and cause a financial hardship to the residents of Sussex County; and

WHEREAS, the governing body discussed the overall economic hardships that this gas tax, as well as the deprivation of municipalities receiving the energy tax receipts which have been retained by the State of New Jersey as opposed to being provided to local governments, has resulted in a tax burden that is harmful to the overall quality of life of the residents of Montague Township and Sussex County; and

WHEREAS, the Mayor and Township Committee hereby demand that our local legislators recognize the inequity of a gas tax that is exacerbated by the fact that residents of Sussex County will pay even more than the average \$300 per year in additional taxes to the State of New Jersey if in fact this is approved.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Montague, County of Sussex and State of New Jersey, that the governing body of the Township of Montague vigorously opposes, objects and urges our State Legislative representatives to oppose this \$0.23 gas tax.

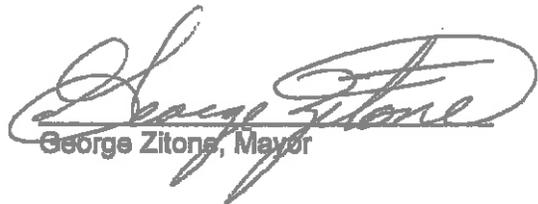
BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Governor of the State of New Jersey, the Township's local legislators and all Sussex County Municipalities urging to take action to oppose this legislation on behalf of Sussex County residents.

This Resolution shall take effect immediately.

Adopted: July 12, 2016

ATTEST:


Eileen DeFabis
Montague Township Clerk


George Zitone, Mayor

Upon roll call, the vote was recorded as follows:

Committeeman Barbagallo:	aye	Committeeman Innella:	absent
Committeeman Brislin:	aye	Mayor Zitone:	aye
Committeewoman Crawford:	aye		

TOWNSHIP OF VERNON

RESOLUTION 16-154

**RESOLUTION TO SUPPORT SUSSEX COUNTY C.L.E.A.R PROGRAM-
COMMUNITY LAW ENFORCEMENT ADDICTION RECOVERY**

WHEREAS, it is well-established that drug use and addiction is a major problem that impacts all of us on multiple levels; individuals, families and communities bear the many ill- effects that it has on our safety, health and the economy; and

WHEREAS, the alarming reality of the heroin/opiate epidemic, in particular, has created an urgent need to work together to reverse these trends; and

WHEREAS, one in three people are affected by substance use disorders, no matter their occupation, income level, race or community status; and

WHEREAS, in 2015 there were 25 overdose deaths in Sussex County due to heroin, prescription medications and illicit substances, as well as 44 overdoses where Narcan was used to revive a person; and

WHEREAS, we recognize that for any anti-drug program to be effective, strong enforcement must be supported by an effort to reduce the demand for illegal substances and this is best accomplished through continued prevention education along with improved access to treatment and recovery support;

NOW, THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon, that we do hereby resolve our community's support of the Sussex County C.L.E.A.R. — Community Law Enforcement Addiction Recovery program, whose mission it is to form a collaborative network of professionals in our community who will facilitate medical intervention, improved access to treatment and recovery support for those struggling with drug addiction who seek assistance, without fear of arrest or prosecution, in order to make a positive difference in the quality of life for individuals, families and our entire community; and

BE IT FURTHER RESOLVED, that the Council of the Township of Vernon urges other Sussex County Municipalities to similarly adopt resolutions in support of the Sussex County C.L.E.A.R Program and for individuals to visit www.clearnro2ram.org to learn more and join in support of this important community program.

VERNON TOWNSHIP COUNCIL

NAME	YES	NO	ABSTAIN	ABSENT
Murphy, J	X			
Ooms, S	X			
Rizzuto, P	X			
Wetzel, D	X			
Kadish, D	X			

CERTIFICATION

I hereby certify that this is a true copy of the Resolution adopted by the Council of the Township of Vernon at their regular meeting held on June 13, 2016 at 7:30 pm in the Vernon Municipal Center.

Lauren Kirkman, RMC, CMR
Municipal Clerk



61 Spring Street, Newton, NJ 07860 (P) 973-383-4787 (F) 973- 383-6576
Email: info@centerforprevention.org Website: www.centerforprevention.org

"For more than 40 years dedicated to building healthy families and communities."

June 22, 2016

Dear Mayor Little and Members of the Sussex Town Council,

Once again, we would like to thank you for the opportunity to present on the Underage Drinking Ordinance at the Sussex Town Council meeting on June 21st. To review:

- Current research confirms the human brain continues to develop to the age of twenty-five.
- Exposure to alcohol (or other drugs) during adolescence can interfere with brain development that controls organizing, planning, decision making, memory and learning.
- Youth who start drinking alcohol before fifteen years old are five times more likely to become dependent on alcohol than those who delay drinking until the legal age of twenty-one.
- Young people today often consume alcohol with the intent of binge drinking which puts them at greater risk for alcohol poisoning.
- 67% of youth who begin drinking alcohol at the age of 15 will try at least one illicit drug

As we stated, there is no magic formula to prevent underage drinking, but there are many proven strategies that help like having clear and consistent messages from adults about underage drinking. Adopting the Underage Drinking Ordinance, which holds youth accountable for underage drinking on private property is an effective prevention tool.

As discussed by County Prosecutor, Francis Koch, the ordinance can be modified by municipalities to include community service as a consequence as opposed to a loss or delay of a driver's license. He also stated that the adoption of the Underage Drinking Ordinance supports law enforcement and community leader's efforts to prevent underage drinking but it does not infringe on a homeowner's right to privacy as officers still need probable cause to enter a private residence. We hope this information will be helpful to the town council when considering the adoption of the Underage Drinking Ordinance. Please do not hesitate to call our office if you have any questions or concerns.

Sincerely,

Tina Aue and Elise McGaughran
Coalition for Healthy and Safe Communities
The Center for Prevention and Counseling, Newton, NJ 07860



NEW JERSEY LEGISLATURE

LEGISLATIVE OFFICES
24TH DISTRICT
SUSSEX - WARREN - MORRIS

STEVEN V. OROHO
SENATOR
SenOroho@njleg.org

PARKER SPACE
ASSEMBLYMAN
AsmSpaces@njleg.org

GAIL PHOEBUS
ASSEMBLYWOMAN
AswPhoebus@njleg.org

SUSSEX BOROUGH
RECEIVED

JUL 11 '16

BY

ONE WILSON DRIVE, SUITE 2B
SPARTA, NJ 07871
(973) 300-0200
FAX (973) 300-1744

1001 ROUTE 517
PO BOX 184
ALLAMUCHY, NJ 07820
(908) 441-6343
FAX: (908) 441-6289

From: Senator Steve Oroho and the LD24 Office
To: Municipal Elected Officials, Town Administrators, County Freeholders,
County Administrators, and other interested parties.
Subject: Meeting to discuss the spending side of TTF and ways to control costs and become
more efficient in the use of taxpayers' money

Date & Time: Wednesday, July 27, 2016, 6 – 8 pm

Location: Lafayette House

Fellow Elected Officials/Administrators:

There are two parts to maintaining our roads and bridges. The first has to do with funding and where we get the money from to pay for road and bridge repairs and upgrades. The second looks at the spending side and attempts to find ways to reduce costs, waste, and inefficiencies.

Last week, Republican Governor Chris Christie and Democrat Assembly Speaker Vincent Prieto worked out a compromise that passed the Assembly but has not been taken up by the Senate. Meanwhile, the Transportation Trust Fund (TTF) is facing bankruptcy and the Governor has essentially halted all road and bridge projects that rely on money from the TTF. We are in a kind of limbo until some further compromise can be worked out.

This presents an opportunity to focus on the second part to maintaining our roads and bridges. We've often heard from constituents -- average citizens, business owners, municipal and county officials -- about their experiences with the process that goes into maintaining the infrastructure. Streamlining and reforming the local aid process will go a long way to improve the quality of life here and save money. This aid is a form of property tax relief, and we all want our counties and municipalities to receive everything they are due.

In June, my colleagues and I tried to organize a meeting to bring you all together to explore ways in which we could improve the efficiency and cut costs in the areas of bidding, regulations, project management, and oversight. Unfortunately, only four of the 24 municipalities in Sussex

County agreed to send representatives and only two of the remaining 12 towns in Warren and Morris Counties. We had to cancel the meeting for lack of interest.

That was unfortunate, because we had invited experts from academia, the New Jersey Department of Transportation, engineering professionals, and others to this meeting. We even invited a representative from the Reason Foundation but they could not be bothered to send a representative.

The meeting has been rescheduled to Wednesday, July 27th, from 6 to 8 PM at the Lafayette House, Routes 15 and 94 in Lafayette. It will be a working meeting and closed to the media. This is not a venue for political speeches or to discuss what is happening at the State House at this moment, but rather it is a forum for you to tell your experiences and provide insight into the process. You will be asked to get involved in specific ways to make the process better. We need your input and action. I want to hear your past experiences, the good, the bad, and the ugly, and any ideas for reform you have.

From this meeting, legislation may be drafted and carried forward.

To RSVP, please call 973-300-0200 or email JSpatola@njleg.org

It is important to have at least one representative from each community in LD24. For those who want to participate but cannot attend, please write to us at either our District Office in Sparta or Allamuchy or contact us to set up a meeting.

Thank you and thank you for your service to your communities.



**New Jersey State League
of Municipalities**

222 West State Street, Trenton, New Jersey 08608
PHONE (609) 695-3481 • FAX (609) 695-0151
EMAIL league@njslom.org • www.njslom.org

Michael J. Darcy, CAE, EXECUTIVE DIRECTOR

Michael F. Cerra, ASSISTANT EXECUTIVE DIRECTOR

June 23, 2016

**RE: 19TH ANNUAL ELECTED
OFFICIALS HALL OF FAME**

Dear Mayor and Governing Body Members,

In recognition of the many municipal governing body members who are selflessly serving for twenty or more years, the League of Municipalities is pleased to once again accept nominations for the Elected Officials Hall of Fame. www.njslom.org/hallelec_cover.html.

This special honor is reserved for those governing body members, active and retired, who have served twenty years in elected municipal office. As you know, these special elected officials have governed their municipalities for lengthy tenures, guiding their communities through the good times and troubled times, with little recognition.

The Elected Officials Hall of Fame will shine a light on these pillars in our communities and hold them up as an example of civic pride for all citizens to emulate.

In a special ceremony in February, 2017, during the Mayors Legislative Day at the State House, there will be a presentation to these special elected municipal officials. They will be inducted into the Elected Officials Hall of Fame and their picture will appear in the League magazine, *New Jersey Municipalities*.

If you know of any elected municipal officials, not currently in the Elected Officials Hall of Fame, who have served at least twenty years in elected municipal office, please use the attached form to nominate them for this special recognition. The form may be copied if you want to make several nominations. Please mail the form(s) back to League office by December 1, 2016 so they may be included in the ceremony. Confirmations will be mailed to the nominees in January, 2017.

You may view a full list of all Hall of Fame inductees at the League Website www.njslom.org/hallfame.html. If you have any questions, contact the League's Executive Director, Michael Darcy at extension 116.

Thank you for helping to identify these elected municipal officials for special recognition.

Very truly yours,

President, League of Municipalities;
Mayor, West Caldwell Township

JT/sd

Enclosure

cc: Municipal Clerk - Please forward to your governing body members

◆ **ELECTED OFFICIALS HALL OF FAME** ◆

CONFIRMATION OF NOMINATION WILL BE MAILED TO
THE NOMINEE IN JANUARY, 2017

2017 NOMINATION FORM

Official's Name: _____ Title: _____

Check One: Active _____ Retired _____ Deceased _____

Municipality: _____

Address: _____

Phone Number: () _____

**ENTER DATES IN OFFICE AS MAYOR OR MEMBER OF THE GOVERNING BODY
MUST TOTAL 20 YEARS (USE BACK IF NEEDED):**



Name of Individual Completing Form:

Date Form Completed: _____

Phone Number: () _____

Fax Number: () _____ E-Mail _____



New Jersey State League
of Municipalities

PLEASE MAIL THIS FORM TO:

NJ League of Municipalities
222 West State Street
Trenton, New Jersey 08608

Or e-mail to: sdelany@nislom.org

PLEASE KEEP A COPY FOR YOUR RECORDS

MONTHLY CLERK'S RECEIPTS

	Marriage Certificate	Solicitation Permits	Burial Permit	Death Certificate	Road Opening	Parking	Food Licenses	Copies	Leaf Bags	Raffle Licenses	Liquor Licenses	Marriage License	Marriage License State Fee	Birth Certificate	Monthly Totals
January	\$ -	\$ -	\$ -	\$ 640.00	\$ -	\$ 2,325.00	\$ 600.00	\$ -	\$ -	\$ -	\$ -	\$ 3.00	\$ 25.00	\$ 50.00	\$ 3,643.00
February	\$ 40.00	\$ -	\$ -	\$ 910.00	\$ 150.00	\$ 150.00	\$ 100.00	\$ 0.55	\$ -	\$ 40.00	\$ -	\$ -	\$ -	\$ 160.00	\$ 1,550.55
March	\$ 20.00	\$ -	\$ -	\$ 630.00	\$ 300.00	\$ 200.00	\$ -	\$ -	\$ -	\$ 180.00	\$ -	\$ -	\$ -	\$ 70.00	\$ 1,400.00
April	\$ 20.00	\$ -	\$ -	\$ 660.00	\$ -	\$ 200.00	\$ 50.00	\$ 1.38	\$ -	\$ -	\$ -	\$ 3.00	\$ 25.00	\$ 60.00	\$ 1,019.38
May	\$ -	\$ -	\$ -	\$ 960.00	\$ 300.00	\$ 75.00	\$ -	\$ 1.70	\$ -	\$ -	\$ 3,200.00	\$ 3.00	\$ 25.00	\$ 70.00	\$ 4,634.70
June	\$ -	\$ -	\$ -	\$ 1,160.00	\$ -	\$ 1,285.00	\$ -	\$ -	\$ -	\$ 40.00	\$ 1,200.00	\$ -	\$ -	\$ 20.00	\$ 3,705.00
July	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
August	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
September	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
October	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
November	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
December	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals	\$ 80.00	\$ -	\$ -	\$ 4,960.00	\$ 750.00	\$ 4,235.00	\$ 750.00	\$ 3.63	\$ -	\$ 260.00	\$ 4,400.00	\$ 9.00	\$ 75.00	\$ 430.00	

Grand Total For Year	\$ 15,952.63
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Respectfully Submitted,



Colleen Little, CMR

Cash Book Full Listing

Ordance

0

Cash Book Date : 06/30/16

Page 2

Thu Jun 30 16:19:56 2016

Dep #	Date	Paid By	Id Num	Block	Lot	Qual	Prior	Currnt	Pre-Paid	Interest	Other	Mode	Total
Description		Month To Date		Year To Date									

Current Year Collected :		0.00		0.00									
Pre Payments Collected :		0.00		0.00									
Interest Collected :		0.00		0.00									
RAFFLE LIC :		40.00		40.00									
PARKING PER :		1285.00		1285.00									
LIQUOR LIC :		1200.00		1200.00									
DEATH CERT :		1160.00		1160.00									
BIRTH CERT. :		20.00		20.00									
Account Totals :		3705.00		20.00									

SUSSEX BOROUGH TAX COLLECTOR

Tue Jul 5 11:56:58 EDT 2016

Description	Month To Date	Year To Date	Account
Tax Search	0.00	0.00	01400104
Twp Lien	47,497.80	47,497.80	01400104
Dup Bill	0.00	0.00	01400104
Tax Lien	8,202.38	45,992.90	01400104
Lieu Tax	0.00	0.00	01400104
Unallocated	0.00	0.00	01400104
Sc Dis	0.00	0.00	01400104
Miscellaneous	0.00	0.00	01400104
REC FEE	0.00	0.00	01400104
RETURN CHECK	0.00	0.00	01400104
MCKAY	0.00	0.00	01400104
2013 Taxes	0.00	413.36	
2014 Taxes	0.00	577.77	
2015 Taxes	2,513.91	68,212.94	
Prior Year Taxes	2,513.91	69,204.07	01400104
Current Year Taxes	45,145.34	1,641,102.59 ✓	01400104
Prepaid Taxes 2017	0.00	0.00	01400104
Interest	6,763.72	13,527.71	01400104
General Account Totals	<u>110,123.15</u>	<u>1,817,325.07</u>	
PREMIUM	0.00	0.00	
CANCEL CERT	0.00	0.00	
Totals for All Accounts	<u>110,123.15</u> ✓	<u>1,817,325.07</u>	

*Respectfully Submitted
Melissa Cator*

Tue Jul 5 11:58:26 EDT 2016

THIS IS NOT AN AUDIT REPORT DO NOT GIVE
TO AUDITORS

SUSSEX BOROUGH TAX COLLECTOR
Collector's Percentage Collected to 7/01/16

Quarter 1 Taxes Due	:	930,715.11
Quarter 1 Adjustments	:	0.00
Quarter 1 Taxes Paid	:	901,698.88-
Quarter 1 Open Balance	:	29,016.23
Quarter 1 Collection Rate	:	96.88237%

Quarter 2 Taxes Due	:	930,712.25
Quarter 2 Adjustments	:	49,833.33-
Quarter 2 Taxes Paid	:	837,963.09-
Quarter 2 Open Balance	:	42,915.83
Quarter 2 Collection Rate	:	95.38893%

Quarter 3 Taxes Due	:	0.00
Quarter 3 Adjustments	:	0.00
Quarter 3 Taxes Paid	:	0.00
Quarter 3 Open Balance	:	0.00
Quarter 3 Collection Rate	:	0.00000

Quarter 4 Taxes Due (Inc A/O)	:	0.00
Quarter 4 Adjustments (Inc A/O)	:	0.00
Quarter 4 Taxes Paid (Inc A/O)	:	6,204.71-
Quarter 4 Open Balance (Inc A/O)	:	6,204.71-
Quarter 4 Collection Rate (Inc A/O)	:	0.00000

Total Tax Due	:	1,873,927.36
Total A/O Due	:	0.00
Total Deductions	:	12,500.00-

Total Net Tax Due	:	1,861,427.36	
Total Tax Paid	:	1,745,866.68-	
Total A/O Paid	:	0.00	
Total Over Paid	:	6,204.71	
Total Adjustments	:	49,833.33-	
Total Percent Balance:	71,932.06	Collection Rate :	93.45849%
Total Percent Balance:	71,932.06	Rate Inc Home Benifit:	96.13565%

Transfer to O/P Rec	:	0.00
Total Open Balance	:	71,932.06

Total Interest Paid	:	3,008.31
Total A/O Int Paid	:	0.00

Month	Current Year	Add/Omit	Cash Book	Difference	OP Applied	Disallow	Allow	Appeals	Trans O/P	Remit	Home Ben
Pre Pay	42,694.41	0.00	0.00	42,694.41							
January	278,676.34	0.00	278,676.34	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
February	549,162.99	0.00	549,162.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
March	37,042.96	0.00	37,042.96	0.00	61,391.88	0.00	0.00	0.00	0.00	0.00	0.00
April	213,133.25	0.00	213,133.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
May	517,941.71	0.00	517,941.71	0.00	0.00	0.00	0.00	0.00	0.00	0.00	49,833.33
June	45,145.34	0.00	45,145.34	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
July	677.80	0.00	0.00	677.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00
August	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
September	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
October	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
November	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
December	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Totals	1,684,474.80	0.00	1,641,102.59	43,372.21	61,391.88	0.00	0.00	0.00	0.00	0.00	49,833.33
Less Pre	1,641,780.39	0.00	1,641,102.59	677.80							

OFFICE OF CONSTRUCTION OFFICIAL

Construction Permit Activity Report

RANGE: 06/01/2016 To 06/30/2016

July 01 , 2016 10:22:04AM

SUMMARY

CONSTRUCTION COSTS

COUNT

Cost Of Construction:	\$6,500.00	Cubic Footage:	820 Cu.ft	Permit Issued:	8
Cost Of Alteration:	\$65,410.00	Square Footage:	82 Sq.ft	Updates Issued:	1
Cost Of Demolition:	\$0.00			All Fees Waived:	3
Total Cost:	\$71,910.00			Municipal Fees Waived:	0

PERMIT FEES

ADMIN FEES

WAIVED FEES

TOTAL FEES

Building:	\$686.00	Building:	\$0.00	Building:	\$164.00	Building Fees:	\$522.00
Electrical:	\$110.00	Electrical:	\$0.00	Electrical:	\$110.00	Electrical Fees:	\$0.00
Fire :	\$0.00	Fire :	\$0.00	Fire :	\$0.00	Fire Fees:	\$0.00
Plumbing:	\$0.00	Plumbing:	\$0.00	Plumbing:	\$0.00	Plumbing Fees:	\$0.00
Elevator:	\$0.00	Elevator:	\$0.00	Elevator:	\$0.00	Elevator Fees:	\$0.00
Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$0.00
				* Total Waived:	\$274.00	Technical Fees:	\$522.00

DCA

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$3.00	\$0.00	\$3.00
Alteration Training Fee:	\$124.00	\$51.00	\$73.00
DCA Minimum Fee:	0.00	0.00	0.00
Sub total Training Fee:	\$127.00	\$51.00	\$76.00

TECHNICAL ISSUES

Building Technical:	8
Electrical Technical:	2
Fire Protection Technical:	
Plumbing Technical:	
Elevator Technical:	
Mechanical Technical:	

Certificate of Occupancy Fee:	\$100.00
Waived Certificate Fees:	\$0.00
Sub Total Certificate Fees:	\$100.00

CERTIFICATE ISSUES

Certificate of Occupancy:	0
Certificate of Approval:	7
Certificate of Continued Occupancy:	0

PERMIT FEES:	\$522.00
DCA FEES:	\$76.00
CERTIFICATE FEES:	\$100.00
NET TOTAL FEES:	\$698.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$0.00
OTHER FEES:	\$0.00
GRAND TOTAL FEES:	\$698.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Activity Trend

July 01, 2016 10:24:28AM

The following figures compare the construction activity for the selected time period with two previous totals. They are:
 Monthly : Previous month and same month, previous year.
 Quarterly : Previous quarter and same quarter, previous year
 Yearly : Previous year and two years prior, i.e. 1997: 1996/1995

FIGURES

	June, 2016	May, 2016	June, 2015
Building:	686.00	1,228.00	2,235.00
Electric:	110.00	1,015.00	735.00
Fire Protection:	0.00	110.00	165.00
Plumbing:	0.00	604.00	723.00
Elevator:	0.00	0.00	0.00
Mechanical:	0.00	95.00	0.00
Admn Fee:	0.00	0.00	0.00
DCA Vol Fee:	3.00	0.00	179.00
DCA Alt Fee:	124.00	166.00	32.00
DCA Min Fee:	0.00	0.00	2.00
C of O Fee:	100.00	125.00	50.00
Total Fees:	698.00	3,343.00	4,121.00
Waived Fees:	325.00	0.00	0.00
Total Costs:	71,910.00	86,700.00	187,984.00
Permit Count:	8.00	13.00	10.00
Update Count:	1.00	1.00	1.00

PERCENTAGES

	Last Month	Last Year
Percent costs [Up/Down]:	-17.06 %	61.75 %
Percent Fees[Up/Down]:	-378.94 %	83.06 %

Completed Inspections For All Subcodes

Range From 06/01/2016 To 06/30/2016

July 01, 2016 10:25:07AM

Permit Number	Block	Lot	Qual	Owner Name	Address	Type1	R1	Type2	R2	Type3	R3
Call Date	Request Date	Inspected Date									

Inspection Summary

	Totals	Percentage	Key:
Inspections Scheduled:	<u>23</u>		P - Pass
Inspections Passed:	<u>22</u>	<u>95.65</u>	F - Fail
Inspections Failed:	<u></u>	<u></u>	C - Cancel
Inspections Cancelled:	<u></u>	<u></u>	X - Not Ready
Inspections Not Done:	<u>1</u>	<u>4.35</u>	N - Not Done
Inspections Not Ready:	<u></u>	<u></u>	



Borough of Sussex
June 2016 Grant Report
Prepared by: Bruno Associates, Inc.

Grant Work:

USDA Water and Waste Disposal Loans and Grants Program

This project now has two components:

- 1) Water Meter Replacement – Cost \$400,000
- 2) Replace 3 Sewer Force Main sections – Cost \$400,000

Received notification from USDA on May 27th that they are offering a package grant/loan/contribution to Sussex. Of the \$800,000 application amount, the grant is \$360,000, the loan is \$240,000 at 2.25%, and the Sussex contribution is \$200,000.

H2Loan Projects - Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF)

This project has five components:

- 1) Water Meter Replacement – Cost \$400,000 (DWSRF)
- 2) Water Line at the Double S Diner bridge – Cost \$150,000 (DWSRF)
- 3) Replace 3 Sewer Force Main sections – Cost \$400,000 (CWSRF)
- 4) Water Transmission Valves – Cost \$32,000 (DWSRF)
- 5) Replace 6 +/- Valves in the Distribution System – Cost \$24,000 (DWSRF)

Total cost is \$1,006,000.

Wrote to H2Loans to let them know that Sussex was successful with their USDA application and to ask what affect that will have on the H2Loan application in process.

Preliminary feedback calls for them to reduce the application by \$800,000 due to the USDA award. In addition, the \$150,000 Water Line component is being dropped from consideration because it serves no customers presently. That leaves \$56,000 for valves. We may want to drop out of consideration for this small amount due to the closing costs estimated to be up to \$20,000. H2Loans is currently reviewing our application and will provide comments for action.

Small Cities CDBG

This is the \$400,000 grant awarded in December 2015.

Inquired about the status of the ERR and EA. They had been promised on June 15th. Had a discussion with Chris Adams of Civil Dynamics.

NJDOT Municipal Aid

The grant will be announced again in September 2016. Linden Street will be considered at that time. Reached out to Sussex concerning the need for cost estimates and pictures for the new Municipal Aid application.

Funding Opportunities

Sewer Main Repairs – Local Aid Infrastructure Fund

This program funds emergency infrastructure improvements. There is no limit to the request for funds and no match required. The only requirement is that the project must be an emergency. If Sussex can determine that the repairs to the sewer mains that seem to be recurring are of an emergency nature, we can apply for funding to repair the sewer mains. Do not include the areas that were in our applications for funding previously at the 3 locations.

Small Cities CDBG

Prepared for the Small Cities CDBG Workshop.

Attended the Small Cities CDBG Workshop in Trenton on June 29th. The application period opens on July 1st. The application is due on September 9th.

This is the same program that provided funded of \$400,000 for Lake Rutherford Dam repairs. I anticipate applying for another \$400,000 from this fund for the new water line installation from the Lake Rutherford Dam to the Sussex Borough Water Treatment Facility.

NJEIT / DEP Joint Financing Program

This loan program is the same that Sussex applied for in 2015 which contained 5 components. The final disposition of that application is pending.

Sussex may consider applying for loan funds for their water and sewer improvement projects that are currently in the planning stages. The change to the process is that loan application documents can now be submitted at any time throughout the calendar year for the New Jersey Environmental Infrastructure Financing Program (NJEIFP) through the H2Loans online application system.

**Sussex Borough
Cash Report for June 2016**

Cash Balances as of May 31, 2016	\$1,360,764.54
Cash Receipts for June 2016	<u>\$196,410.88</u>
Total	\$1,557,175.42
Cash Disbursements for June 2016	<u>\$381,650.97</u>
Cash Balances as of June 30, 2016	<u><u>\$1,175,524.45</u></u>

Account Balances as of June 30, 2016	
Current - Checking	\$448,737.16
Capital - Checking	\$89,004.05
Water Department - Checking	\$309,171.65
Water/Sewer Capital Fund	\$248,441.97
Other Trust Fund	\$69,159.12
Animal Control Fund	<u>\$11,010.50</u>
Total Account Balances	<u><u>\$1,175,524.45</u></u>

Gail D Magura

Gail D Magura, CFO

July 14, 2016

SUSSEX BOROUGH RECEIVED

JUN 27 '16

BY

Borough of Sussex
2 Main Street, Sussex, New Jersey 07461
(973) 875-4831

APPLICATION FOR USE OF BOROUGH FACILITIES

ORGANIZATION: Sussex WANTAGE Little League
AUTHORIZED CONTACT PERSON: DARRYL WUHL
MAILING ADDRESS: P.O. Box 475, Sussex NJ 07461
TELEPHONE: 973-875-7574
E-MAIL ADDRESS darrylws1@centurylink.net FAX: _____

DATE (S) REQUESTED: Aug 15 - Nov 15 TIMES OF DAY (HOURS): 10am - 9pm

PLAYING FIELDS, AREAS, OR LOCATIONS BEING REQUESTED FOR USE:

- Brookside Park
- Boggs Field.
- Use of the Main Meeting Room, Municipal Building, 2 Main Street
- Other (Please Specify): _____

WILL YOU BE CHARGING ADMISSION FOR THIS EVENT? YES NO

IF YES, HOW MUCH? \$ _____ IF YES, THE PROCEEDS WILL BENEFIT _____

Applicant is required to maintain, in addition to any insurance required by law, comprehensive liability insurance in an amount not less than \$1,000,000 per occurrence. The Borough of Sussex must be named as an additional insured on this policy. A certificate of insurance as described must be provided before the facility is used. Failure to enforce the required production of the certificate will not void applicant's obligation to provide the insurance as aforesaid. In addition, by making this application applicant agrees, that should this application be granted, applicant will indemnify, hold harmless, and defend the Borough of Sussex against any and all demands, claims, damages, fees, costs and liabilities with respect to applicants use of the facility, of any kind to the fullest extent permitted by law.

Applicant signifies that he/she has read and will abide by the rules governing the use or the facilities and grounds outlined in this application and the attached permit policy of the Recreation Committee. The signatures below represent acceptance of these regulations, and an agreement to abide by them.

Print Name: DARRYL WUHL Signature: [Signature] Date: 6/27/2016

Cash Bond Deposit Yes No Amount \$ _____



RESERVED FOR USE BY BOROUGH OFFICIALS

APPROVED ON _____ BY: _____

List of Bills - CLEARING ACCOUNT - Sussex

Check#	Vendor	Description	Payment	Check Total
13101	1675 - Action Data Services	PO 9574 Invoice #42037 - payroll period end	84.11	
		PO 9626 Invoice #42262	76.13	160.24
13102	1056 - Agnes Burns	PO 9261 Medicare Part B Payment	104.90	104.90
13103	1661 - Agra Environmental & Lab Services	PO 9536 Plant Filter Cleaning	6,575.00	
		PO 9617 Invoice # 43869 - July Licensed Ope	24,827.00	31,402.00
13104	1815 - American Wear	PO 9533 Account # 1650701	30.50	
		PO 9551 Account # 1650701	30.50	
		PO 9582 Account # 1650701	30.50	
		PO 9609 Account # 1650701	30.50	122.00
13105	1826 - Atlantic Switch & Generator	PO 9591 Quote #16-DP5825	2,402.00	2,402.00
13106	1174 - Bassani Power Equipment	PO 9547 chainsaw chains	355.85	355.85
13107	1077 - Beaver Run Farms	PO 9605 Invoice # 415074	48.26	48.26
13108	1096 - Bob & Bills Service	PO 9588 Invoice # 40006	175.00	175.00
13109	1797 - Brady & Correale, L.L.P.	PO 9569 Invoice # 23195	280.00	280.00
13110	1793 - Bruno Associates	PO 9589 Invoice # 2216 - July 2016 Grant Wr	600.00	
		PO 9589 Invoice # 2216 - July 2016 Grant Wr	2,400.00	3,000.00
13111	1401 - County of Sussex	PO 9575 #SB-F 2016 05 - May fuel charges fo	260.71	260.71
13112	1755 - Darren Maloney	PO 9563 2016 QPA Services	812.50	
		PO 9563 2016 QPA Services	312.50	1,125.00
13113	1180 - Treasurer, State of New Jersey	PO 9595 April-May-June Marriage License Fee	50.00	50.00
13114	1851 - Document Solutions	PO 9455 Purchase of Konica Minolta C368 cop	7,592.41	7,592.41
13115	1844 - Dorsey & Semrau	PO 9598 Invoice #11789 - Sass Muni v. Hardy	3,320.10	3,320.10
13116	1849 - E.A. Morse & Company, Inc.	PO 9443 Leaf Bags	380.00	380.00
13117	1061 - Elizabethtown Gas	PO 9625 Account #6245572601	45.14	45.14
13118	1828 - Envirosight	PO 9627 repair to sewer camera	433.70	433.70
13119	1789 - Equus	PO 9566 Web Quote ID 908277	1,312.05	1,312.05
13120	1148 - Ferraioli, Wielkocz, Cerullo & Cuva	PO 9600 2015 Audit Services	6,625.00	
		PO 9600 2015 Audit Services	5,125.00	11,750.00
13121	1847 - Fred Devans Construction	PO 9432 Proposal for Chemical Feed Area	4,300.00	4,300.00
13122	1857 - G & G Diesel Service, Inc.	PO 9546 radiator cap - generator repair	108.75	108.75
13123	1856 - Genova Burns Attorneys at Law	PO 9634 Invoice#313669	1,920.00	1,920.00
13124	1062 - Guarin & Vreeland Engineering, Inc.	PO 9593 Invoice WO#1019B - Simmons Escrow	120.00	
		PO 9594 Invoice WO#1019C - General Engineer	1,440.00	1,560.00
13125	1556 - Harold E. Pellow & Associates, Inc	PO 9636 Invoice # 62811 - general engineeri	688.00	688.00
13126	1720 - Hawkins, Delafield & Wood LLP	PO 9577 \$75,000 Bond Anticipation Note	4,006.08	4,006.08
13127	1736 - Houser Engineering, LLC	PO 9136 Public Wastewater Collection System	833.33	
		PO 9159 Proposal - Force Main Repair	3,400.00	
		PO 9224 Wantage Plaza Pump Station	600.00	
		PO 9628 Invoice # 16900587 - June water/sew	1,000.00	
		PO 9629 Invoice #1600588 - Utility Manager	5,000.00	10,833.33
13128	1063 - James L. Moore	PO 9262 Medicare Part B Payment	104.90	104.90
13129	1315 - Karen I. Moore	PO 9263 Medicare Part B Payment	104.90	104.90
13130	1105 - Kuiken Brothers Co. Inc	PO 9550 Account # 070009	28.41	
		PO 9581 Account # 070009	11.96	40.37
13131	1855 - Little Farm	PO 9521 2 picnic tabels for Clove Lake Beac	390.00	390.00
13132	1788 - McAfee Hardware Co., Inc	PO 9614 Account # 2128	38.95	38.95
13133	1745 - McGovern & Roseman, P.A.	PO 9616 June Retainer & Non-Retainer	2,621.34	2,621.34
13134	1154 - Montague Tool & Supply	PO 9604 Account # SUSBO	2,449.90	2,449.90
13135	1549 - Morris Asphalt Supply, Inc	PO 9555 Invoice # 16061043	66.04	
		PO 9590 Invoice # 160624114	130.78	196.82
13136	1134 - Municipal Clerks' Asso. of NJ, Inc.	PO 9596 2016 Municipal Clerk's Association	175.00	175.00
13137	1093 - New Jersey Herald	PO 9611 Account # ADV2413	582.00	582.00
13138	1139 - NJ Dept. of Health & Senior Srvcs	PO 9597 June Dog Report	41.40	41.40
13139	1727 - One Call Concepts	PO 9524 Invoice # 6055580	21.25	21.25
13140	1161 - R & R Pump Control	PO 9108 Repair quotation for Sewage Pump #2	1,106.20	1,106.20
13141	1478 - RER Supply, LLC	PO 9545 topsoil	170.50	170.50
13142	1763 - Route 23 Patio & Mason	PO 9535 Customer # 734	535.70	
		PO 9549 Customer # 734	26.00	
		PO 9612 Invoice # 94076	36.31	598.01
13143	1822 - Safe-Tech, Inc	PO 9500 Water Treatment Fire Panel Installa	200.00	200.00
13144	1198 - Staples Advantage	PO 9571 Customer # 1020388NYC	267.54	
		PO 9571 Customer # 1020388NYC	166.38	
		PO 9580 department supplies	127.50	561.42
13145	1184 - State of NJ _ FWT	PO 9630 April May June Consumption Tax	220.17	220.17
13146	1229 - Sussex County Board of Elections	PO 9552 2016 Primary Election Costs	194.13	194.13

List of Bills - CLEARING ACCOUNT - Sussex

Check#	Vendor	Description	Payment	Check Total
13147	1084 - Sussex County Municipal	PO 9554 Account # BSUS0001BS	112.65	112.65
13148	1084 - Sussex County Municipal	PO 9576 Account # BSUS0001BS	69.20	69.20
13149	1125 - Sussex Fire Department	PO 9266 2016 Monthly Payments	3,751.66	3,751.66
13150	1659 - Technical Components Co., Inc.	PO 9281 Quote # 16026MF - GearBox	1,785.00	1,785.00
13151	1830 - The ODB Company	PO 9469 Invoice # 008830	73.52	
		PO 9553 Customer # 0021641	527.49	601.01
13152	1233 - The Printing Center	PO 9556 Invoice # 19684U	711.04	711.04
13153	1601 - Township of Hardyston	PO 9090 Insurance costs	1,500.00	
		PO 9090 Insurance costs	1,100.00	
		PO 9091 Construction Department Fees	4,257.00	6,857.00
13154	1792 - Township Of Lafayette	PO 9562 2016 CFO Interlocal Agreement	5,100.00	5,100.00
13155	1358 - Tractor Supply Company	PO 9613 Account # 6035 3012 0283 0434	3.78	
		PO 9613 Account # 6035 3012 0283 0434	342.81	346.59
13156	1780 - US Bank Cust for PC4 Firstrust Bank	PO 9578 Redemption of Cert #14-09	8,202.38	8,202.38
13157	1780 - US Bank Cust for PC4 Firstrust Bank	PO 9579 Return of Premium for Cert #14-09	900.00	900.00
13158	1729 - USA Hoist Co., Inc.	PO 9602 Invoice # 25922 - July Contract Bil	210.00	210.00
13159	1207 - Wantage Township	PO 9249 2016 Tax Collector Interlocal (Janu	721.50	
		PO 9631 June Gasoline & Diesel	533.72	1,255.22
13160	1087 - Waste Management of New Jersey, Inc	PO 9637 Account # 100-0019730-0836-8	310.68	310.68
13161	1076 - Winter's Auto Supply	PO 9601 Account # 7498	548.59	
		PO 9601 Account # 7498	32.64	581.23
TOTAL				128,346.44

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-201-20-100-020	General Admin Other Expenses	1,912.94			
01-201-20-120-020	Elections Other Expenses	905.17			
01-201-20-130-020	Finance Administration Other Expenses	6,708.19			
01-201-20-145-020	Tax Collector Other Expenses	83.20			
01-201-20-155-020	Legal Services	2,621.34			
01-201-20-165-020	Engineering Other Expenses	688.00			
01-201-21-180-020	Planning Board Other Expenses	1,720.00			
01-201-23-220-020	Insurance Employee Group Insurance	314.70			
01-201-25-255-020	Volunteer Fire Company	3,751.66			
01-201-26-290-020	Streets & Roads Other Expenses	4,260.08			
01-201-26-305-020	Garbage & Trash Removal Other Expenses	310.68			
01-201-26-310-020	Building & Grounds Other Expenses	1,834.67			
01-201-26-320-000	CLOVE LAKE RESTORATION	438.26			
01-201-30-460-020	Gasoline and Fuel	794.43			
01-201-42-160-020	Interlocal Wantage Tax Collector	721.50			
01-201-44-907-000	Improvements to Municipal Property	8,904.46			
01-203-23-211-020	(2015) Insurance Other Insurance Premium		1,500.00		
01-203-42-195-021	(2015) Interlocal Construction Hardyston		4,257.00		
01-214-55-000-000	Due State Marriage			50.00	
01-260-05-100	Due To Clearing			0.00	41,776.28
TOTALS FOR	Current Fund	35,969.28	5,757.00	50.00	41,776.28
02-213-40-770-000	Appro St Gr Clean Communities Grant			380.00	
02-260-05-100	Due To Clearing			0.00	380.00
TOTALS FOR	State Grant Fund	0.00	0.00	380.00	380.00

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
03-260-05-100	Due To Clearing			0.00	9,863.78
03-280-56-851-000	Reserve For Planning Escrow Deposits			720.00	
03-290-56-851-000	Reserve For Tax Sale Premium			900.00	
03-292-56-851-000	Reserve For Outside Liens			8,202.38	
03-296-56-852-000	Due State Board Of Health			41.40	
TOTALS FOR	Trust Fund	0.00	0.00	9,863.78	9,863.78
08-216-55-990-000	Imp Auth Ord 2015-06 - Imp to W/S system			4,300.00	
08-260-05-100	Due To Clearing			0.00	4,300.00
TOTALS FOR	Water Sewer Capital Fund	0.00	0.00	4,300.00	4,300.00
09-201-55-502-020	Water Sewer Operat. OE Water	52,662.32			
09-201-55-503-020	Water Sewer Operat. OE Sewer	13,264.06			
09-201-55-504-002	W/Sr Operating S&W	5,000.00			
09-203-55-502-020	(2015) Water Sewer Operat. OE Water		550.00		
09-203-55-503-020	(2015) Water Sewer Operat. OE Sewer		550.00		
09-260-05-100	Due To Clearing			0.00	72,026.38
TOTALS FOR	Water Sewer Operating Fund	70,926.38	1,100.00	0.00	72,026.38

Total to be paid from Fund 01 Current Fund	41,776.28
Total to be paid from Fund 02 State Grant Fund	380.00
Total to be paid from Fund 03 Trust Fund	9,863.78
Total to be paid from Fund 08 Water Sewer Capital Fund	4,300.00
Total to be paid from Fund 09 Water Sewer Operating Fund	72,026.38

	128,346.44

Checks Previously Disbursed

70116	State of NJ Health Benefits	PO# 9584	July Health Insurance Retirees	2,113.37	7/08/2016
70116	State of NJ Health Benefits	PO# 9583	July Health Insurance	3,747.58	7/08/2016
13100	Waste Management of New Jersey, Inc	PO# 9587	Account # 100-0092080-0836-8	65.48	7/08/2016
13099	Jersey Central Power & Light	PO# 9599	Account # 100 071 921 595	4.64	7/08/2016
13098	Bank of America	PO# 9618	Account ending in 8363	362.84	7/08/2016
7012016	Depository Trust	PO# 9592	Bond Interest	74,106.25	7/01/2016
70116	Borough of Sussex Payroll		payroll w/e 6/25/16	12,902.72	7/01/2016
13097	Jersey Central Power & Light	PO# 9573	Account # 100 002 088 167	1,738.19	6/28/2016
13096	State of NJ _ PWT	PO# 9557	January - February - March Communi	117.89	6/28/2016
13095	Purchase Power	PO# 9568	Account # 800-9600-0264-0377	73.25	6/28/2016
13094	Jersey Central Power & Light	Multiple:	PO# 9558 PO# 9559 PO# 9572	2,400.43	6/28/2016
13093	CenturyLink	Multiple:	PO# 9560 PO# 9567	272.45	6/28/2016

				97,905.09	

Total paid from Fund 01 Current Fund

17,874.59

Summary By Account

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>CURRENT YR</u>	<u>APPROP. YEAR</u>	<u>NON-BUDGETARY</u>	<u>CREDIT</u>
	Total paid from Fund 02 State Grant Fund	400.00			
	Total paid from Fund 09 Water Sewer Operating Fund	79,630.50			
		<u>97,905.09</u>			

Total for this Bills List: 226,251.53

**REGULAR AGENDA
FOR THE MAYOR AND COUNCIL MEETING, BOROUGH
OF SUSSEX, HELD AT THE MUNICIPAL BUILDING, 2 MAIN STREET
SUSSEX, NEW JERSEY AT 7:30 P.M. ON
JULY 19, 2016**

- A. **Mayor Little** will call the meeting of **July 19, 2016** to order. Clerk will call the roll.
- B. **Mayor Little** will invite all present to salute the flag and to remain standing for a moment of silence.
- C. **Mayor Little** will state that "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."

D. APPROVAL OF AGENDA

A motion is in order to approve the agenda for July 19, 2016.

E. PRESENTATIONS:

Jake Little, Chief Sussex Fire Department will present an update of the fire apparatus purchase and the Sussex County Fireman's Parade.

Summary of Audit Report - At this time Municipal Auditor, Tom Ferry will present an overview of the 2015 Sussex Borough Audit Report

F. NEW BUSINESS:

1. **Resolution 2016-163R – Certification of the 2015 Annual Audit**

A motion is in order to adopt Resolution 2016-163R certifying the Sussex Borough Mayor and Council has reviewed the 2015 Audit Comments and Recommendations as required by N.J.A.C. 5:30-6.5 (Motion requested by Clerk)

- G. COMMITTEE REPORTS: **Mayor Little** will allow each member of the Council to present their respective committee reports.

H. ADMINISTRATORS REPORT

The Administrator/Clerk will offer his report.

- I. CONSENT AGENDA: **Mayor Little** will request 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. (**Mayor Little** will allow time for the Council to consider changes.)

After all persons have had an opportunity to review the consent agenda and offer requests for changes, **Mayor Little** will request a motion to approve the consent agenda.

- J. OPEN PUBLIC SESSION: **Mayor Little** will request 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 10 minutes.

After giving all persons present an opportunity to address the Governing Body, **Mayor Little** will request a motion to close the meeting to the public and return to the regular order of business.

K. OLD BUSINESS:

2. **Resolution 2016-156R – Customers Request Water/Sewer Adjustment**

A motion is in order to adopt Resolution 2016-156R approving the customer's request for a \$1,073.85 credit to be applied to their account. (Motion requested by Water/Sewer Customer)

- L. NEW BUSINESS: (Continued)

3. Approval of Meeting Minutes

A motion is in order to approve the meeting minutes of the Regular Meeting and Executive Session held on March 8, 2016. (Absent: Meyer)
(Motion requested by Clerk)

4. Approval of Meeting Minutes

A motion is in order to approve the meeting minutes of the Regular Meeting and Executive Session held on April 5, 2016. (Absent: None) (Motion requested by Clerk)

5. Approval of Meeting Minutes

A motion is in order to approve the meeting minutes of the Regular Meeting and Executive Session held on April 19, 2016. (Absent: None)
(Motion requested by Clerk)

6. Approval of Meeting Minutes

A motion is in order to approve the meeting minutes of the Regular Meeting and Executive Session held on June 21, 2016. (Absent: Meyer)
(Motion requested by Clerk)

7. Resolution 2016-158R – 2017 Small Cities CDBG Grant Application

A motion is in order to adopt Resolution 2016-158R authorizing the submission of a grant application to the New Jersey Department of Community Affairs for approximately \$400,000 to carry out a project to construct a water pipeline to Lake Rutherford. (Motion requested by Grant writer)

8. Resolution 2016-159R – Issuance of \$20,000 Bond Anticipation Notes

A motion is in order to adopt Resolution 2016-159R authorizing the issuance of not exceeding \$20,000 bond anticipation notes of the Borough of Sussex, County of Sussex, New Jersey (Motion requested by Bond Counsel)

9. Resolution 2016-160R – Authorizing Refunds

A motion is in order to adopt Resolution 2016-160R authorizing the refunds of \$8,202.38 to US Bank Cust for PC4 Firsttrust Bank for redemption of tax sale certificate # 14-09 and \$900.00 to US Bank Cust for PC4 Firsttrust Bank for return of premium paid for tax sale certificate #14-09
(Motion requested by Tax Collector)

10. Resolution 2016-161R – Property Maintenance Advisory Committee

A motion is in order to adopt Resolution 2016-161R approving the Mayor's additional appointment to the Property Maintenance Advisory Committee for the year 2016.
(Motion requested by Mayor)

11. Resolution 2016-162R – Dedication by Rider for Snow Removal Reserve

A motion is in order to adopt Resolution 2016-162R establishing a dedicated trust by rider for snow removal reserves pursuant to N.J.S.A. 40A:4-62.1.
(Motion requested by CFO)

12. Resolution 2016-165R – Customers Request Water/Sewer Adjustment

A motion is in order to adopt Resolution 2016-165R approving the customer's request for a \$52.92 credit to be applied to account number 3820.
(Motion requested by Water/Sewer Customer)

13. Resolution 2016-166R – National Childhood Cancer Awareness Month

A motion is in order to adopt Resolution 2016-166R proclaiming that September 2016 shall be known as Childhood Cancer Awareness Month in the Borough of Sussex. (Motion requested by Mayor)

14. Resolution 2016-167R – DPW Laborer & Clean Communities Worker

A motion is in order to adopt Resolution 2016-167R approving the hire of Kevin Babcock as a seasonal DPW Laborer and Clean Communities Worker for the Borough of Sussex working approximately 24 hours per week at a rate of \$10.00 per hour for the year 2016. (Motion requested by DPW Director)

15. Resolution 2016-168R – Cancellation of Taxes 3 East Main Street

A motion is in order to adopt Resolution 2016-168R authorizing the cancellation of taxes on 3 E Main St, Block 502 Lot 12 for the 2nd, 3rd & 4th Qtr 2016, in the amount of \$2,973.68 (Motion requested by Tax Collector)

16. Resolution 2016-169R – State League of Municipalities Conference

A motion is in order to adopt Resolution 2016-169R approving the expenditure of up to \$500.00 per person to attend the New Jersey State League of Municipalities Conference to be held in Atlantic City November 15, 16, 17, 2016. Eligible to attend are the Mayor, Councilmembers, and full time employees. (Motion requested by Clerk)

17. Resolution 2016-172R – Cancellation of Reserve Balances in Current Fund

A motion is in order to adopt Resolution 2016-172R authorizing the cancellation of reserve balances in current fund. (Motion requested by CFO)

18. Resolution 2016-173R – Cancellation of Capital Improvement Appropriations

A motion is in order to adopt Resolution 2016-173R authorizing the cancellation of General Capital Improvement Appropriations in the amount of \$1,162,524.25. (Motion requested by CFO)

19. Resolution 2016-174R – Honoring Eagle Scout

A motion is in order to adopt Resolution 2016-174R congratulating Joseph Mitchell for achieving the rank of Eagle Scout as a member of Boy Scout Troop 84. (Motion requested by Mayor)

20. Resolution 2016-175R – Third Quarter 2016 Water/Sewer Adjustments

A motion is in order to adopt Resolution 2016-175R approving the Water/Sewer Collector's adjustments for the third quarter 2016. (Motion requested by Water/Sewer Collector)

21. Adoption Ordinance 2016-09 – Cable TV Renewal

A motion is in order to adopt Ordinance 2016-09 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 requested by Clerk)

Before final roll call Mayor Little will open the meeting to the public for any questions or concerns regarding Ordinance #2016-09

22. Adoption Ordinance 2016-12 – Amend Chapter IV Section 4-1.7

A motion is in order to adopt Ordinance 2016-12 entitled "AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING SECTION 4-1.7, ENTITLED "REGULATIONS", OF CHAPTER IV, ENTITLED "GENERAL LICENSING", OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF SUSSEX"

(Motion requested by Clerk)

Before final roll call Mayor Little will open the meeting to the public for any questions or concerns regarding Ordinance #2016-12

23. Resolution 2016-170R – Peddling or Soliciting

A motion is in order to adopt Resolution 2016-170R hereby directing that no license shall be issued which permits solicitation and/or peddling of goods or services during the hours of the 2016 Sussex County Fireman's Parade. (Motion requested by Clerk)

24. Introduction Ordinance 2016-13 – Amend Chapter XXIV Section 24-1.5

A motion is in order to introduce 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 requested by Clerk)

FINAL READING: August 16, 2016

25. Introduction Ordinance 2016-14 – Amend Chapter XXIII Section 13-3.4

A motion is in order to introduce 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 requested by Council)

FINAL READING: August 16, 2016

26. Introduction Ordinance 2016-15 – Amend Chapter III Section 3-6.1

A motion is in order to introduce 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."

(Motion requested by Council)

FINAL READING: August 16, 2016

27. Introduction Ordinance 2016-16 – Amend Chapter XXIII Section 13-3.4

A motion is in order to introduce 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 requested by Clerk)

FINAL READING: August 16, 2016

- M. OPEN PUBLIC SESSION: **Mayor Little** will request 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 10 minutes.

After giving all persons present an opportunity to address the Governing Body, **Mayor Little** will request a motion to close the meeting to the public and return to the regular order of business.

- N. EXECUTIVE SESSION – IF REQUESTED

Mayor Little will request a motion to adopt a resolution to adjourn into Executive Session to discuss **Purchase of Real Property and Potential Litigation Regarding Water Charges.**

THE OPEN PUBLIC MEETINGS ACT ALLOWS THE MAYOR AND COUNCIL TO EXCLUDE THE PUBLIC FROM A PORTION OF A MEETING IN CERTAIN CIRCUMSTANCES.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF SUSSEX, THAT THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF MATTERS ALLOWED BY NEW JERSEY LAW.

THE EXECUTIVE SESSION MINUTES WILL BE PLACED ON FILE IN THE BOROUGH CLERK'S OFFICE, AND WILL BE AVAILABLE TO THE PUBLIC AS PROVIDED FOR BY NEW JERSEY LAW.

Be further advised this Resolution shall take effect immediately.

Mayor Little will request a motion to adjourn out of Executive Session and return to the regular order of business.

- O. ADJOURNMENT: **Mayor Little** will request a motion to adjourn the meeting.

**SUSSEX BOROUGH
RESOLUTION #2016-163R**

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S.52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the Governing Body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director, under provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Sussex, Sussex County, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Borough of Sussex, in the County of Sussex, New Jersey, at a meeting held on July 19, 2016.

Mark Zschack, RMC
Borough of Sussex

DRAFT

Annual Audit Affidavit

STATE OF NEW JERSEY
COUNTY OF SUSSEX

We, members of the governing body of the Borough of Sussex, in the County of Sussex, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the Governing Body of the Borough of Sussex in the county of Sussex;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2014;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

Councilman Albert Decker

Councilman Frank Dykstra

Councilman Robert Holowach

Councilwoman Linda Masson

Councilman Edward Meyer

Councilwoman Georgeanna Stoll

Mayor Katherine Little

Mark Zschack, Borough Clerk

Sworn to and subscribed before me this
_____ Day of _____

Notary Public of New Jersey

**SUSSEX BOROUGH
RESOLUTION # 2016-156R**

**CUSTOMER REQUEST FOR
WATER ADJUSTMENT**

Acct. # 3273 21 Clove Avenue, Sussex – Mrs. Jeannette Luculano hand delivered a letter on June 8, 2016 that stated:

To Mayors office:

"I am writing to request a waiver for the 1st quarterly bill of 2016 in the amount of \$1078.85. I would like to note that I am a new resident and have owned this property for 14 months only. I am responsible and have paid every water bill and am current with the exception of this bill which is inaccurate and does not reflect my actual water usage. The meter in place was not working effectively in some way.

I thank you in advance for taking the time to assess my particular situation and am seeking a resolution this is just.

Reasons for a waiver for 1st quarterly bill of 2016:

- 1) *Our use of water is below standard level
My adult daughter and I are the only two residents in the home. We did not have a washing machine in use or a stove in the house during this quarterly or previously. We do not drink tap water either. We spend 2 days weekly taking care of my sickly mother in New York. Many times we leave very early and come back very late, so we barely if at all use water on those 2 weekly days. We do not water a lawn; wash our cars or have a pool at home.
Our average use of water is way below the average person's use of water.***
- 2) *The Water Dept. workers noted upon entering our home on more than one occasion that we did not have a stove or washing machine in use or any other item that requires use other than a water hose that is standard to every home.***
- 3) *The Water Dept. brought to our attention prior to this bill generating that there was a problem reading our meter. I have provided proof of the notice left at our door. They came to our home on two separate occasions. They determined that the meter needed to be tracked and they would come daily and make a report. I believe whatever repairs or adjustments needed to be made during the two week period were made. Our water usage current bill which has been paid in full reflects a water reading usage that is significantly lower than the 1st quarterly.
Given the fact the water usage in quarterly 1 of 42650 has reduced to 4370 in quarterly 2 is a clear indicator that something was wrong with the meter and its reflection of our true use since the visits and repair of the water meter. In addition, we have had no plumbing issues or floods in the house at any point. Our home is well locked and offers no access to outside individuals. The use of 42650 is an extraordinary use of water that would demand non-stop constant use and/or water related appliances, etc.***

SUSSEX BOROUGH
RESOLUTION # 2016-156R

- 4) *Since no true and accurate reading can be assessed for this time period which is applicable; through no fault of our own. I am requesting a waiver for this bill minus the minimum fee of \$280.58 that is required per E.D.U.*

Thank You,

*Andrew luculano
Jeannette luculano"*

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Sussex, in the County of Sussex and State of New Jersey that **\$1,078.85** be removed from the billing of account # 3273.

CERTIFICATION: I hereby certify that the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Borough of Sussex, in the County of Sussex, New Jersey, at a meeting held on July 19, 2016.

Mark Zschack, RMC
Sussex Borough

**SUSSEX BOROUGH
RESOLUTION # 2016-158R**

SFY 2017 Small Cities CDBG Grant Application

Borough of Sussex

Sussex County

State of New Jersey

WHEREAS, the Borough of Sussex desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$400,000 to carry out a Lake Rutherford Water Line Installation project;

NOW, THEREFORE, BE IT RESOLVED

1) that the Mayor and the Borough Council of the Borough of Sussex, County of Sussex and State of New Jersey does hereby authorize the application for such grant; and,

2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Sussex and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

Katherine Little, Mayor

Mark Zschack, Administrator/Clerk

This is to certify that the foregoing Resolution was duly adopted at a Regular Meeting of the Borough of Sussex Borough Council which was held on July 19, 2016.

ATTEST:

Mark Zschack, Administrator/Clerk
Borough of Sussex

EXTRACT from the minutes of a regular meeting of the Borough Council of the Borough of Sussex, in the County of Sussex, New Jersey, held at the Municipal Building, 2 Main Street, Sussex, New Jersey, on July 19, 2016, at 7:30 o'clock P.M.

PRESENT:

ABSENT:

* * *

_____ introduced and moved the adoption of the following resolution and
_____ seconded the motion:

BOROUGH OF SUSSEX

RESOLUTION #2016-159R

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$20,000
SPECIAL EMERGENCY NOTES OF THE BOROUGH OF SUSSEX, IN THE COUNTY
OF SUSSEX, NEW JERSEY.**

**BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH
OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY** (not less than two-thirds of all
the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. Pursuant to an ordinance of the Borough of Sussex (herein called the "Borough"), entitled: "An ordinance authorizing an emergency appropriation of \$100,000 under N.J.S.A. 40A:4 – 53 *et seq.* to finance tax revaluation by the Borough of Sussex, in the County of Sussex, New Jersey", finally adopted on July 17, 2012 (#2012-11), special emergency notes of the Borough in a principal amount not exceeding \$20,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said ordinance,

including (to any extent necessary) the renewal of any special emergency notes heretofore issued therefor, and any action heretofore had or taken with respect to said notes is hereby approved, ratified and confirmed.

Section 2. All special emergency notes (the "notes") issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Borough (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Borough in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:4-55. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 3. Any note issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Borough, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 5. This resolution shall take effect immediately.

Section 6. All action heretofore taken by Borough officials and professionals with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Borough of Sussex, in the County of Sussex, New Jersey, at a meeting held on July 19, 2016.

Mark Zschack, RMC
Sussex Borough

Upon motion of _____, seconded by _____

_____, the foregoing resolution was adopted by the following vote:

AYES:

NOES:

**BOROUGH OF SUSSEX
RESOLUTION #2016-160R**

RESOLUTION AUTHORIZING REFUND

WHEREAS the Tax Collector has recommend the Mayor and Council of the Borough of Sussex reimburse the cost of sale that had been previously paid by property owner.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Sussex, County of Sussex, does hereby authorize the refund to

US Bank Cust for PC4 Firsttrust Bank, Block 603 Lot 9 in the amount of \$8,202.38 for redemption of tax sale certificate # 14-09 and \$900.00 to US Bank Cust for PC4 Firsttrust Bank for return of premium paid for tax sale certificate #14-09

This Resolution shall take effect immediately.

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Borough of Sussex, in the County of Sussex, New Jersey, at a meeting held on July 19, 2016.

Mark Zschack, RMC
Sussex Borough

**BOROUGH OF SUSSEX
SUSSEX COUNTY, NEW JERSEY**

RESOLUTION 2016-162R

**A RESOLUTION REQUESTING PERMISSION FOR THE
DEDICATION BY RIDER FOR SNOW REMOVAL RESERVE
TRUST FUND REQUIRED BY PL 2001, c.24 AND NJS 40A:4-62.1**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, PL 2001, c. 24 and NJS 40A:4-62.1 provides for receipt of excess balance in snow removal salary and wages and operating expenses of current budget by the municipality to provide for the operating costs to administer this act; and

WHEREAS, NJSA 40A:4-39 provides the dedicated revenues anticipated from the Snow Removal budget are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Sussex, Sussex County, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Snow Removal Reserve Trust Fund.
2. The Clerk of the Borough of Sussex, County of Sussex is hereby directed to forward two (2) certified copies of the Resolution to the Director of the Division of Local Government Services.

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Borough of Sussex, in the County of Sussex, New Jersey, at a meeting held on July 19, 2016.

**Mark Zschack, RMC
Sussex Borough**

**SUSSEX BOROUGH
RESOLUTION # 2016-165R**

**CUSTOMER REQUEST FOR
WATER ADJUSTMENT**

Acct. # 3820, 85 Newton Avenue – Mr. Bruce LaBar hand delivered a letter on July 5, 2016 that stated:

Re: Water and sewer bill

Dear Mayor and Council,

We are requesting an adjustment for the recent quarter water and sewer bill. We have reseeded a section of our lawn and have used extra water to encourage the grass to grow. The amount of water we used was 5,630 gallons. This water did not go in the sewer and therefore we would like to have credit for that amount of sewer charge for water. My calculation is \$52.92 sewer charge only.

There is a provision in the ordinance for water used for an outdoor pool and we feel the same courtesy should be afforded those who want to make their property presentable by keeping the lawn and gardens nice.

Thank You for your consideration.

*Very truly yours,
Bruce and Dorothy LaBar
85 Newton Ave
Sussex, N.J. 07461*

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Sussex, in the County of Sussex and State of New Jersey that **\$52.92** be removed from the billing of account # 3820.

CERTIFICATION: I hereby certify that the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Borough of Sussex, in the County of Sussex, New Jersey, at a meeting held on July 19, 2016.

**Mark Zschack, RMC
Sussex Borough**

**SUSSEX BOROUGH
RESOLUTION #2016-166R**

**PROCLAMATION RECOGNIZING NICHOLAS DASILVA FOR SURVIVING HIS BATTLE WITH
CANCER AND DECLARING THE MONTH OF SEPTEMBER AS CHILDHOOD CANCER
AWARENESS MONTH IN THE BOROUGH OF SUSSEX**

WHEREAS, Nicholas DaSilva, of the Township of Hardyston, New Jersey bravely fought and is in remission from Burkett's Lymphoma – Non Hodgkin's Lymphoma, a form of pediatric cancer, and

WHEREAS, in gratitude to all those who helped him and his family on his journey to recovery the DaSilva family and the Borough of Sussex would like to help raise awareness for childhood cancer, and

WHEREAS, each year, pediatric cancer interrupts the childhood and limits the potential of thousands of young Americans and it remains the leading cause of disease-related death for children; and

WHEREAS, September has been declared as National Childhood Cancer Awareness Month and in effort to raise awareness everyone is encouraged to go GOLD to show support and promote recognition of those young lives affected by cancer; and

WHEREAS, Childhood Cancer Awareness Month, we come together to remember all those whose lives were cut short by pediatric cancer, to recognize the loved ones who know too well the pain it causes, and to support every child and every family battling cancer each day. We join with their loved ones and the researchers, health care providers and advocates who support them as we work toward a tomorrow where all children are able to pursue their full measure of happiness without the burden of cancer.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Sussex that it recognizes Nicholas DaSilva & the DaSilva Family for surviving childhood cancer

BE IT FURTHER RESOLVED that September 2016 shall be known as CHILDHOOD CANCER AWARENESS MONTH in the Borough of Sussex

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Borough of Sussex, in the County of Sussex, New Jersey, at a meeting held on July 19, 2016.

Katherine Little, Mayor
Sussex Borough

Mark Zschack, RMC
Sussex Borough

**SUSSEX BOROUGH
RESOLUTION #2016-167R**

DPW LABORER & CLEAN COMMUNITIES WORKER

BE IT RESOLVED by the Governing Body of the Borough of Sussex hereby approves the hire of Kevin Babcock as a seasonal DPW Laborer and Clean Communities Worker for the Borough of Sussex working approximately 24 hours per week at a rate of \$10.00 per hour for the year 2016.

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Borough of Sussex, in the County of Sussex, New Jersey, at a meeting held on July 19, 2016.

Mark Zschack, RMC
Sussex Borough

**BOROUGH OF SUSSEX
RESOLUTION #2016-168R**

**RESOLUTION AUTHORIZING CANCELLATION OF TAXES
ON PROPERTY ACQUIRED BY TOWN**

WHEREAS, a deed was executed on March 16, 2016 and recorded with the Sussex County Clerk on March 21, 2016 between Investors Bank, Grantor and the Borough of Sussex, Grantee,

WHEREAS, at the time of closing the 1st qtr 2016 taxes were paid by Investors Bank,

WHEREAS, the Tax Collector has recommended that the Mayor and Council of the Borough of Sussex cancel the outstanding taxes billed on this property since the Borough has acquired ownership,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Sussex, County of Sussex, does hereby authorize the cancellation of taxes on 3 E Main St, Block 502 Lot 12 for the 2nd, 3rd & 4th Qtr 2016, in the amount of \$2,973.68,

This Resolution shall take effect immediately.

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Borough of Sussex, in the County of Sussex, New Jersey, at a meeting held on July 19, 2016.

**Mark Zschack, RMC
Sussex Borough**

**SUSSEX BOROUGH
RESOLUTION #2016-169R**

**ANNUAL NEW JERSEY STATE LEAGUE OF MUNICIPALITIES
CONFERENCE**

WHEREAS, the 101st Annual New Jersey State League of Municipalities Conference will be held at the Atlantic City Convention Center on November 15, 16, 17, 2016.

BE IT RESOLVED by the Governing Body of the Borough of Sussex hereby approves the expenditure of up to \$500.00 per person to attend the New Jersey State League of Municipalities Conference to be held in Atlantic City November 15, 16, 17, 2016. Eligible to attend are the Mayor, Councilmembers, and full time employees.

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Borough of Sussex, in the County of Sussex, New Jersey, at a meeting held on July 19, 2016.

**Mark Zschack, RMC
Sussex Borough**

**BOROUGH OF SUSSEX
RESOLUTION 2016-172R**

**RESOLUTION AUTHORIZING THE CANCELLATION OF
RESERVE BALANCES IN CURRENT FUND**

WHEREAS, we have reserve dedicated to projects that have been completed and,

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to Surplus,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sussex, New Jersey, that the following unexpended and dedicated balances of the Current Account be now canceled;

Current Account	Amount Canceled
Reserves - Revaluation	\$ 20,000.00
Total Escrows canceled	\$ 20,000.00

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Borough of Sussex, in the County of Sussex, New Jersey, at a meeting held on July 19, 2016.

**Mark Zschack, RMC
Sussex Borough**

**BOROUGH OF SUSSEX
SUSSEX COUNTY, NEW JERSEY**

RESOLUTION 2016-173R

WHEREAS, certain Water/Sewer Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Water/Sewer Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Sussex, New Jersey, that the following unexpended and dedicated balances of the Water/Sewer Capital Appropriations be canceled:

Date	Project Description	Amount Canceled
2009	2009-16 – Repair and Painting Of Water Storage Tank – Unfunded	\$ 4,975.20
2011	2011-15 – Various Water/Sewer Capital Improvements – Unfunded	\$ 10,314.20
2012	2012-09 – Repairs to Water Treatment Plant – Funded	\$ 155.89
2013	2013-05 – Improvements to Water Treatment Plant – Funded	\$ 2,210.03
2014	2014-06 – Rt 23 Water/Sewer Improvements Unfunded	\$ 660,656.00
	Improvements canceled - Unfunded	\$ 675,945.40
	Improvements canceled – Funded	\$ <u>2,365.92</u>
	Total Improvements canceled	<u>\$1,162,524.25</u>

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Borough of Sussex, in the County of Sussex, New Jersey, at a meeting held on July 19, 2016.

Mark Zschack, RMC
Sussex Borough

**BOROUGH OF SUSSEX
RESOLUTION 2016-174R**

WHEREAS, Joseph Mitchell has achieved Boy Scouts' highest honor the Eagle Scout Award, which represents an accomplishment of high regard within the Borough of Sussex Community, and

WHEREAS, as a member of Boy Scout Troop 84, Joseph has served his troop in a variety of leadership roles, and

WHEREAS, Joseph has earned 27 merit badges and served his troop in a variety of leadership roles. He also completed a major community service project dedicating 300 hours to planning and constructing a kiosk and bird houses for the Interpretive Center at High Point State Park; and

WHEREAS, Joseph is also very active in his school, church and community. He is a member of the Sussex County Technical School International Submarine Race Team, Debate Team, Investment Team and Federal Reserve Challenge; and

WHEREAS, Joseph will be recognized at a Court of Honor to be held August 13, 2016 at 2:00pm at High Point State Park, and

WHEREAS, such a fine record of accomplishment is worthy of praise and recognition,

NOW, THEREFORE, BE IT RESOLVED, the Governing Body of the Borough of Sussex, hereby offers our congratulations to Joseph Mitchell for achieving the rank of Eagle Scout, and

BE IT FURTHER RESOLVED that the Sussex Borough Community is hereby encouraged to join in the recognition of this fine accomplishment.

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Borough of Sussex, in the County of Sussex, New Jersey, at a meeting held on July 19, 2016.

Katherine Little, Mayor

Mark Zschack, RMC
Borough of Sussex

**SUSSEX BOROUGH
RESOLUTION 2016-175R**

THIRD QUARTER 2016 – WATER/SEWER ADJUSTMENTS

Acct# 1660 – 50 East Main Street – Due to a leak last quarter this account estimated high and had to be adjusted before billing was sent out. The water has been off since March 11, 2016 therefore no water was used in April, May and June. The reading and billing was adjusted to reflect minimum billing.

Acct# 5866 – 29 Walnut Street – This reading was adjusted due to a data entry error. Since it is set on "minimum billing" and the water was off no credit was necessary as usage was not billed.



**Toni Smith, Water/Sewer Collector
Borough of Sussex**

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Borough of Sussex, in the County of Sussex, New Jersey, at a meeting held on July 19, 2016.

**Mark Zschack, RMC
Sussex Borough**

**BOROUGH OF SUSSEX
ORDINANCE 2016-09**

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.

BE IT ORDAINED by the Governing Body of the Borough of Sussex, County of Sussex and State of New Jersey as follows:

SECTION 1. Introductory Provisions/ Purpose of the Ordinance.

The Municipality hereby grants to the company its non-exclusive consent to place in, upon, along, across, above, over and under the highway, streets, alleys, sidewalks, public ways, and public places in the Municipality, poles, wires, cables, and fixtures necessary for the maintenance and operation in the Municipality of a cable television system and cable communications system. Construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

SECTION 2. Definitions.

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions given by the Federal Communications Commission (F.C.C.) Rules and Regulations, 47 C.F.R. subsection 76.1 *et seq.*, and the Cable Communications Policy Act, 47 U.S.C. section 521 *et seq.*, as amended, and the Cable Television Act, N.J.S.A.48:5A-1 *et seq.*, and shall in no way be construed to broaden, alter or conflict with federal or state definitions:

- (a) "Municipality" or "Borough" is the Borough of Sussex, County of Sussex, State of New Jersey.
- (a) "Company" is the grantee of rights under this Ordinance and is known as Service Electric Cable T.V. of New Jersey, Inc.
- (b) "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendment thereto, section 48:5A-1 *et seq.*

BOROUGH OF SUSSEX
ORDINANCE 2016-09

SECTION 3. Statement of Findings.

A public hearing concerning the consent herein granted to the Company was held, after proper public notice, on March 15, 2015 pursuant to the terms and conditions of the Act. Said hearing, having been held and fully open to the public, and the Municipality having received all comments regarding the qualifications of the Company to receive this consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial, and other qualifications, and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. Grant of Municipal Consent.

The Borough hereby grants to the Company consent to the issuance of a non-exclusive franchise by the New Jersey Board of Public Utilities to construct, erect, operate, modify and maintain, in, upon, along, across, above, over, and under the highways, streets, alleys, sidewalks, public ways and public places now laid out or dedicated and all extensions thereof and additions thereto, in the Borough of Sussex, such poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the Borough of a cable television system and cable communications system for the purpose of distributing television and radio signals, and other electronic impulses in order to furnish television and radio programs, and various communications and other electronic services to the public. The rights so granted include the right to use and occupy said highways, streets, alleys, public ways and public places, and all manner of easements for the purposes herein set forth and as provided by federal and state law, and are subject to the terms and conditions herein.

SECTION 5. Duration of Franchise and Extension of Service.

The consent herein granted shall expire on September 6, 2026, ten (10) years from the date of expiration of the current Certificate of Approval as issued by the Board of Public Utilities (BPU). The Company shall be required to proffer service to any persons, residents or businesses in conformance with its Tariff on file with the Office of Cable Television including any policies for line extension and/or non-standard installations.

SECTION 6. Franchise Fee.

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers to its cable television reception service in the Municipality, or any amount permitted by the Cable Television Act or otherwise allowable by law.

BOROUGH OF SUSSEX
ORDINANCE 2016-09

SECTION 7. Rates.

In accordance with N.J.S.A. 48:5A-11, the Board of Public Utilities, through the Office of Cable Television, shall, consistent with federal law, prescribe just and reasonable rates, charges and classifications for the services rendered by a cable television provider. The Borough acknowledges that under the Act, municipalities do not have the authority to regulate the rates the Company charges subscribers for its services.

The Borough is desirous of obtaining reduced rates for senior citizens, disabled residents and other parties for whom reduced rates may currently be available or may be available during the term of this ordinance. Therefore, if the company adopts reduced rates for senior citizens, disabled persons or other parties in the future in accordance with N.J.S.A. 48:5A-11.1 et seq. and the Federal Act or any other law or regulation, these special rates shall be offered to qualified Borough residents.

SECTION 8. Territory.

The consent granted herein to the Company shall apply to the entirety of the Municipality, and any property hereafter annexed.

SECTION 9. Construction Requirements.

Restoration: In the event that the Company or its agents shall disturb any pavement, streets, surfaces, sidewalks, driveways or other surfaces in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed to as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Municipality, shall remove, re-lay and relocate its equipment, at the expense of the Company.

The Company shall temporarily move or remove appropriate parts of its facilities to allow for the moving of buildings, and machinery, or in other similar circumstances. The expense shall be borne by the party requesting such action, except when required by the Municipality, in which case the Company shall bear the cost.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Municipality, so as to prevent the branches

BOROUGH OF SUSSEX
ORDINANCE 2016-09

of such trees from coming in contact with the wires and cables of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

SECTION 10. Local Office.

During the term of this franchise, and any renewal thereof, the Company shall maintain a local business office in Sussex County for the purpose of receiving, investigating and resolving all complaints regarding the quality of service, equipment, malfunctions, and similar matters.

Said local business office shall be open during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m. Monday through Friday.

SECTION 11. Municipal Complaint Officer.

The Office of Cable Television is hereby designated as the complaint officer for the Municipality, pursuant to N.J.S.A. 48:5a-26(b).

All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.

SECTION 12. Performance Bond.

During the life of the franchise, the Company shall give bond to the Municipality, which bond shall be in the amount of \$25,000.00.

Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its Application and incorporated herein.

SECTION 13. Local Programming and Public Educational and Governmental Access.

The Company shall provide public, educational, and governmental (PEG) access channels and facilities in accordance with its Application for Renewal of Municipal Consent.

SECTION 14. Free Services.

The Company shall provide services in accordance with its Tariff for cable television service approved by the Board of Public Utilities on January 1, 2016. In addition, the Company shall provide the following locations with complimentary, expanded basic cable service:

**BOROUGH OF SUSSEX
ORDINANCE 2016-09**

1. One (1) cable connection for the Fire Department and Rescue Squad located at 25 Loomis Ave, Sussex NJ 07461.
2. One (1) cable connection for the Sussex Municipal Building located at 2 Main Street, Sussex NJ 07461.
3. One (1) cable connection for the Sussex DPW garage located at 33 Brookside Avenue, Sussex NJ 07461.

The complimentary services provided herein are for expanded basic cable service only. All subscribers, including those set forth herein, shall be fully responsible for the cost associated with any installation of service and with each digital box that the subscriber maintains, which fees are determined by the Company in accordance with the type of digital box(es) that the subscriber maintains.

SECTION 15. Programming.

Although nothing herein shall require the Company to carry or transmit any particular television stations or programming source, the Company shall provide the subscribers in the Borough with at least the same broad categories of programming, in approximately the same quantity, as are now provided, and which appear in the Application for Municipal Consent.

SECTION 16. Liability Insurance.

The Company shall indemnify, protect and hold the Borough harmless from and against losses and physical damage to property, including those properties owned or under the control of the Borough, and bodily injury or death of persons, including payments made under any workmen's compensation law, if such damage may arise out of or is caused by any act of the Company, its agents or employees.

The Company agrees to maintain and keep in full force and effect, at its sole expense, at all times during the term of this consent, sufficient liability insurance naming the Municipality as an insured and insuring against loss by any such claim, suit, judgment, execution or demand, in the minimum amount of one million dollars (\$1,000,000.00) combined single limit for bodily injury or death to one person, five hundred thousand dollars (\$500,000.00) for property damage resulting from any one accident, and an excess liability (or umbrella) policy in the amount of ten million dollars (\$10,000,000.00).

The contractor building the cable television lines shall file a worker's compensation certificate of insurance with the Borough Clerk prior to commencing any work.

BOROUGH OF SUSSEX
ORDINANCE 2016-09

All insurance required by this ordinance shall be and remain in full force and effect for the entire life of this franchise. A certificate of insurance must be submitted to the Borough Attorney to review for compliance with the abovementioned limits of liability. The Borough shall be a named insured on said policies. The insurer shall notice the Borough at least 30 days prior of its intention to cancel any policy.

SECTION 17. Filing with Borough Engineer.

The Company shall cause all construction plans relating to work which could have significant impact on public works within the Borough, to be filed with the Borough Engineer's Office.

SECTION 18. Activities Prohibited.

The Company shall not allow its cable or other operations to interfere with television reception or persons not served by the Company, nor shall the system interfere with, obstruct or hinder in any manner, the operation of the various utilities serving the residents of the Borough.

SECTION 19. Incorporation of the Application.

All of the commitments and statements contained in the Application and any amendment thereto submitted in writing to the Municipality by the Company, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and any other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference, as long as it does not conflict with state or federal law.

SECTION 20. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court, or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 21. Consistency with Future Federal and State Statutes, Regulations, Rules and Orders.

This Ordinance is subject to all provisions of the Act and to all lawful rules and regulations of the Board of Public Utilities and the Office of Cable Television., adopted pursuant thereto. The Company shall at all times comply with the rules and regulations governing cable

BOROUGH OF SUSSEX
ORDINANCE 2016-09

television operations lawfully promulgated and adopted by the Board of Public Utilities. Should any of the Federal or State Acts, Regulations, or pronouncements applicable to the regulation of cable television service be modified in any way, such modification, to the extent it embodies required terms and conditions, and meaningfully can be incorporated into this Ordinance, shall be so incorporated, consistent with any applicable effective dates specified in such modification. To the extent that any such modification(s) place(s) limits on permissible terms and conditions, and any provision of this Ordinance becomes invalid by virtue of such modification(s), the preceding section, SECTION 20, shall apply.

SECTION 22. Effective Date of Consent.

This Ordinance shall take effect upon its final passage and publication according to law.

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance #2016-09 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on the 21st day of June, 2016, and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Mayor and Council to be held on the 19th day of July, 2016, at Borough Hall, 2 Main Street, in the Borough of Sussex, at 7:30 p.m., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

Mark Zschack,
Borough Clerk

Katherine Little, Mayor

Introduced: June 21, 2016
Adopted:

**SUSSEX BOROUGH
ORDINANCE NO. 2016-12**

**AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND
STATE OF NEW JERSEY AMENDING SUBSECTION 4-1.7, ENTITLED
“REGULATIONS”, OF SECTION 4-1, ENTITLED “PEDDLING AND SOLICITING”,
OF CHAPTER IV, ENTITLED “GENERAL LICENSING”, OF THE GENERAL
REVISED ORDINANCES OF THE BOROUGH OF SUSSEX**

BE IT ORDAINED by the Mayor and Council of the Borough of Sussex as follows:

Section 1. Subsection 4-1.7, entitled “Regulations”, of Section 4-1, entitled “Peddling and Soliciting”, of Chapter IV, entitled “General Licensing”, of the General Revised Ordinances of the Borough of Sussex is amended to add a paragraph as follows:

- f. No person shall engage in activities otherwise permitted by this section at and during a public event if proscribed by resolution of the governing body.

Section 2. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

Section 3. Repealer.

All ordinances or parts of ordinances or resolutions inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or contrariness.

Section 4. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance #2016-12 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on the 21th day of June, 2016 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Mayor and Council to be held on the 19th day of July, 2016 at Borough Hall, 2 Main Street, in the Borough of Sussex, at 7:30 p.m., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

Mark Zschack, Borough Clerk

Katherine Little, Mayor

Introduced: June 21, 2016

Adopted:

**SUSSEX BOROUGH
RESOLUTION #2016-170R**

DIRECTING THAT NO LICENSE FOR PEDDLING OR SOLICITING AT AND DURING THE 2016 SUSSEX COUNTY FIREMAN'S PARADE SHALL BE ISSUED.

WHEREAS, on July 19, 2016 the Governing Body of the Borough of Sussex adopted Ordinance 2016-12 amending Subsection 4-1.7, entitled "Regulations", of Section 4-1, entitled "Peddling and Soliciting", of Chapter IV, entitled "General Licensing", of the General Revised Ordinances of the Borough of Sussex which authorizes the Governing Body to proscribe by resolution peddling, soliciting and other activities otherwise permitted by this Section 4-1 at and during a public event; and

WHEREAS, the Governing Body has determined that it is in the best interest of the Borough, its residents, businesses and those visiting the Borough to proscribe soliciting and peddling of goods and services within the vicinity of and during the 2016 Sussex County Fireman's Parade.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Sussex does hereby direct that no license shall be issued which permits solicitation and/or peddling of goods or services within 300 feet of the area of and during the hours of the 2016 Sussex County Fireman's Parade.

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Borough of Sussex, in the County of Sussex, New Jersey, at a meeting held on July 19, 2016.

**Mark Zschack, RMC
Sussex Borough**

**SUSSEX BOROUGH
ORDINANCE NO. 2016-13**

**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.**

BE IT ORDAINED by the Borough Council of the Borough of Sussex, County of Sussex, State of New Jersey, that 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, be and is hereby amended as follows:

SECTION 1. The category entitled “Major subdivision – preliminary” of paragraph (a) entitled “Development Application” is amended to change the Review Deposit from “\$2,000.00” to “3,200.00”.

SECTION 2. The category entitled “N.J.S.A. 40:55D-70c” of paragraph (b) entitled “Variance Applications” is amended to change the Review Deposit from “\$750.00” to “1,100.00”.

SECTION 3. The category entitled “N.J.S.A. 40:55D-70d residential zones” of paragraph (b) entitled “Variance Applications” is amended to change the Review Deposit from “\$900.00” to “3,500.00”.

SECTION 4. The category entitled “N.J.S.A. 40:55D-70d all other zones” of paragraph (b) entitled “Variance Applications” is amended to change the Review Deposit from “\$1,200.00” to “3,500.00”.

SECTION 5. Paragraph (g) entitled “Conditional use applications – filing fee” is deleted and replaced with the following:

- g. Conditional use applications -- \$250.00 filing fee and \$1,100.00 Review Deposit.”

SECTION 6. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

SECTION 7. Repealer. All ordinances or parts of ordinances or resolutions inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or contrariness. All provisions of Chapter XXIV of the Code of the Borough of Sussex, entitled “Fees”, not amended hereby shall remain in full force and effect.

SECTION 8. This Ordinance shall take effect immediately on its final passage and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance #2016-13 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on the 19th day of July, 2016 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Mayor and Council to be held on the 16th day of August, 2016 at Borough Hall, 2 Main Street, in the Borough of Sussex, at 7:30 p.m., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

Mark Zschack, Borough Clerk

Katherine Little, Mayor

Introduced:
Adopted:

**SUSSEX BOROUGH
ORDINANCE NO. 2016-14**

**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**

BE IT ORDAINED by the Mayor and Council of the Borough of Sussex as follows:

Section 1. Subparagraph (a) of Section 13-3.4, entitled "Sewer System Charges", is amended to read as follows:

- a. Any property with a connection to the municipal sewer system shall pay the minimum user fees set forth in subsection 24-1.4j regardless of whether the structure or property is using the connection. Except for (i) properties charged transmission fees in accordance with subsection 24-1.4j as of August 16, 2016 and (ii) properties thereafter granted an exemption by resolution of the Borough's governing body, every property connected to the municipal water system must be a direct customer of the Borough under the Borough's sewer allocation arrangements with the Sussex County Municipal Utilities Authority and shall be subject to the minimum "per gallon" and "per EDU" fees established in subsection 24-1.4j(2), regardless whether the property or any structure thereon is using the connection and regardless whether the connection is local or nonlocal.

Section 2. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

Section 3. Repealer.

All ordinances or parts of ordinances or resolutions inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or contrariness.

Section 4. This Ordinance shall take effect immediately on its final passage and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance #2016-14 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on the 19th day of July, 2016, and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Mayor and Council to be held on the 16th day of August, 2016, at Borough Hall, 2 Main Street, in the Borough of Sussex, at 7:30 p.m., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

Mark Zschack, Borough Clerk

Katherine Little, Mayor

Introduced:

Adopted:

**SUSSEX BOROUGH
ORDINANCE NO. 2016-15**

**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**

BE IT ORDAINED by the Mayor and Council of the Borough of Sussex as follows:

Section 1. 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 is amended to read as follows:

3-6.1 Obstructions Prohibited.

No person shall place, store or display or cause to be placed, stored or displayed any goods, wares, merchandise or other obstructions on the sidewalks on the business portions of Main Street, Fountain Square and Newton Avenue between the curb line and face of the buildings fronting thereon between the hours of 8:00 a.m. and 12:00 midnight, except during a public event if and to the extent specifically permitted by resolution of the governing body.

Section 2. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

Section 3. Repealer.

All ordinances or parts of ordinances or resolutions inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or contrariness.

Section 4. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance #2016-15 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on the 19th day of July, 2016 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Mayor and Council to be held on the 16th day of August, 2016 at Borough Hall, 2 Main Street, in the Borough of Sussex, at 7:30 p.m., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

Mark Zschack, Borough Clerk

Katherine Little, Mayor

Introduced:

Adopted:

**BOROUGH OF SUSSEX
ORDINANCE 2016-16**

**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.**

BE IT ORDAINED by the Governing Body of the Borough of Sussex, County of Sussex and State of New Jersey as follows:

SECTION 1. Introductory Provisions/ Purpose of the Ordinance.

The Municipality hereby grants to the company its non-exclusive consent to place in, upon, along, across, above, over and under the highway, streets, alleys, sidewalks, public ways, and public places in the Municipality, poles, wires, cables, and fixtures necessary for the maintenance and operation in the Municipality of a cable television system and cable communications system. Construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

SECTION 2. Definitions.

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions given by the Federal Communications Commission (F.C.C.) Rules and Regulations, 47 C.F.R. subsection 76.1 *et seq.*, and the Cable Communications Policy Act, 47 U.S.C. section 521 *et seq.*, as amended, and the Cable Television Act, N.J.S.A.48:5A-1 *et seq.*, and shall in no way be construed to broaden, alter or conflict with federal or state definitions:

- (a) "Municipality" or "Borough" is the Borough of Sussex, County of Sussex, State of New Jersey.
- (a) "Company" is the grantee of rights under this Ordinance and is known as Service Electric Cable T.V. of New Jersey, Inc.
- (b) "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendment thereto, section 48:5A-1 *et seq.*

BOROUGH OF SUSSEX
ORDINANCE 2016-16

SECTION 3. Statement of Findings.

A public hearing concerning the consent herein granted to the Company was held, after proper public notice, on March 15, 2015 pursuant to the terms and conditions of the Act. Said hearing, having been held and fully open to the public, and the Municipality having received all comments regarding the qualifications of the Company to receive this consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial, and other qualifications, and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. Grant of Municipal Consent.

The Borough hereby grants to the Company consent to the issuance of a non-exclusive franchise by the New Jersey Board of Public Utilities to construct, erect, operate, modify and maintain, in, upon, along, across, above, over, and under the highways, streets, alleys, sidewalks, public ways and public places now laid out or dedicated and all extensions thereof and additions thereto, in the Borough of Sussex, such poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the Borough of a cable television system and cable communications system for the purpose of distributing television and radio signals, and other electronic impulses in order to furnish television and radio programs, and various communications and other electronic services to the public. The rights so granted include the right to use and occupy said highways, streets, alleys, public ways and public places, and all manner of easements for the purposes herein set forth and as provided by federal and state law, and are subject to the terms and conditions herein.

SECTION 5. Duration of Franchise and Extension of Service.

The consent herein granted shall expire on September 6, 2026, ten (10) years from the date of expiration of the current Certificate of Approval as issued by the Board of Public Utilities (BPU). The Company shall be required to proffer service to any persons, residents or businesses in conformance with its Tariff on file with the Office of Cable Television including any policies for line extension and/or non-standard installations.

SECTION 6. Franchise Fee.

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers to its cable television reception service in the Municipality, or any amount permitted by the Cable Television Act or otherwise allowable by law.

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SECTION 7. Rates.

In accordance with N.J.S.A. 48:5A-11, the Board of Public Utilities, through the Office of Cable Television, shall, consistent with federal law, prescribe just and reasonable rates, charges and classifications for the services rendered by a cable television provider. The Borough acknowledges that under the Act, municipalities do not have the authority to regulate the rates the Company charges subscribers for its services.

The Borough is desirous of obtaining reduced rates for senior citizens, disabled residents and other parties for whom reduced rates may currently be available or may be available during the term of this ordinance. Therefore, if the company adopts reduced rates for senior citizens, disabled persons or other parties in the future in accordance with N.J.S.A. 48:5A-11.1 et seq. and the Federal Act or any other law or regulation, these special rates shall be offered to qualified Borough residents.

SECTION 8. Territory.

The consent granted herein to the Company shall apply to the entirety of the Municipality, and any property hereafter annexed.

SECTION 9. Construction Requirements.

Restoration: In the event that the Company or its agents shall disturb any pavement, streets, surfaces, sidewalks, driveways or other surfaces in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed to as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Municipality, shall remove, re-lay and relocate its equipment, at the expense of the Company.

The Company shall temporarily move or remove appropriate parts of its facilities to allow for the moving of buildings, and machinery, or in other similar circumstances. The expense shall be borne by the party requesting such action, except when required by the Municipality, in which case the Company shall bear the cost.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Municipality, so as to prevent the branches

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of such trees from coming in contact with the wires and cables of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

SECTION 10. Local Office.

During the term of this franchise, and any renewal thereof, the Company shall maintain a local business office in Sussex County for the purpose of receiving, investigating and resolving all complaints regarding the quality of service, equipment, malfunctions, and similar matters.

Said local business office shall be open during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m. Monday through Friday.

SECTION 11. Municipal Complaint Officer.

The Office of Cable Television is hereby designated as the complaint officer for the Municipality, pursuant to N.J.S.A. 48:5a-26(b).

All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.

SECTION 12. Performance Bond.

During the life of the franchise, the Company shall give bond to the Municipality, which bond shall be in the amount of \$25,000.00.

Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its Application and incorporated herein.

SECTION 13. Local Programming and Public Educational and Governmental Access.

The Company shall provide public, educational, and governmental (PEG) access channels and facilities in accordance with its Application for Renewal of Municipal Consent.

SECTION 14. Free Services.

The Company shall provide services in accordance with its Tariff for cable television service approved by the Board of Public Utilities on January 1, 2016. In addition, the Company shall provide the following locations with complimentary, expanded basic cable service:

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1. One (1) cable connection for the Fire Department and Rescue Squad located at 25 Loomis Ave, Sussex NJ 07461.
2. One (1) cable connection for the Sussex Municipal Building located at 2 Main Street, Sussex NJ 07461.
3. One (1) cable connection for the Sussex DPW garage located at 33 Brookside Avenue, Sussex NJ 07461.

The complimentary services provided herein are for expanded basic cable service only. All subscribers, including those set forth herein, shall be fully responsible for the cost associated with any build out/extension of cable that may be necessary to extend cable to the location in question, including any non-standard or custom installations fees that may be applicable, if any, as well as for the cost of each digital box that the subscriber maintains, which fees are determined by the Company in accordance with the type of digital box(es) that the subscriber maintains.

SECTION 15. Programming.

Although nothing herein shall require the Company to carry or transmit any particular television stations or programming source, the Company shall provide the subscribers in the Borough with at least the same broad categories of programming, in approximately the same quantity, as are now provided, and which appear in the Application for Municipal Consent.

SECTION 16. Liability Insurance.

The Company shall indemnify, protect and hold the Borough harmless from and against losses and physical damage to property, including those properties owned or under the control of the Borough, and bodily injury or death of persons, including payments made under any workmen's compensation law, if such damage may arise out of or is caused by any act of the Company, its agents or employees.

The Company agrees to maintain and keep in full force and effect, at its sole expense, at all times during the term of this consent, sufficient liability insurance naming the Municipality as an insured and insuring against loss by any such claim, suit, judgment, execution or demand, in the minimum amount of one million dollars (\$1,000,000.00) combined single limit for bodily injury or death to one person, five hundred thousand dollars (\$500,000.00) for property damage resulting from any one accident, and an excess liability (or umbrella) policy in the amount of ten million dollars (\$10,000,000.00).

The contractor building the cable television lines shall file a worker's compensation certificate of insurance with the Borough Clerk prior to commencing any work.

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All insurance required by this ordinance shall be and remain in full force and effect for the entire life of this franchise. A certificate of insurance must be submitted to the Borough Attorney to review for compliance with the abovementioned limits of liability. The Borough shall be a named insured on said policies. The insurer shall notice the Borough at least 30 days prior of its intention to cancel any policy.

SECTION 17. Filing with Borough Engineer.

The Company shall cause all construction plans relating to work which could have significant impact on public works within the Borough, to be filed with the Borough Engineer's Office.

SECTION 18. Activities Prohibited.

The Company shall not allow its cable or other operations to interfere with television reception or persons not served by the Company, nor shall the system interfere with, obstruct or hinder in any manner, the operation of the various utilities serving the residents of the Borough.

SECTION 19. Incorporation of the Application.

All of the commitments and statements contained in the Application and any amendment thereto submitted in writing to the Municipality by the Company, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and any other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference, as long as it does not conflict with state or federal law.

SECTION 20. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court, or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 21. Consistency with Future Federal and State Statutes, Regulations, Rules and Orders.

This Ordinance is subject to all provisions of the Act and to all lawful rules and regulations of the Board of Public Utilities and the Office of Cable Television., adopted pursuant thereto. The Company shall at all times comply with the rules and regulations governing cable television operations lawfully promulgated and adopted by the Board of Public Utilities.

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Should any of the Federal or State Acts, Regulations, or pronouncements applicable to the regulation of cable television service be modified in any way, such modification, to the extent it embodies required terms and conditions, and meaningfully can be incorporated into this Ordinance, shall be so incorporated, consistent with any applicable effective dates specified in such modification. To the extent that any such modification(s) place(s) limits on permissible terms and conditions, and any provision of this Ordinance becomes invalid by virtue of such modification(s), the preceding section, **SECTION 20**, shall apply.

SECTION 22. Effective Date of Consent.

This Ordinance shall take effect upon its final passage and publication according to law.

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance #2016-16 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on the 19th day of July, 2016, and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Mayor and Council to be held on the 16th day of August, 2016, at Borough Hall, 2 Main Street, in the Borough of Sussex, at 7:30 p.m., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

Mark Zschack,
Borough Clerk

Katherine Little, Mayor

Introduced:
Adopted: