

**CONSENT AGENDA
FOR THE MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF SUSSEX
AT 2 MAIN STREET, SUSSEX NJ HELD ON
November 15, 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. Letter dated 11-04-2016 from Diana Francisco, Administrator of Andover Township, requesting support for the Lackawanna Cut-Off Restoration Project.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Clerk's Report for the month of October 2016.
2. Water Sewer Collector Report for the month of October 2016.
3. Tax Collector's Report for the month of October 2016.
4. Construction Department Report for the month of October 2016.
5. Property Maintenance Department Report for the month of October 2016.
6. Sussex Borough Zoning Report for October 2016.
7. Grant Writer's Report October 2016.
8. Sussex County Water Quality Management Policy Advisory Committee Minutes for July 12, 2016, and September 13, 2016
9. Delinquent Utility Properties Report as of November 10, 2016.
10. Unpaid Utility Properties Report as of November 10, 2016.
11. Water Shut Off Report as of November 10, 2016.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of November 15, 2016.



TOWNSHIP OF ANDOVER

SUSSEX BOROUGH
RECEIVED

NOV 07 '16

November 4, 2016

BY

Clerks of Sussex County

Re: Lackawanna Cut-Off Restoration Project

Recently you received a copy of Andover Township's resolution in support of the Lackawanna Cut-Off Restoration Project. In furtherance of this resolution I wanted to provide you with some additional background in support of our request for support from the Governing Body in the form of adopting the Andover Township resolution in connection with the Lackawanna Cut-Off project.

Background:

As you are aware, Sussex County has long been anticipating its first rail extension in decades in the Lackawanna Cut-Off Extension which is to run from Netcong into Andover Township for the benefit of the residents of Sussex County. It is a significant enhancement and opportunity for an economic driver for all of our communities as well as a potential for further expansion of rail transportation in Sussex County.

As you may know, this project has already been funded by the Federal Government and the very last aspect of this project is to obtain satisfactory compliance with the Department of Environmental Protection which includes the improvement of a culvert which is located on private property. Unfortunately, notwithstanding efforts of NJ Transit and the Township of Andover, the private landowner, which has a significant land holding in Andover Township, has refused to permit NJ Transit from accessing the property for the sole purpose of improving a culvert on the premises.

To that end, Andover Township is seeking support from our neighboring communities for the adoption of the enclosed resolution so that we can send this to NJ Transit, our legislative representatives, as well as the DEP who may be considering grant applications from this private property landowner.

We have enclosed this resolution and would ask if your Governing Body would consider adopting same and forwarding a copy of the adopted resolution to our office. Should you have any questions or need any additional information regarding this resolution please do not hesitate to contact me. On behalf of Andover Township, we thank you for your consideration and would appreciate your support.

Very truly yours,

Diana Francisco
Township Administrator

By Bruce A. Scruton New Jersey Herald
Posted: Nov. 3, 2016 12:01 am

ANDOVER TOWNSHIP – The Township Committee is circulating a resolution to other municipalities in Sussex County asking governing bodies to join in asking Hudson Farms to allow work to be done on its property that would lead to completion of the long-proposed commuter rail line into the county.

Known as the Lackawanna Cutoff extension, the New Jersey Transit project is stymied by a final environmental permit needed from the state Department of Environmental Protection to build a train station on Roseville Road. Without a station, there's no need to finish the new rails westward from Port Morris along the old Lackawanna Cutoff railbed.

At issue is a culvert that allows a small stream, known as Andover Junction Brook, to flow under a driveway that leads from Roseville Road onto property known as Hudson Farm West.

NJ Transit has offered to pay all costs associated with reconstruction of the culvert. A rebuilt culvert is being required by engineers with the DEP as mitigation for a needed permit to allow the station to be built in what computer models say is the floodplain of the brook.

According to the models, the culvert, as is, will hold back enough water in a major flood so the station area won't flood.

However, that same model shows that should the culvert fail, it would release a torrent of water that could flood the station, which is designed as a concrete slab with an outdoor waiting area and a small enclosed area.

John Ursin, the attorney who represents IAT Reinsurance, the corporate entity that owns Hudson Farms West, responded by email that he would have no comment on the resolution.

However, in previous news stories, he has said IAT Reinsurance and members of Hudson Farm Club, which leases the property, have expressed concerns about their property flooding should the culvert be replaced, as well as the fact that part of a barn on the property abuts the culvert that would be replaced.

NJ Transit offered no update on whether there have been recent conversations about the work.

The need to rebuild the culvert was identified in DEP documents about four years ago, and the Township Committee's resolution, approved at its Oct. 24 meeting, said Hudson Farms' refusal to permit the work "has stifled the completion of the entire \$61 million project," which, when completed, "will bring social, economic and financial benefits to the residents of Sussex County."

The resolution ends with the committee asking other communities to "urge owners of significant land holdings in Sussex County to also be stewards of the community and support the Lackawanna Restoration project by simply providing temporary access to less than 1 percent of Hudson Farm property."

Assemblywoman Gail Phoebus, who has pushed the project since she was a member of the Andover Township Committee, did not respond to a telephone message asking for comment. In June, she said she had reached out to Lt. Gov. Kim Guadagno for help in the matter.

The request for municipal governing bodies to adopt a similar resolution was sent late last week in a letter under the township letterhead.

The project has already seen rails laid on the eastern end of the project that originates in Port Morris and extends to just west of the proposed train station.

About \$25 million in federal money has also been put aside for work on the inside of the Roseville Tunnel, a 1,000-foot-long cut through a hill that has been plagued since the original track was laid in 1909 with falling rocks and water seepage.

Lisa Torbic, a spokeswoman for NJ Transit, said the authority "is in the early stages of the pre-qualification process. We are looking to identify companies who have experience with jobs similar to this one to handle the project."

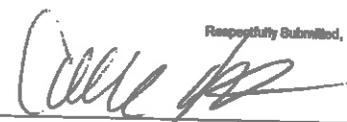
Because of restrictions imposed by environmental law, work to clear the station site and on the rest of the project can only proceed during certain times of the year because of breeding seasons of endangered species along the route and habitat those species use in warmer weather.

Bruce A. Scruton can also be contacted on Twitter: @brucescrutonNJH or by phone: 973-383-1224.

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	\$ 30.00	\$ -	\$ -	\$ 670.00	\$ 150.00	\$ 175.00	\$ -	\$ 10.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 110.00	\$ 1,145.00
August	\$ -	\$ -	\$ -	\$ 860.00	\$ 300.00	\$ 150.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 70.00	\$ 1,380.00
September	\$ 20.00	\$ -	\$ -	\$ 440.00	\$ 150.00	\$ 225.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 90.00	\$ 953.00
October	\$ 60.00	\$ -	\$ -	\$ 360.00	\$ -	\$ 3,700.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3.00	\$ 25.00	\$ 80.00	\$ 4,284.00
November	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9.00	\$ 75.00	\$ -	\$ 84.00
December	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals	\$ 190.00	\$ -	\$ -	\$ 7,290.00	\$ 1,350.00	\$ 8,485.00	\$ 750.00	\$ 13.63	\$ -	\$ 260.00	\$ 4,400.00	\$ 21.00	\$ 175.00	\$ 780.00	

Grand Total For Year	\$ 23,714.63
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Respectfully Submitted,

 Colleen Lillis, CSM

UTILITY RECEIPTS SUMMARY REPORT from: 10/ 1/16 to 10/31/16
 Tue Nov 1 08:53:52 2016

Service Description	Code	Paid	Adjusted	Receipt Mod	Voided	OvrPd/Appld	Refunded	Adjusted Final Payments
Water Rents	W	147,210.77	148.13	0.00	0.00	615.66-	0.00	146,595.11
Sewer Rents	S	92,913.56	293.04	0.00	0.00	615.66	0.00	93,529.22
Interest on Water	I	652.30	0.00	0.00	0.00	0.00	0.00	652.30
Interest on Sewer	N	699.66	0.00	0.00	0.00	0.00	0.00	699.66
Misc. Service Calls	M	237.10	0.00	0.00	0.00	0.00	0.00	237.10
Hydrants	H	875.00	0.00	0.00	0.00	0.00	0.00	875.00
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Total		242,588.39	441.17	0.00	0.00	0.00	0.00	242,588.39

Totals By Utility:

Service Description	Paid	Adjusted	Receipt Mod	Voided	OvrPd/Appld	Refunded	Adjusted Final Payments
Water	147,863.07	148.13	0.00	0.00	615.66-	0.00	147,247.41
Sewer	93,613.22	293.04	0.00	0.00	615.66	0.00	94,228.88
Miscellaneous	1,112.10	0.00	0.00	0.00	0.00	0.00	1,112.10
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Total	242,588.39	441.17	0.00	0.00	0.00	0.00	242,588.39

Collector's Cash Book Breakdown for October 2016. The Last Deposit Slip Number Was 126.

SUSSEX BOROUGH TAX COLLECTOR

Tue Nov 1 09:08:11 EDT 2016

Description	Month To Date	Year To Date	Account
Tax Search	0.00	0.00	01400104
Twp Lien	0.00	47,497.80	01400104
Dup Bill	0.00	0.00	01400104
Tax Lien	5,935.68	73,345.78	01400104
Lieu Tax	0.00	0.00	01400104
Unallocated	0.00	0.00	01400104
Sc Dis	0.00	0.00	01400104
Miscellaneous	144.18	144.18	01400104
REC FEE	0.00	0.00	01400104
RETURN CHECK	0.00	0.00	01400104
MOFAM	0.00	0.00	01400104
2013 Taxes	0.00	413.36	
2014 Taxes	0.00	577.77	
2015 Taxes	8,214.17	79,257.33	
Prior Year Taxes	8,214.17	80,248.46	01400104
Current Year Taxes	313,052.58	2,953,204.85	01400104
Prepaid Taxes 2017	465.66	9,156.79	01400104
Interest	2,398.62	17,900.06	01400104
General Account Totals	330,210.89	3,181,497.93	
PREMIUM	0.00	0.00	
CANCEL CERT	0.00	0.00	
Totals for All Accounts	330,210.89	3,181,497.93	

*Respectfully Submitted
Mylene Cutler*

Tue Nov 1 09:13:38 EDT 2016

THIS IS NOT AN AUDIT REPORT DO NOT GIVE
TO AUDITORS

SUSSEX BOROUGH TAX COLLECTOR
Collector's Percentage Collected to 11/01/16

Quarter 1 Taxes Due	:	930,715.11	
Quarter 1 Adjustments	:	0.00	
Quarter 1 Taxes Paid	:	911,565.69-	
Quarter 1 Open Balance	:	19,149.42	
Quarter 1 Collection Rate	:	97.94250%	
Quarter 2 Taxes Due	:	930,712.25	
Quarter 2 Adjustments	:	50,750.24-	
Quarter 2 Taxes Paid	:	852,996.68-	
Quarter 2 Open Balance	:	26,965.33	
Quarter 2 Collection Rate	:	97.10272%	
Quarter 3 Taxes Due	:	1,019,788.81	
Quarter 3 Adjustments	:	1,528.39-	
Quarter 3 Taxes Paid	:	976,453.25-	
Quarter 3 Open Balance	:	41,807.17	
Quarter 3 Collection Rate	:	95.90041%	
Quarter 4 Taxes Due (Inc A/O)	:	1,171,273.96	
Quarter 4 Adjustments (Inc A/O)	:	1,778.38-	
Quarter 4 Taxes Paid (Inc A/O)	:	318,729.53-	
Quarter 4 Open Balance (Inc A/O)	:	850,766.05	
Quarter 4 Collection Rate (Inc A/O)	:	27.36404%	

Total Tax Due	:	3,913,502.08	
Total A/O Due	:	151,488.05	
Total Deductions	:	12,500.00-	

Total Net Tax Due	:	4,052,490.13	
Total Tax Paid	:	3,059,702.27-	
Total A/O Paid	:	42.88-	
Total Over Paid	:	500.09	
Total Adjustments	:	54,057.01-	

Total Percent Balance:	939,188.06	Collection Rate	:	75.49050%
Total Percent Balance:	939,188.06	Rate Inc Home Benifit:		76.72020%

Transfer to O/P Rec	:	0.00	
Total Open Balance	:	939,188.06	

Total Interest Paid	:	6,015.93	
Total A/C 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	233,743.21	0.00	233,743.21	0.00	0.00	0.00	1,000.00	0.00	0.00	0.00	0.00
August	740,019.72	0.00	740,019.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
September	25,286.76	0.00	25,286.76	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
October	313,009.70	42.88	313,052.58	0.00	0.00	0.00	250.00	0.00	0.00	0.00	0.00
November	2,454.00	0.00	0.00	2,454.00	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	2,998,310.39	42.88	2,953,204.86	45,148.41	61,391.88	0.00	1,250.00	0.00	0.00	0.00	49,833.33
Less Pre	2,955,615.98	42.88	2,953,204.86	2,454.00							

OFFICE OF CONSTRUCTION OFFICIAL

Construction Permit Activity Report

RANGE: 10/01/2016 To 10/31/2016

November 01 , 2016 10:29:48AM

SUMMARY

CONSTRUCTION COSTS

COUNT

Cost Of Construction:	\$0.00	Cubic Footage:	0 Cu.ft	Permit Issued:	9
Cost Of Alteration:	\$31,128.00	Square Footage:	0 Sq.ft	Updates Issued:	2
Cost Of Demolition:	\$4,500.00			All Fees Waived:	1
Total Cost:	\$35,628.00			Municipal Fees Waived:	0

PERMIT FEES

ADMIN FEES

WAIVED FEES

TOTAL FEES

Building:	\$465.00	Building:	\$0.00	Building:	\$0.00	Building Fees:	\$465.00
Electrical:	\$165.00	Electrical:	\$0.00	Electrical:	\$55.00	Electrical Fees:	\$110.00
Fire :	\$0.00	Fire :	\$0.00	Fire :	\$0.00	Fire Fees:	\$0.00
Plumbing:	\$181.00	Plumbing:	\$0.00	Plumbing:	\$0.00	Plumbing Fees:	\$181.00
Elevator:	\$0.00	Elevator:	\$0.00	Elevator:	\$0.00	Elevator Fees:	\$0.00
Mechanical:	\$170.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$170.00
				* Total Waived:	\$55.00	Technical Fees:	\$926.00

DCA

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$0.00	\$0.00	\$0.00
Alteration Training Fee:	\$60.00	\$1.00	\$59.00
DCA Minimum Fee:	0.00	0.00	0.00
Sub total Training Fee:	\$60.00	\$1.00	\$59.00

TECHNICAL ISSUES

Building Technical:	8
Electrical Technical:	2
Fire Protection Technical:	
Plumbing Technical:	3
Elevator Technical:	
Mechanical Technical:	2

CERTIFICATE ISSUES

Certificate of Occupancy:	1
Certificate of Approval:	11
Certificate of Continued Occupancy:	0

Certificate of Occupancy Fee:	\$75.00
Waived Certificate Fees:	\$0.00
Sub Total Certificate Fees:	\$75.00

PERMIT FEES:	\$926.00
DCA FEES:	\$59.00
CERTIFICATE FEES:	\$75.00
NET TOTAL FEES:	\$1,060.00
PENALTIES COLLECTED:	\$1,000.00
CCO FEES:	\$0.00
OTHER FEES:	\$0.00
GRAND TOTAL FEES:	\$2,060.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Activity Trend

November 01, 2016 10:33:30AM

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

	October, 2016	September, 2016	October, 2015
Building:	465.00	1,000.00	545.00
Electric:	165.00	695.00	605.00
Fire Protection:	0.00	0.00	0.00
Plumbing:	181.00	183.00	208.00
Elevator:	0.00	0.00	0.00
Mechanical:	170.00	340.00	245.00
Admn Fee:	0.00	0.00	0.00
DCA Vol Fee:	0.00	0.00	0.00
DCA Alt Fee:	60.00	75.00	123.00
DCA Min Fee:	0.00	1.00	0.00
C of O Fee:	75.00	0.00	0.00
Total Fees:	1,060.00	2,294.00	1,726.00
Waived Fees:	56.00	0.00	0.00
Total Costs:	35,628.00	41,349.00	64,150.00
Permit Count:	9.00	13.00	8.00
Update Count:	2.00	5.00	3.00

PERCENTAGES

	Last Month	Last Year
Percent costs [Up/Down]:	-13.84 %	44.46 %
Percent Fees[Up/Down]:	-116.42 %	38.59 %

Completed Inspections For All Subcodes

Range From 10/01/2016 To 10/31/2016

November 01, 2016 10:34:08AM

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>33</u>		P - Pass
Inspections Passed:	<u>29</u>	<u>87.88</u>	F - Fail
Inspections Failed:	<u></u>	<u></u>	C - Cancel
Inspections Cancelled:	<u>1</u>	<u>3.03</u>	X - Not Ready
Inspections Not Done:	<u>1</u>	<u>3.03</u>	N - Not Done
Inspections Not Ready:	<u>2</u>	<u>6.06</u>	



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

Attended a Grant Committee Meeting on October 25th in Sussex Borough with the Committee, Mayor Little, Toni Smith, Mike Restel, Gerry Gardner, and James Schappell to review outstanding grant applications and to consider new applications.

Grant Work:

Small Cities CDBG-2016

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

FONSI and RROF notices will need to be revised because the ERR and EA have to be reviewed in Trenton before the public notice dates can be determined. Civil Dynamics is working on the design specifications for the Lake Rutherford dam in order to complete the ERR and EA.

Small Cities CDBG-2017

Submitted the application through Green SAGE on September 9th for \$400,000. It included a draft Environment Record Review (ERR) and Environmental Assessment from Houser Engineering. The awards are scheduled to be announced on November 16th at the Municipalities Convention in Atlantic City.

Funding Opportunities

Crescent Theater

The letter of inquiry to apply for \$25,000 in funding from the **Henry W. Bull Foundation** for a roof on Crescent Theater was submitted by Sussex. Awaiting a response from the Foundation. A second draft letter for Crescent Theater funding to the **Huisking Foundation** was updated but the grant committee now wants to include repairs to the theater stairway. The grant limit is \$50,000. Two estimates for roof repairs have been received and range from \$13,500 to \$54,650. I will await direction on the cost of the stairway from Sussex before completing the letter revisions and investigating additional Foundation funding sources.

H2Loan Projects - Drinking Water State Revolving Fund (DWSRF)

An H2Loans application to cover the balance of the funding needed (\$991,250) for the Lake Rutherford Water Line Installation project. The \$56,000 for water valves is being dropped per the advice of the Grant Committee and Houser Engineering. A request was made for a pre-application meeting that is pending. There is no application deadline but we cannot continue until the pre-application meeting is held.

Transportation Alternatives Program (TAP)

The Transportation Alternatives Program (TAP) can be used for streetscaping. The deadline is November 10th. Sussex has sent out the letters to the property owners requesting that they approve the streetscape improvements on their property. To date, two have responded positively. A deadline of October 31st had been set to receive the responses back. All responses will be included with the application. Used Google Maps to obtain photos of the area for the TAP application. Composed a commitment letter for Sussex to consider. Composed 5 letters of support for the TAP application and forwarded them to Sussex for signature.

Assistance to Firefighters Grant (AFG)

The application is due on November 18th. Sussex is looking for 30 sets of turnout gear, 30 SuperPass motion sensors, and 30 low band pagers. The total value of the application is \$94,032. I believe there is a 5% cost share to be provided by the Borough. Updated call statistics are needed from the Borough.

Sewer Main Repairs – Local Aid Infrastructure Fund (LAIF)

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.

Water Treatment Plant Emergency Repairs – Local Aid Infrastructure Fund (LAIF)

Entertained a request from Sussex, concerning recent emergency repairs that were made to the Sussex Water Treatment plant, to investigate if Sussex qualifies for an LAIF grant. Advised Sussex that the LAIF funding is primarily for transportation related projects. However, they do entertain applications for needs such as emergency repairs to the water treatment plant. The DOT encourages us to apply but warns that the application will not score high because it is transportation related. Also, these are discretionary funds and the available amount is unknown.

Security Camera Grants

Researched security camera grants. None currently found. Will continue to research.

NJDOT Municipal Aid

Waiting for the program to be available. Linden Street will be considered at that time. Obtained a cost estimate from Engineer Harold Pellow.

SUSSEX COUNTY SOLID WASTE ADVISORY COUNCIL

MINUTES

JULY 12, 2016

The meeting was opened at 7:00 p.m. by Chairman Landrith. The meeting was held in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-1 of 1975, as amended, and notice has been forwarded to the newspapers and posted on the bulletin board maintained at the Sussex County Administrative Center for public announcement.

ROLL CALL:

MEMBERS PRESENT: James Landrith, Andover Borough, Chairman
Donald Ploetner, At-Large, Vice Chairman
William Koellhoffer, Byram Township
Dennis Haff, Fredon Township
Robert Schultz, Hardyston Township
Howard Baker, Hopatcong Borough
Nina Fradl, Montague Township (7:05 p.m.)
Adam Vough, Town of Newton
Don Drake, Stanhope Borough (7:05 p.m.)
Christopher Fitzpatrick, At-Large

EXCUSED MEMBERS: Jo-Ann Williamson, Sandyston Township

STAFF MEMBERS: Alice Brees, Program Manager
Antoinette Wasiewicz, Recording Secretary
Jennifer Terwilliger, Health Department

ALSO PRESENT: Reenee Casapulla, Recycling Coordinator
Tom Varro, SCMUA
Dyllan Terwilliger, Vernon Township

MINUTES CORRECTION/APPROVAL:

A motion was made by Donald Ploetner to approve the Minutes of May 10, 2016. The motion was seconded by Howard Baker. All were in favor, with abstentions from Dennis Haff, Robert Schultz, Nina Fradl and Don Drake. Motion carried.

CHAIRMAN'S REMARKS:

None

NEW BUSINESS:

None

OLD BUSINESS:

Christopher Fitzpatrick said two meetings ago, it was brought to the SWAC's attention that there was a complaint at a site in Hamburg. He asked for an update. Jennifer Terwilliger said the property owner was issued a Notice of Violation and he has since cleaned up the property. Adam Boltz will meet with the owner on site.

Mr. Fitzpatrick talked about problems resulting from abandoned properties in the Borough and County. After a lengthy discussion, SWAC members agreed that this does not fall under the jurisdiction of the County; municipalities should enforce their property maintenance ordinances.

REPORTS:

A. **SCMUA UPDATE:**

Tom Varro said he mistakenly brought the tonnage report from the May meeting. He did not have the current tonnage numbers but said that tonnage and revenue continue to be up from last year.

B. **RECYCLING COORDINATOR:**

Renee Casapulla reported that 850 pounds of flags were retired at a flag retirement ceremony this past Monday. The ceremony was held at the Abbey Glen Pet Memorial facility and was attended by representatives of the County American Legion, County Veterans and the SCMUA.

The New Jersey Chapter of the Solid Waste Association of North American had an innovative programs competition. The MUA submitted its flag retirement program into the competition and came in second place. The MUA was asked to do a presentation of the program in Atlantic City.

There will be an E-Waste Collection Event on August 6. Schools and towns will be permitted to come in on August 5, but will need to provide SCMUA with notice beforehand.

C. **STATE LIAISON:**

The State Liaison did not attend this evening's meeting, nor did he provide a report.

DIRECTOR'S REPORTS:

A. PLANNING REPORT:

Alice Brees said at last month's meeting, there was correspondence regarding Reliable Wood Products. There was some question as to whether or not this needs to be an amendment to the County Solid Waste Plan. Ms. Brees said she contacted DEP staff and they said it is a transfer of operational control from Grinnell to Reliable Wood Products for some materials as part of the Class B Recycling Facility. Because it is a transfer of operational control and not a transfer of permit approval, it does not need a plan amendment.

B. HEALTH DEPARTMENT:

Jennifer Terwilliger reported that today she received four waste flow referrals from SCMUA. There was also one recycling referral from SCMUA regarding butane in cardboard at Crystal Springs. This was referred to the NJDEP Hazardous Waste Department for enforcement.

There were four Notices of Violation (NOV) issued by the Health Department for SCMUA referrals. The NOV's were issued to Montella for an O&D form which was filled out incorrectly; Maggio for a hole in his container; Mountain Creek for excessive cardboard dumping and Crystal Springs for mixing cardboard in with their solid waste.

One penalty assessment was issued for a waste flow violation to a company out of Orange County, NY. There was one NJDEP referral regarding illegal dumping on the Delaware River in Montague. There were no CEHA SW referrals.

Regarding facility inspections, Ms. Terwilliger said she completed one inspection for the Cavalier MRF facility and three Class B Exempt inspections for Meadow Ridge, SCMUA and Reliable Wood. The working face at SCMUA was also inspected.

There was one exempt hauler application. Field inspectors are continuing with recycling inspections at food establishments. There were 17 truck inspections at the SCMUA landfill.

CORRESPONDENCE:

- A. SOLID WASTE TRANSFER MONTHLY DISPOSAL REPORT FOR MAY 2016, EQ NORTHEAST, 6/13/16:
- B. LETTER FROM NJDEP RE: RESPONSE TO CLOSURE TERMINATION PLAN FOR H.S.L., INC. LANDFILL, 6/22/16:
- C. LETTER FROM NJDEP RE: CLASS B RECYCLING CENTER GENERAL APPROVAL RENEWAL WITH NO CHANGES FOR WELDON QUARRY, LLC, 6/27/16:
- D. NOTIFICATION OF EXEMPT RECYCLING ACTIVITIES FOR PRIVATE RESIDENCE AT 107 PRICES SWITCH ROAD, VERNON TOWNSHIP, 6/30/16:

PUBLIC COMMENT:

None

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by Howard Baker. The motion was seconded by Donald Ploetner and carried unanimously. The meeting adjourned at 7:25 p.m.

SUSSEX COUNTY SOLID WASTE ADVISORY COUNCIL

MINUTES

SEPTEMBER 13, 2016

The meeting was opened at 7:00 p.m. by Chairman Landrith. The meeting was held in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-1 of 1975, as amended, and notice has been forwarded to the newspapers and posted on the bulletin board maintained at the Sussex County Administrative Center for public announcement.

ROLL CALL:

MEMBERS PRESENT: James Landrith, Andover Borough, Chairman
Donald Ploetner, At-Large, Vice Chairman
William Koellhoffer, Byram Township
Jason Doyle, Franklin Borough
Allan Esenlohr, Green Township
Howard Baker, Hopatcong Borough
Stephanie Pizzulo, Lafayette Township
Nina Fradl, Montague Township
Adam Vough, Town of Newton
Jo-Ann Williamson, Sandyston Township

EXCUSED MEMBERS: Dennis Haff, Fredon Township
Eric Powell, Sparta Township
Don Drake, Stanhope Borough

STAFF MEMBERS: Alice Brees, Program Manager
Antoinette Wasiewicz, Recording Secretary
Jennifer Terwilliger, Health Department

ALSO PRESENT: Tom Varro, SCMUA

MINUTES CORRECTION/APPROVAL:

A motion was made by Jason Doyle to approve the Minutes of June 14, 2016 as submitted. The motion was seconded by Bill Koellhoffer. All were in favor, with abstentions from Donald Ploetner, William Koellhoffer, Stephanie Pizzulo and Jo-Ann Williamson. Motion carried.

CHAIRMAN'S REMARKS:

None

NEW BUSINESS:

None

OLD BUSINESS:

Donald Ploetner said the SWAC By-Laws will be on the Agenda for the October meeting. Currently, the By-Laws need final approval from County Counsel before they can be presented to SWAC for their review. He said the By-Laws subcommittee only recommended some minor changes.

Jim Landrith asked Alice Brees if it was possible to have the formats for the SWAC Agenda and PAC Agenda the same. Ms. Brees said over the years, the two groups have sometimes handled things differently. She gave an example of how correspondence is handled: SWAC receives copies of all correspondence, while the PAC group receives only a correspondence list. Both Mr. Landrith and Mr. Ploetner felt the SWAC and PAC Agenda order should be looked at to try to make them similar.

REPORTS:

A. **SCMUA UPDATE:**

Tom Varro reported that from December 1, 2015 through August 31, 2016, 72,853 tons were collected, an increase of 5.5% from last year. For ID-10, 6,707 tons were collected in August. The tonnage decreased from June to July, and then increased by 12.5% from July to August.

B. **RECYCLING COORDINATOR:**

On behalf of Renee Casapulla, Tom Varro gave the Recycling Coordinator's report. The SCMUA's E-Waste Collection Event will be held on Saturday, October 8. This will be the last e-waste collection for 2016. He also reported that Household Hazardous Waste Disposal Day will be Saturday November 5. A flyer listing the items which may be brought to the two collection events was provided to SWAC.

C. **STATE LIAISON:**

The State Liaison did not attend this evening's meeting, nor did he provide a report.

DIRECTOR'S REPORTS:

A. **PLANNING REPORT:**

None

List of Bills - CLEARING ACCOUNT - Sussex

Check#	Vendor	Description	Payment	Check Total
13412	1675 - Action Data Services	PO 9981 Account #0542	131.10	
		PO 10010 Account # 0542	93.20	224.30
13413	1056 - Agnes Burns	PO 9261 Medicare Part B Payment	104.90	104.90
13414	1661 - Agra Environmental & Lab Services	PO 9991 Invoice # 2139 - November 2016 Fee	24,827.00	
		PO 10015 Invoice # 2019	370.00	25,197.00
13415	1815 - American Wear	PO 9687 Uniform delivery Acct#1650700	60.50	60.50
13416	1174 - Bassani Power Equipment	PO 9962 Account #1401	1,213.04	1,213.04
13417	1793 - Bruno Associates	PO 9968 Invoice # 2296	600.00	
		PO 9968 Invoice # 2296	2,400.00	3,000.00
13418	1880 - Cargill	PO 10009 Invoice #2903060333	6,293.02	6,293.02
13419	1504 - Cherry Valley Tractor	PO 9967 Invoice #29605C	211.80	211.80
13420	1756 - Civil Dynamics, Inc	PO 8409 Final Design & Permitting Services	15,289.50	
		PO 9941 Invoice # 283-17 - Lake Rutherford	290.00	
		PO 9942 Invoice # 283-16 - Grant Support	4,082.50	19,662.00
13421	1272 - Codad Systems	PO 9971 Codification Services - 2015 Ordina	2,530.00	2,530.00
13422	1401 - County of Sussex	PO 9914 September Fuel Use Fire Department	593.36	593.36
13423	1180 - Treasurer, State of New Jersey	PO 10016 July-August-September marriage lice	25.00	25.00
13424	1844 - Dorsey & Semrau	PO 9993 Invoice # 12094 - Sass Muni V Hardy	4,222.80	4,222.80
13425	1878 - Farious Net Solutions	PO 9983 Invoice # 5561	201.86	201.86
13426	1714 - Fastenal Insutrial & Construction S	PO 9931 Invoice #NJSPA31342	94.08	
		PO 9938 Customer # NJSPA0809	16.59	
		PO 9976 Invoice # NJSPA31614	82.14	192.81
13427	1116 - FedEx Freight	PO 9985 Account # 1559-9301-4	25.78	25.78
13428	1856 - Genova Burns Attorneys at Law	PO 10019 Client Matter: 22871.1	1,200.00	1,200.00
13429	1536 - Georgeanna Stoll	PO 9977 Supplies for Halloween Party/Parade	26.84	26.84
13430	1168 - Hamburg Plumbing Supply	PO 9882 Sewer Supplies	10.50	
		PO 9926 Invoice # 284963	235.60	
		PO 9927 Invoice 285043	13.41	
		PO 10007 Account # 0019076	196.70	456.21
13431	1088 - High Point Regional High School	PO 9923 2016 School Tax Payments	349,544.00	349,544.00
13432	1736 - Houser Engineering, LLC	PO 9136 Public Wastewater Collection System	833.33	
		PO 9137 Water Treatment CTA Project #1210.1	1,397.50	
		PO 9677 Utility Manager Services	4,333.33	
		PO 9678 Water/sewer engineering fees	1,000.00	
		PO 9737 Project 1646.16 Sussex Boro Water M	4,300.00	
		PO 9741 Sussex Pipeline Land Acq - Project	4,779.46	
		PO 10005 Invoice # 1601127 - NJDOT Water Con	1,150.00	17,793.62
13433	1861 - Hughes Environmental Services, Inc	PO 9697 Water Distribution Center Licensed	1,200.00	1,200.00
13434	1063 - James L. Moore	PO 9262 Medicare Part B Payment	104.90	104.90
13435	1877 - John Anels	PO 9975 Return of Escrow Money	440.00	440.00
13436	1315 - Karan I. Moore	PO 9263 Medicare Part B Payment	104.90	104.90
13437	1105 - Kuiken Brothers Co. Inc	PO 9879 Supplies	29.75	
		PO 9936 Account # 070009	383.85	
		PO 9966 Account # 070009	312.39	725.99
13438	1788 - McAfee Hardware Co., Inc	PO 9979 Account # 2128	299.75	299.75
13439	1745 - McGovern & Rosanan, P.A.	PO 9988 Legal Services	2,596.00	2,596.00
13440	1118 - MGL Printing Solutions	PO 9900 Certificate of Inspection - Invoice	140.00	140.00
13441	1810 - Michael Restel	PO 10006 Mileage Reimbursement	299.70	299.70
13442	1154 - Montague Tool & Supply	PO 9935 Invoice #31415	384.17	
		PO 9964 Invoice # 31843	151.07	535.24
13443	1549 - Morris Asphalt Supply, Inc	PO 9987 Invoice # 161028109	332.70	332.70
13444	1093 - New Jersey Herald	PO 9893 Customer #2413	191.70	
		PO 10008 Account # 2413	663.70	855.40
13445	1139 - NJ Dept. of Health & Senior Srvcs	PO 9978 October Dog Report	9.60	9.60
13446	1727 - One Call Concepts	PO 9932 Invoice # 6095579	27.50	27.50
13447	1223 - PID Controls LLC	PO 9965 Invoice #2167 - Meter Calibration	700.00	700.00
13448	1286 - Purchase Power	PO 10020 Account # 8000-9000-0264-0377	1,020.99	1,020.99
13449	1161 - R & R Pump Control	PO 9924 Invoice # 7584 - Replacement Motor	1,370.00	
		PO 9925 Invoice # 7583 - Sew Eurodrive gear	3,185.00	
		PO 9946 Flocculation Mixer Retrofit	3,782.10	8,337.10
13450	1733 - Reiner	PO 9972 Customer # 01-1210131	450.00	450.00
13451	1763 - Route 23 Patio & Mason	PO 9929 Customer #734	155.00	155.00
13452	1135 - Rutgers, The State University	PO 10002 Advanced Duties of Municipal Clerk	1,246.00	1,246.00
13453	1871 - Stavola Beaver Run	PO 9872 QP 3 East Main Street Parking Lot	293.96	
		PO 9881 QP 3 East Main Street	132.37	

List of Bills - CLEARING ACCOUNT - Sussex

Check#	Vendor	Description	Payment	Check Total
		PO 9939 Invoice # 221	77.66	503.99
13454	1086 - Suburban Energy Services	PO 9943 Account #2232-090324	779.69	
		PO 9961 Account # 2232-073007 - Concession	71.28	850.97
13455	1084 - Sussex County Municipal	PO 9934 Customer #BSUS0001BS	112.80	112.80
13456	1125 - Sussex Fire Department	PO 9266 2016 Monthly Payments	3,750.00	3,750.00
13457	1089 - Sussex Wantage Regional	PO 9511 2nd Half School Year Tax Payments	136,390.66	136,390.66
13458	1830 - The ODE Company	PO 9933 Invoice # 94909	736.18	736.18
13459	1874 - Tommy Hilcken	PO 9910 Comedian & Magician for Halloween	395.00	395.00
13460	1792 - Township Of Lafayette	PO 10017 3rd Quarter Interlocal CFO Payment	2,550.00	
		PO 10017 3rd Quarter Interlocal CFO Payment	2,550.00	5,100.00
13461	1358 - Tractor Supply Company	PO 10004 Account # 6035301202830434	257.95	
		PO 10004 Account # 6035301202830434	46.98	
		PO 10004 Account # 6035301202830434	39.06	343.99
13462	1288 - USA Blue Book	PO 9944 Customer # 59862	11.12	11.12
13463	1729 - USA Hoist Co., Inc.	PO 9986 Invoice # 27332 - November Contract	210.00	210.00
13464	1207 - Wantage Township	PO 9249 2016 Tax Collector Interlocal (Janu	721.50	
		PO 9877 Sussex DPW Fuel Usage	428.68	
		PO 9989 October Gas & Diesel Charges	448.22	1,598.40
13465	1617 - Water Works Supply Company Inc	PO 9928 Customer #104304	859.18	859.18
13466	1076 - Winter's Auto Supply	PO 9883 Vehicle Service	238.37	238.37
TOTAL				603,460.27

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-201-20-100-020	General Admin Other Expenses	6,844.33			
01-201-20-155-020	Legal Services	2,596.00			
01-201-23-220-020	Insurance Employee Group Insurance	314.70			
01-201-25-255-020	Volunteer Fire Company	3,750.00			
01-201-26-290-020	Streets & Roads Other Expenses	2,892.81			
01-201-26-295-020	Snow Removal Other Expenses	6,293.02			
01-201-26-310-020	Building & Grounds Other Expenses	2,879.01			
01-201-28-370-020	Recreation Other Expenses	421.84			
01-201-30-460-020	Gasoline and Fuel	1,041.58			
01-201-42-160-020	Interlocal Wantage Tax Collector	721.50			
01-201-42-540-020	Interlocal - Lafayette - CFO Services	2,550.00			
01-206-55-000-000	Regional HS Taxes Payable			349,544.00	
01-207-55-000-000	Regional School Taxes Payable			136,390.66	
01-214-55-000-000	Due State Marriage			25.00	
01-260-05-100	Due To Clearing			0.00	516,264.45
TOTALS FOR	Current Fund	30,304.79	0.00	485,959.66	516,264.45
03-260-05-100	Due To Clearing			0.00	1,599.60
03-280-56-851-000	Reserve For Planning Escrow Deposits			1,590.00	
03-296-56-852-000	Due State Board Of Health			9.60	
TOTALS FOR	Trust Fund	0.00	0.00	1,599.60	1,599.60
04-215-55-976-000	Imp Auth 2015-04 - Const of Parking Lot			503.99	
04-216-55-975-000	Imp Auth 2016-06 - DPW EQUIPMENT			1,367.75	
04-260-05-100	Due To Clearing			0.00	1,871.74
TOTALS FOR	General Capital Fund	0.00	0.00	1,871.74	1,871.74

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
06-216-55-990-000	Imp Auth Ord 2016-05 - Imp to W/S system			4,779.46	
08-216-55-991-000	Imp Auth Ord #2016-23 Water/Sewer Imp			4,082.50	
08-260-05-100	Due To Clearing			0.00	8,861.96
TOTALS FOR	Water Sewer Capital Fund	0.00	0.00	8,861.96	8,861.96
09-201-55-502-020	Water Sewer Operat. OE Water	47,133.81			
09-201-55-503-020	Water Sewer Operat. OE Sewer	8,105.88			
09-201-55-504-002	W/Sr Operating S&W	4,333.33			
09-203-55-502-020	(2015) Water Sewer Operat. OE Water		15,289.50		
09-260-05-100	Due To Clearing			0.00	74,862.52
TOTALS FOR	Water Sewer Operating Fund	59,573.02	15,289.50	0.00	74,862.52

Total to be paid from Fund 01 Current Fund	516,264.45
Total to be paid from Fund 03 Trust Fund	1,599.60
Total to be paid from Fund 04 General Capital Fund	1,871.74
Total to be paid from Fund 08 Water Sewer Capital Fund	8,861.96
Total to be paid from Fund 09 Water Sewer Operating Fund	74,862.52
	<u>603,460.27</u>

Checks Previously Disbursed

1116	State of NJ Health Benefits	PO# 9970	November Health Insurance - Active	3,744.91	11/08/2016
1116	State of NJ Health Benefits	PO# 9969	November Health Insurance - Retir	2,113.37	11/08/2016
13411	Sussex County Treasurer	PO# 9907	4th Quarter County Open Space Tax	745.19	11/08/2016
13410	Sussex County Treasurer	PO# 9906	4th Quarter County Library Tax	10,381.14	11/08/2016
13409	Sussex County Treasurer	PO# 9905	4th Quarter County Health Tax	4,445.54	11/08/2016
13408	Sussex County Treasurer	PO# 9904	4th Quarter County Purpose Tax	165,562.24	11/08/2016
13407	Sussex County Municipal	PO# 9963	4th Quarter Sewer User Fees	176,037.00	11/08/2016
13406	Jersey Central Power & Light	PO# 10012	Account # 100 071 921 595	174.49	11/08/2016
13405	Bank of America	PO# 10014	Account # endingn in 8363	362.84	11/08/2016
110416	Borough of Sussex Payroll		payroll w/e 10/29/16	13,109.51	11/04/2016
193	Sussex County Soil Conservation	PO# 9974	Wet Lands Permit	895.00	11/01/2016
192	Treasurer, State of NJ	PO# 9973	Wet Lands Permits	1,000.00	11/01/2016
				<u>378,571.23</u>	

Total paid from Fund 01 Current Fund	196,741.89
Total paid from Fund 02 State Grant Fund	128.00
Total paid from Fund 08 Water Sewer Capital Fund	1,895.00
Total paid from Fund 09 Water Sewer Operating Fund	179,806.34
	<u>378,571.23</u>

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
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Total for this Bills List: **982,031.50**

**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
NOVEMBER 15, 2016**

- A. **Mayor Little** will call the meeting of **November 15, 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 November 15, 2016.

E. **PRESENTATIONS:**

No presentations are scheduled for tonight's meeting.

F. **DISCUSSION:**

No discussions are scheduled for tonight's meeting.

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

- H. **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.

- I. **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.

J. **OLD BUSINESS:**

K. **NEW BUSINESS:**

1. **Approval of Meeting Minutes**

A motion is in order to approve the meeting minutes of the Regular Meeting and Executive Session held on November 2, 2016. (Absent: Stoll)
(Motion requested by Clerk)

2. **Resolution 2016-221R – Fourth Quarter 2016 Water/Sewer Adjustments**

A motion is in order to adopt Resolution 2016-221R approving the Water/Sewer Collector's adjustments for the fourth quarter 2016.
(Motion requested by Water/Sewer Collector)

3. Resolution 2016-222R – To Support the Lackawanna Cut-Off Restoration

A motion is in order to adopt Resolution 2016-222R to support the Lackawanna Cut-Off Restoration.

(Motion requested by Council)

4. Resolution 2016-223R – Engineering Services for NJDEP Fresh Water Wetlands and Hazard Area Permitting for Force Main Repair

A motion is in order to adopt Resolution 2016-223R approving the proposal from Houser Engineering to provide a metes and bounds description which had never been filed when the original force main was constructed and is necessary to achieve the approval from SCMUA to perform the construction within their property at a cost of \$9,550.00.

Additional costs to the client include all regulatory fees and performance bonds, including but not limited to the NJDOT Road Opening Permit Application and NJDEP Application review fees estimated at \$1,950.00 and \$1,000.00.

(Motion requested by the Administrator)

5. Adoption of Ordinance 2016-25 – \$25,000.00 from Capital Improvement Fund

A motion is in order to adopt Ordinance 2016-25 entitled "AN ORDINANCE OF THE BOROUGH OF SUSSEX, SUSSEX COUNTY, NEW JERSEY, PROVIDING FOR THE PURCHASE OF 1 EAST MAIN ST AND APPROPRIATING \$25,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND".

(Motion requested by Clerk)

Before final roll call Mayor Little will open the meeting to the public for any questions or concerns regarding Ordinance #2016-25.

6. Introduction of Ordinance 2016-26 – Vacant and Abandoned Properties Ordinance

A motion is in order to introduce Ordinance 2016-26 entitled "AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING THE CODE OF THE BOROUGH OF SUSSEX BY AMENDING AND REPLACING RESERVED SECTION 12-5 OF ARTICLE XII, ENTITLED "BUILDINGS AND HOUSING", WITH A NEW SECTION ENTITLED "VACANT AND ABANDONED PROPERTIES"

FINAL READING: December 6, 2016

7. Introduction of Ordinance 2016-27 – Abandoned Properties Fees

A motion is in order to introduce Ordinance 2016-27 entitled "AN ORDINANCE TO AMEND CHAPTER XXIV, ENTITLED "FEES", OF THE CODE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW JERSEY, ESTABLISHING FEES FOR REGISTRATIONS AND RENEWAL REGISTRATIONS OF VACANT PROPERTIES."

FINAL READING: December 6, 2016

- L. 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.

M. EXECUTIVE SESSION – IF REQUESTED

**Contract Negotiations – Redevelopment Area & 911 Dispatch
Purchase of Real Property**

Mayor Little will request a motion to adopt a resolution to adjourn into Executive Session to discuss certain items excluded from the public.

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.

8. Resolution 2016-224R – Authorization to Sign Contract to Purchase Real Estate

A motion is in order to adopt Resolution 2016-224R to purchase real estate.
(Motion requested by Council)

N. ADJOURNMENT: Mayor Little will request a motion to adjourn the meeting.

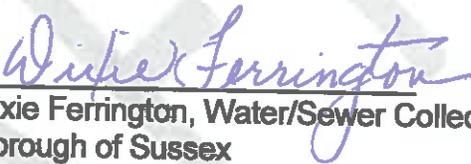
**SUSSEX BOROUGH
RESOLUTION 2016-221R**

FOURTH QUARTER 2016 – WATER/SEWER ADJUSTMENTS

Acct# 1244 – Due to a high estimates this account should be credited \$356.02 and the reading adjusted.

Acct# 3587 - Due to a high estimates this account should be credited \$153.23 and the reading adjusted.

Acct# 5418- Due to high estimate the old reading should be adjusted and this account should be credited \$179.90.



Dixie Ferrington, 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 November 15, 2016.

Antoinette Smith
Acting Municipal Clerk

**SUSSEX BOROUGH
RESOLUTION #2016-222R**

**RESOLUTION OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW
JERSEY URGING THE OWNERS OF THE HUDSON FARM PROPERTIES A/K/A IAT
REINSURANCE TO SUPPORT THE LACKAWANNA CUT-OFF RESTORATION PROJECT**

WHEREAS, New Jersey Transit, in an effort to restore passenger service to the Lackawanna Cut-Off Rail line in Sussex County, has been working on a project to extend the commuter rail service from Port Morris Junction to Andover Township; and

WHEREAS, the extension of the line is a \$61 million project funded by the Federal Government and the NJ Transportation Fund; and

WHEREAS, it is anticipated that 8 eastbound and westbound trains to the Hoboken Terminal will run from the new Andover Township Train Station on Roseville Road in Andover Township; and

WHEREAS, the last phase of the project has encountered a delay as it is necessary that a culvert be replaced 500 feet upstream from the station and the culvert is located on property owner by Hudson Farm or IAT Reinsurance whereby it has been requested that NJ Transit be permitted to temporarily access the property and upgrade the culvert at no cost or inconvenience to the land owners; and

WHEREAS, notwithstanding that for the past two years NJ Transit has repeatedly made such request to the landowner and conducted meetings and presented specific plans for the reconstruction of the culvert, the property owners have refused to provide consent to access the property; and

WHEREAS, as a result of this refusal by Hudson Farms to permit such access, it has stifled the completion of the entire \$61 million project passenger service which, once completed, will bring social, economic, and financial benefits to the residents of Sussex County; and

NOW, THEREFORE be it resolved that the Mayor and Council of the Borough of Sussex, County of Sussex and the State of New Jersey, hereby declares as follows: the Borough of Sussex urges the owners of Hudson Farm a/k/a IAT Reinsurance to comply with the request of NJ Transit to permit access to the culvert and construct the last phase of this significant project for the benefit of the residents of Sussex County; and

BE IT FURTHER RESOLVED, that the Borough urges other communities to adopt this Resolution to urge owners of significant land holdings in Sussex County to also be stewards of the community and support the Lackawanna Restoration project by simply temporarily reconstruct and upgrade a culvert which exists on the premises at no cost to the property owners and for the benefit of the residents of Sussex County.

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 November 15, 2016.

Katherine Little, Mayor

Antoinette Smith, Acting Clerk

**SUSSEX BOROUGH
RESOLUTION #2016-223R**

**ENGINEERING SERVICES FOR NJDEP FRESH WATER WETLANDS AND FLOOD
HAZARD AREA PERMITTING FOR FORCE MAIN REPAIR ON BEHALF OF SUSSEX
BOROUGH**

BE IT RESOLVED, that the Governing Body of the Borough of Sussex does hereby approve the proposal dated October 4, 2016 from Houser Engineering, LLC 1141 Greenwood Lake Turnpike, Ringwood, NJ 07456, to provide a metes and bounds description which had never been filed when the the original force main was constructed and is necessary to achieve the approval from SCMUA to perform the construction within their property at a cost of \$9,550.00.

Additional costs to the client include all regulatory fees and performance bonds, including but not limited to the NJDOT Road Opening Permit Application and NJDEP Application review fees estimated at \$1,950.00 and \$1,000.00.

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 November 15, 2016.

Antoinette Smith, Acting Clerk

**BOROUGH OF SUSSEX
ORDINANCE 2016-25**

**AN ORDINANCE OF THE BOROUGH OF SUSSEX, SUSSEX COUNTY,
NEW JERSEY, PROVIDING FOR THE PURCHASE OF 1 EAST MAIN ST AND
APPROPRIATING \$25,000.00 FROM THE GENERAL CAPITAL
IMPROVEMENT FUND**

BE IT ORDAINED by the Governing Body of the BOROUGH of SUSSEX,
County of Sussex, New Jersey, as follows:

Section 1. The funding for the purchase of 1 East Main Street and associated expenses is hereby authorized; and the cost is not to exceed \$25,000.00 which sum is hereby appropriated for such purposes.

Section 2. The total amount of \$25,000.00 is hereby appropriated from the General Capital Improvement Fund.

Section 3. This Ordinance shall take effect upon publication of notice of final adoption as provided by law.

Katherine Little, Mayor

ATTEST:

Antoinette Smith,
Acting Municipal Clerk

NOTICE IS HEREBY GIVEN that the attached Ordinance #2016-25 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on the 2nd day of November 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 15th day of November, 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.

Antoinette Smith,
Acting Municipal Clerk

Katherine Little, Mayor

Introduced: November 2, 2016
Adopted:

BOROUGH OF SUSSEX
ORDINANCE 2016-26

**AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX,
AND STATE OF NEW JERSEY AMENDING THE CODE OF THE BOROUGH
OF SUSSEX BY AMENDING AND REPLACING RESERVED SECTION 12-5 OF
ARTICLE XII, ENTITLED "BUILDINGS AND HOUSING", WITH A NEW
SECTION ENTITLED "VACANT AND ABANDONED PROPERTIES"**

WHEREAS, there are structures in the Borough of Sussex which are vacant and/or abandoned in whole or large part; and

WHEREAS, in many cases, the owners or responsible parties of these structures are neglectful of them or are not maintaining or securing them to an adequate standard or restoring them to productive use; and

WHEREAS, it has been established that vacant and abandoned structures cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, increased risk of fire and potential increases in criminal activity and public health risks; and

WHEREAS, it is in the public interest for the Borough to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the Borough; and

WHEREAS, it is in the public interest for the Borough to impose a fee in conjunction with registration of vacant and abandoned structures in light of the disproportionate costs imposed on the Borough by the presence of these structures.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Sussex, Sussex County, New Jersey, that Article XII entitled "Buildings and Housing" be and is hereby amended as follows:

SECTION 1. Section 12-5, entitled "Reserved", of Article XII entitled "Buildings and Housing", be and is hereby replaced with the following Section entitled "Vacant and Abandoned Properties":

Section 12-5. Vacant and Abandoned Properties.

Section 12-5.1. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

Abandoned Property- Is defined in accordance with the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq., and means the following:

(1) Except as provided in Section 6 of P.L. 2003, c. 210 (N.J.S.A. 55:19-83), any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property on a determination by the Public Officer that:

(A) The property is in need of rehabilitation in the reasonable judgment of the Public Officer, and no rehabilitation has taken place during that six-month period;

(B) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the Public Officer pursuant to this section;

(C) At least one installment of property tax remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the Revised Statutes (see N.J.S.A. 54:4-1 et seq.) as of the date of a determination by the Public Officer pursuant to this section; or

(D) The property has been determined to be a nuisance by the Public Officer in accordance with Section 5 of P.L. 2003, c. 210 (N.J.S.A. 55:19-82).

(2) A property which contains both residential and non-residential space may be considered abandoned pursuant to P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.) so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space, none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the Public Officer and the property meets the criteria of either subparagraph (1)(A) or (1)(D) of the definition of "Abandoned Property" set forth in this Section 12-5.1.

Creditor – A creditor who files a summons and complaint in an action to foreclose.

Evidence of Vacancy – Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is or has been vacant for three or more months. Such evidence would include, but is not limited to, evidence of the existence of two or more of the following conditions at a property: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past-due utility notices or disconnected utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishings or personal items consistent with residential habitation; statements by neighbors, delivery agents, or government employees that the property is vacant or abandoned; infestation by insects, vermin, rats or other pests; windows or entrances that are boarded up or closed off; multiple window panes that are damaged, broken or unrepaired; doors that are smashed, broken, unhinged or continuously unlocked; or any uncorrected violation of a municipal building, housing or similar code during the preceding year.

Owner- The title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of N.J.S.A. 46:10B-51 (P.L. 2008, c. 127, § 17, as amended), or any other entity determined by the Borough of Sussex to act with respect to the property.

Public Officer – The person appointed as Public Officer in accordance with Section 12-5.7.

Vacant Property- A building that was or is used or whose purpose is to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased for a period of at least three months; and/or commercial property that has not been legally occupied or at which substantially all lawful construction operations have ceased for a period of at least three months, and which exhibits evidence of vacancy such that a reasonable person would believe that the property is vacant. Alternatively, property which is "abandoned property" as defined in Section 12-5.1 is vacant property. A property that contains all building systems in working order, is being maintained on a regular basis, has not been cited by the Borough for any violation of municipal ordinance within such time as it is unoccupied and is being actively marketed by its owner for sale or rental shall not be deemed vacant.

Section 12-5.2. Registration.

a. General Requirements.

(1) The owner of vacant property shall, within 30 days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Borough of Sussex on forms provided by the Borough of Sussex for such purposes. The registration shall remain valid until the end of the calendar year. The owner shall be required to renew the registration annually, by no later than January 31st of each year, as long as the building remains vacant property and shall pay a registration or renewal fee as prescribed in Section 12-5.2(c) for each vacant property registered. The initial and renewal fees shall be prorated and or credited accordingly upon legal occupancy.

(2) Any owner of a building meeting the definition of "vacant property" as of the effective date of this ordinance shall file a registration statement for that property on or before the 60th day following the effective date of this ordinance.

(3) The registration statement shall include the information required under Section 12-5.2(b) hereof and any additional information which the Public Officer may reasonably require.

(4) The owner shall notify the Borough of Sussex within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Borough of Sussex for such purpose.

(5) The registration statement shall be deemed prima facie proof of the statements therein for the purpose of any administrative enforcement or court proceeding instituted by the Borough of Sussex against the owner(s) of the vacant property.

b. Registration Statement Requirements; Property Inspection.

(1) After filing a registration statement or a renewal of a registration statement, the owner of vacant property shall provide access to the Public Officer, if requested and following reasonable notice, during the period covered by the initial registration or any subsequent renewal. If an inspection of the interior of the property is deemed by the Public Officer to be necessary due to complaints or other cause, the fee for such inspection shall be the same as that for a Continued Certificate of Occupancy inspection as provided in the applicable provisions of the Code of the Borough of Sussex.

(2) The registration statement shall include the name, street address, and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. The designated agent must have a contact number that will be available 24 hours per day on an emergency basis. The statement shall also include the name of the person responsible for maintaining and securing the property, if different from the designated agent.

(3) An owner who is a natural person and who meets the requirements of Section 12-5.2(b)(2) as to availability of a contact number on a 24-hour emergency basis may designate himself or herself as agent.

(4) By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court or administrative enforcement proceeding brought to enforce code provisions concerning the registered property by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purpose of this section until the owner notifies the Borough of Sussex of a change of the authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from the requirements of Section 12-5.2.

c. Fee Schedule. The fees for registration for each building are as prescribed in Chapter XXIV, Fees.

Section 12-5.3. Duties of Owners of Vacant and Abandoned Property. The owner of a building that has become vacant or abandoned property, and any person maintaining, operating or collecting rent for any such building that has become vacant or abandoned, shall, immediately:

a. Post a sign affixed to the inside of the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to Section 12-5.2(b) hereof), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 15 inches by 17 inches; and

b. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Code of the Borough of Sussex and maintain the sign required by Section 12-5.3(a) hereof until the building is legally occupied or demolished or until repair or rehabilitation of the building is complete; and

c. Make provision for the maintenance of the lawn and yard, including regular grass cutting as required by the applicable provisions of the Code of the Borough of Sussex; and

d. Make provision for the cessation of the delivery of mail, newspapers and circulars to the property, including having the property listed on the exclusion list maintained by the Borough of Sussex for the delivery of circulars and advertisements to the property; and

e. Make provision for winterizing the property by the cessation of water service to the property and the draining of water lines, other than buildings with a fire sprinkler system, and

f. Make provision for the cessation of electric or gas utility services to the property, other than buildings with a fire sprinkler system, and

g. Make provision for the regular maintenance of the exterior of the property.

Section 12-5.4. Violations and Penalties. Anyone who violates a provision of Section 12-5.2 or Section 12-5.3 shall be subject to a fine of not less than \$500 and not more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. In addition, each failure to file a registration statement on time or to provide correct information on the registration statement shall constitute a violation. Fines assessed under this Section 12-5.4 shall be recoverable from the owner and be a lien on the property.

Section 12-5.5. Responsibilities of Creditors; Violations and Fines.

a. Pursuant to the provisions of N.J.S.A. 40:48-2.12s, a creditor filing a summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security and upkeep of the exterior of the vacant and abandoned residential property. This obligation applies whether the determination that the property is vacant and abandoned is made in accordance with this or any other section of the Code of the Borough of Sussex, with N.J.S.A. 2A:50-73, or with any other applicable law.

b. If the creditor is located out-of-state, the creditor shall be responsible for appointing an in-state representative or agent to act for the foreclosing creditor.

c. An out-of-state creditor shall include the full name and contact information of the in-state representative or agent in the notice required to be provided to the municipal clerk pursuant to N.J.S.A. 46:10B-51(a)(1).

d. An out-of-state creditor found by the municipal court or other court of competent jurisdiction to be in violation of Section 12-5.5(b) or (c) shall be subject to a fine of \$2,500.00 for each day of the violation commencing on the day after the ten (10) day period set forth in N.J.S.A. 46:10B-51(a)(1) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose has been served.

e. A public officer appointed pursuant to N.J.S.A. 40:48-2.3 et seq., or the Public Officer appointed per Section 12-5.7 shall be authorized to issue a notice to the creditor if the public officer determines that the creditor has violated Section 12-5.5 by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. The notice shall require the person or entity to correct the violation within thirty (30) days of receipt of the notice, or within ten (10) days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of this notice shall constitute proof that a property is "vacant and abandoned" for purposes of N.J.S.A. 2A:50-73.

f. A creditor found by the municipal court or other court of competent jurisdiction to be in violation of the requirement to care for, maintain, secure or upkeep a property as cited in a notice issued pursuant to Section 12-5.5(e) shall be subject to a fine of \$1,500 for each day of the violation commencing thirty one (31) days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence eleven (11) days following receipt of the notice.

g. In accordance with N.J.S.A. 40:48-2.12s(d), no less than twenty percent (20%) of any money collected from creditors under Section 12-5.5 hereof shall be utilized by the Borough for municipal code enforcement purposes.

Section 12-5.6. Municipal Powers to Rehabilitate Abandoned Properties. The Borough of Sussex shall retain the option and authority to exercise such powers granted to municipalities by the State of New Jersey for the rehabilitation of abandoned property. Such powers are set forth, *inter alia*, in the "Abandoned Properties Rehabilitation Act" (N.J.S.A. 55:19-78, et seq.) and in applicable portions of the "New Jersey Urban Development Corporation Act" (N.J.S.A. 55- 19-1, et seq.). These statutory powers are collectively referred to herein as the "enabling statutes."

Section 12-5.7. Public Officer. The Public Officer, as defined in N.J.S.A. 55:19-80, who is responsible for executing the provisions of Section 12-5 hereof and for the rehabilitation of abandoned property, shall be designated by resolution of the Borough Council.

Section 12-5.8. Designation of Abandoned Property. The Public Officer shall designate a property as an "abandoned property" if said property meets the criteria set forth in N.J.S.A. 55:19-81 (abandoned property criteria) and/or N.J.S.A. 55:19-82 (nuisance property criteria). The Public Officer's designation is limited by the provisions of N.J.S.A. 55:19-83.

Section 12-5.9. Abandoned Property List. The Public Officer shall establish an Abandoned Property List pursuant to N.J.S.A. 55:19-55. An interested party, as that term is defined in N.J.S.A. 55:19-105a, may request that the Public Officer include a property on the Abandoned Property List, pursuant to N.J.S.A. 55:19-105.

Section 12-5.10. Rights of Owner of Abandoned Property. The owner of a property on the Abandoned Property List has such rights designated to said owner by the enabling statutes. Such powers include but are not limited to: (a) Challenging the inclusion of a property on the Abandoned Property List, pursuant to N.J.S.A. 55:19-55e; (b) Seeking removal from said list, pursuant to N.J.S.A. 55:19-57 and 55:19-103; and (c) Petitioning for reinstatement of control and possession, pursuant to N.J.S.A. 55:19-92, et seq.

Section 12-5.11. Municipal Powers. The Borough of Sussex has and retains such powers and rights regarding abandoned properties as set forth in the enabling statutes. Such powers include but are not limited to: (a) Sale of tax lien, pursuant to N.J.S.A. 55:19-56; (b) Special tax sales, pursuant to N.J.S.A. 55:19-101; (c) Foreclosing the right to redemption, pursuant to N.J.S.A. 55:19-58; (d) Recourse directly against property owner, pursuant to N.J.S.A. 55:19-100; (e) Possession and control of property, pursuant to N.J.S.A. 55:19-84 to 55:19-92, et seq.; (f) Rehabilitation and reuse of property, while in possession and control, pursuant to N.J.S.A. 55:19-90; (g) Borrowing money and making applications for rehabilitation of property, while in possession and control, pursuant to N.J.S.A. 55:19-91; (h) Sale of property, pursuant to N.J.S.A. 55:19-96; (i) Purchase of property, pursuant to N.J.S.A. 55:19-96; (j) Recover rehabilitation costs by lien on property, pursuant to N.J.S.A. 55:19-98; (k) Clearance, development, redevelopment or repair of property through power of eminent domain, pursuant to N.J.S.A. 55:19-56, 55:19-102.

Section 12-5.12. Rights of Utilities. Electric and natural gas utilities retain such rights to abandoned properties as set forth in N.J.S.A. 55:19-106 & 107.

Section 12-5.13. Compliance with Other Provisions. Nothing in Section 12-5 is intended to nor shall be read to conflict or prevent the Borough of Sussex from taking action regarding buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Code of the Borough of Sussex and/or the Uniform Construction Code. Further, any action taken under any such code provision shall not relieve an owner from his, her or its obligations under Section 12-5.

Section 12-5.14. Interpretation. All references in Section 12-5 to statutes include all amendments thereto. References to particular sections of enabling statutes are for ease of reference but may not be exhaustive and are not meant to be exclusive of other applicable statutory provisions contained in enabling statutes or elsewhere in New Jersey statutes.

SECTION 2. All ordinances or parts of ordinances of the Borough of Sussex inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This ordinance shall take effect immediately on final passage and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance #2016-26 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on the 15th day of November, 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 6th day of December, 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.

Antoinette Smith, Borough Clerk

Katherine Little, Mayor

Introduced:

Adopted:

DRAFT

BOROUGH OF SUSSEX
ORDINANCE 2016-27

AN ORDINANCE TO AMEND CHAPTER XXIV, ENTITLED "FEES", OF THE CODE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW JERSEY, ESTABLISHING FEES FOR REGISTRATIONS AND RENEWAL REGISTRATIONS OF VACANT PROPERTIES.

BE IT ORDAINED by the Borough Council of the Borough of Sussex, County of Sussex, State of New Jersey, that Chapter XXIV of the Code of the Borough of Sussex, entitled "Fees", be and is hereby amended as follows:

SECTION 1. Section 24-1.1, entitled "Municipal Clerk", of Chapter XXIV of the Code of the Borough of Sussex, entitled "Fees", be and is hereby amended to add new subparagraph (e) as follows:

e. *Registration and registration renewal fees for vacant buildings:* There shall be no registration fee for the six-month period following initial registration. Thereafter, for the period preceding the next registration renewal deadline, there shall be a first-time registration fee of \$250 which shall be due and payable immediately on conclusion of the six-month period following initial registration. The fee for next three renewals shall be \$500 each. Thereafter, the fee for each renewal shall be \$5,000. Renewal fees shall be credited on a pro rata basis when a property becomes legally occupied during a renewal period.

Vacant and Abandoned Property Registration Fee Schedule

<u>Registration</u>	<u>Fee</u>
First six months	\$0
First-time registration fee	\$250
Next three renewals	\$500 each
Subsequent renewals	\$5,000 each

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

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance #2016-27 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on the 15th day of November, 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 6th day of December, 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.

Antoinette Smith, Borough Clerk

Katherine Little, Mayor

Introduced:
Adopted: