

**MINUTES OF THE MEETING OF THE
MAYOR AND COUNCIL
OF THE BOROUGH OF SUSSEX
HELD AT THE SUSSEX MUNICIPAL BUILDING
2 MAIN STREET, SUSSEX, NJ
DECEMBER 1, 2015**

Council President Masson called the meeting to order and requested the clerk to call the roll. Upon roll call, the following members of the Governing Body were present: Mr. Frank Dykstra, Mr. Robert Holowach, Mrs. Katherine Little, Mrs. Linda Masson, Mrs. Annette Stendor,

Absent: Mrs. Georgeanna Stoll

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

Council President Masson led the assembly in the flag salute and requested a moment of silence.

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

APPROVAL OF AGENDA

Mrs. Masson made a motion to approve the agenda for December 1, 2015 as submitted. Motion seconded by Mr. Holowach

Mrs. Masson made a motion to amend the agenda of December 1, 2015 to add the reading of a proclamation honoring former Mayor Peter Horvath. Motion seconded by Mr. Holowach

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

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

Council President Masson read the following proclamation:

***BOROUGH OF SUSSEX
PROCLAMATION***

WHEREAS, the honorable Peter P. Horvath, 76, unexpectedly passed away on Saturday November 28, 2015 at Fulton County Health Center in Wauseon, Ohio; and

WHEREAS, he was born in Budapest, Hungary, resided in Sussex Borough for many years; and

WHEREAS, he served first as a Councilman and then as Mayor of Sussex Borough serving from January 1, 1992 until December 31, 2003, and was also a trustee of the Wantage Grange; and

WHEREAS, he served as a member of the Sussex-Wantage Board of Education, President of the Board of Health, member of the Zoning and Planning Boards and former police and fire commissioner.; and

WHEREAS, he was an exempt member of the Sussex Fire Department; and

WHEREAS, he is survived by his wife of 52 years, JoAnn (Pojanowski) Horvath; and his daughter, Alexis P. Horvath and her husband, Charles H. Fronheiser, Jr. of Sussex.; and

WHEREAS, Peter P. Horvath will be henceforth remembered as a model citizen of Sussex Borough and Sussex County, a loving family member and a proud part of our local history;

NOW, THEREFORE, I, LINDA MASSON, Council President of the Borough of Sussex, do hereby ORDER and DIRECT:

1. *That the flag of the United States of America and the flag of New Jersey shall be flown at half-staff at the Sussex Municipal building, from Tuesday December 1, 2015, through Friday December 4, 2015, in recognition and mourning of Peter P. Horvath.*

2. *That this order shall take effect immediately*

The congregation stood and observed a moment of silence as requested by Mr. Dykstra.

PRESENTATIONS:

Mr. Gerry Gardner, Houser Engineering presented a report of the water and sewer utility. Mr. Gardner updated the governing body on the status of the Asset Management Plan that should be completed by the end of the year. Mr. Gardner stated that the turbidity study is moving forward and will present the findings to the Borough soon. There are three or four options at this point that need to be considered. The reasons that Colesville Reservoir experiences high turbidity was explained. Mr. Gardner described a few options that are currently being considered. At this time the most probable solution is to extend the raw water line directly to Lake Rutherford which could prevent the cost of dredging and repairing the dam at Colesville Reservoir. Mr. Gardner presented an update of the maintenance proposed on the PRV valve.

Steve Welsh, Bruno Associates presented the following grant summary:

Borough of Sussex Grant Summary

CDBG Small Cities Grant for Lake Rutherford

The project is to rehabilitate the Lake Rutherford Dam.

Project Cost is \$700,000.

Grant Amount Applied for: \$400,000 (Maximum Award)

Deadline: September 11, 2015

A preliminary Environmental Record Review (ERR) was prepared by Civil Dynamics (Chris Adams) on September 30. A final ERR is in process.

- *We had expected to hear from Small Cities CDBG concerning our grant application while at the NJ State League of Municipalities Convention. After inquiring of Terry Shrider on the status, he stated that the DCA Secretary was not ready to announce the grant winners as anticipated. He indicated that he had made his recommendations to the Secretary and that Sussex has a good application.*

USDA Water and Waste Disposal Loans and Grants Program

This project has three components:

- 1) *Water Meter Replacement – Cost \$400,000*

- 2) *Water Line at the Double S Diner bridge – Cost \$150,000*
- 3) *Replace 3 Sewer Force Main sections – Cost \$400,000*

The total is \$950,000. Preliminary application submitted on August 4th. Additional information was requested several times and all requests were satisfied. This culminated with a meeting with USDA on November 3, 2015 where Sussex Borough was deemed eligible.

*The grant/loan allocation is not final but the preliminary breakdown was:
Grant - \$183,000, Loan - \$529,500 at 2.625% interest, Sussex Contribution - \$237,500.*

The full application is due on March 4, 2016. Engineer Gerry Gardner will work on the technical aspects for completion in January 2016. I will complete the application with the goal of submitting it sooner than the March 4th deadline.

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.

Completed the H2Loan application Part I for all projects on October 9, 2015. Final applications are due on March 4, 2016. Engineer Gerry Gardner will work on the technical aspects for completion in January 2016. I will complete the application with the goal of submitting it sooner than the March 4th deadline.

This program has loan/loan forgiveness features. Up to \$500,000 of the loan can be forgiven.

When Sussex is awarded the USDA grant/loan of \$950,000 and the H2Loans is also awarded with up to \$500,000 of loan forgiveness, discussions will have to take place with USDA, H2Loans, Sussex Borough officials, and Bruno Associates to determine the best combination of awards for Sussex Borough.

NJDOT Municipal Aid

The application to resurface Main Street was submitted by the October 20, 2015 deadline. The grant request was for \$194,611.

Playground Equipment

A “grant” from Game Time was available until November 13, 2015. Sussex was to select eligible layouts from the Game Time catalog for application to Game Time. Instead, I received a layout that was from AAA State of Play. I attempted to find a similar main equipment piece in Game Time and submitted it to Sussex for review.

I was told that Sussex had obtained quotes from 3 vendors for playground equipment. In comparing the Game Time against the AAA State of Play costs, I found that AAA State of Play was less costly. Since the Game Time opportunity has passed, I recommended that Sussex purchase the equipment from AAA State of Play out of the Capital Budget after monies have been appropriated.

My cost analysis is:

AAA State of Play

1)	Candy Caterpillar	\$ 248.00
2)	Tommy Truck	\$ 436.00
3)	Bumbling Betsy	\$ 549.00
4)	See Saw	\$ 452.00
5)	Merry Go Round	\$ 744.00
6)	3 Bay Single Post Swings	\$ 818.00
	TOTAL	\$3,247.00

Add in the Candies Crush for \$12,982.00 and the total becomes \$16,229.00 + freight + installation + base material.

Add in the Game Time Triple Stack for \$24,538 instead and the total becomes \$27,785.00 + freight + installation + base material.

Assistance to Firefighters Grant (AFG)

Contacted Sussex Borough on November 6th concerning their needs for the AFG. Discussed it with Jake Little. He is interested in applying for Rapid Intervention Crews (RIC) equipment.

The applications open on December 7th and are due on January 15th. Jake has provided costs and equipment descriptions for me to use.

USDA Community Facilities Direct Loan Program

The Fire Department, applying as a non-profit, has received money for equipment as a grant for several years. I recommend that they continue to seek these grants on their own as they have been very successful.

The other part of the USDA Community Facilities Direct Loan Program supplies funds in the form of loans at 3.25%.

Loans are available for street improvements, fire trucks, salt sheds, public works vehicles, and public works equipment. Sussex has to decide if they want to pursue these loans, given that the interest is high and choose which project(s) to apply for.

Other loan options are NJEIT, when available, which provides 50% interest free and 50% at market rate. Alternatively, you can use the conventional borrowing method of issuing bond anticipation notes for 10 years with permanent bonding after that. For comparison, Byram recently went out for bonding and got a rate of 1.911494% for 10 years.

I am seeking guidance tonight whether to apply for this USDA loan at 3.25%.

COMMITTEE REPORTS: Council President Masson opened the floor to each member of the Council to offer their respective committee reports.

Mrs. Little stated “that on DPW, all items that were brought up during the PEOSHA inspection have been addressed. Our DPW employees did the work. Our DPW also did the work on the water break that was caused by a broken gasket and the water line in back of Fireman Dan’s, they did excellent work on finding the leak and doing the repairs in house. Emergency action plan has been updated as per PEOSHA requirements. The truck we purchased from Lafayette has been delivered. All three trucks are ready for the winter. I really have to commend our men that have been doing an outstanding job on getting things caught up and repaired. The planning/zoning board has reviewed the Area C Redevelopment plan and the council has a draft tonight to study and offer comments before the December 15th meeting. The Recreation tree lighting will be Saturday December 5, 2015 at 6:30 at Deckertown Commons Park.

Mrs. Stendor offered no report at this time.

Mr. Holowach stated “service break, I just want to build out on that. This could have been a potential expensive deal. Sunday afternoon our guys stepped in to fix the service break saving the Borough a great deal of money. Great job by all involved.

Mr. Dykstra offered no report at this time.

Mrs. Masson offered no report at this time.

CONSENT AGENDA

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

Mrs. Stendor made a motion to accept the consent agenda of December 1, 2015.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated October 26, 2015 from the Borough of Wanaque concerning a Commission to explore the elimination or reduction of County government in the State of New Jersey.
2. Resolution from the Borough of Wanaque urging the Governor and State Legislature to implement a study Commission to look at the reduction of abolishment of County Government.
3. Resolution from the Borough of Hopatcong concerning the structure of Sussex County Department of Environmental and Health Services.
4. Letter dated November 16, 2015 from Mr. Edward Mainardi, Jr. concerning Ordinance 2015-19.
5. Letter dated November 24, 2015 from Todd Taylor concerning his water bill.
6. Letter from Mayor Jonathan Rose dated November 20, 2015 submitting his resignation as the Mayor of Sussex Borough effective November 20, 2015 at 11:59 pm.
7. Correspondence dated November 23, 2015 from Marina Krynicky, Sussex Borough Republican Committee Chairperson submitting three names to fill the vacancy left by now Freeholder Jonathan Rose.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Clerk’s report for the month of October 2015.
2. Construction Department report for the month of October 2015.
3. Water Sewer Collector report for the month of October 2015.
4. Tax Collector report for the month of October 2015.
5. Property Maintenance report for the month of October 2015.
6. Zoning Department report for the month of October 2015.
7. Grant Writer report for the month of October, 2015
8. Houser Engineering progress report dated November 19, 2015.
9. Delinquent Utility Properties Report as of November 25, 2015.
10. Unpaid Utility Properties Report as of November 25, 2015.
11. Water Shut Off Report as of November 25, 2015

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of December 1, 2015.

Motion seconded by Mrs. Little

Upon roll call vote:

Ayes: Dykstra, Holowach, Little, Masson, Stendor

Nays: None

Abstentions: None

Absent: Stoll

OPEN PUBLIC SESSION #1

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

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

OLD BUSINESS

There was no old business discussed at this time.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Holowach made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on October 20, 2015. Motion seconded by Mrs. Masson

Upon roll call vote:
Ayes: Holowach, Little, Masson, Stendor
Nays: None
Abstentions: Dykstra
Absent: Stoll

Resolution 2015-165R –Preparation of \$1,000,000.00 Bond Ordinance

No action was taken.

Resolution 2015-166R - Purchase of New Fire Apparatus

Mrs. Little made a motion to adopt Resolution 2015-166R authorizing the purchase of a new fire apparatus (Rescue/Pumper) for the Borough of Sussex based on the HGACBuy contract #FS12-13, in the amount of \$457,009.00. Motion seconded by Mrs. Masson

Upon roll call vote:
Ayes: Dykstra, Little, Masson, Stendor
Nays: None
Abstentions: Holowach
Absent: Stoll

Resolution 2015-167R – Emergency Contract Ferraro Construction

Mr. Holowach made a motion to adopt Resolution 2015-167R awarding an emergency contract to Ferraro Construction for the repair of a sewer force main on Route 23. Motion seconded by Mrs. Little

Upon roll call vote:
Ayes: Dykstra, Holowach, Little, Masson, Stendor
Nays: None
Abstentions: None
Absent: Stoll

Resolution 2015-168R - Emergency Contract Ferraro Construction

Mrs. Stendor made a motion to adopt Resolution 2015-168R awarding an emergency contract to Ferraro Construction for the repair of a water line on Route 284. Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Dykstra, Holowach, Little, Masson, Stendor

Nays: None

Abstentions: None

Absent: Stoll

Introduction Ordinance 2015-19 – Amending Chapter XXIV, Section 24-1.4

Mrs. Stendor made a motion to introduce Ordinance 2015-19 entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AMEND CHAPTER XXIV, SECTION 24-1.4, ENTITLED “WATER/SEWER SYSTEM FEES,” OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF SUSSEX”

Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Dykstra, Holowach, Little, Masson, Stendor

Nays: None

Abstentions: None

Absent: Stoll

Council President Masson stated that the Final Reading of Ordinance 2015-19 will be held on December 15, 2015

Introduction Ordinance 2015-20 – Amending Chapter XXIV, Section 24-1.4

Mrs. Masson made a motion to introduce Ordinance 2015-20 entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AMEND CHAPTER XXIV, SECTION 24-1.4, ENTITLED “WATER/SEWER SYSTEM FEES,” OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF SUSSEX”

Motion seconded by Mrs. Stendor

Upon roll call vote:

Ayes: Little, Masson, Stendor

Nays: Dykstra, Holowach

Abstentions: None

Absent: Stoll

Council President Masson stated that the Final Reading of Ordinance 2015-20 will be held on December 15, 2015

Introduction Ordinance 2015-21 – Amending Chapter XIII, Entitled “Water and Sewer”

Mrs. Stendor made a motion to introduce Ordinance 2015-21 entitled “AN ORDINANCE AMENDING CHAPTER XIII, ENTITLED “WATER AND SEWER”, OF THE CODE OF THE BOROUGH OF SUSSEX TO ADD NEW SECTION ENTITLED “SALE OR LONG-TERM LEASE OF WATER OR WASTEWATER ASSETS”.” Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Little, Masson, Stendor

Nays: Dykstra, Holowach

Abstentions: None

Absent: Stoll

Council President Masson stated that the Final Reading of Ordinance 2015-21 will be held on December 15, 2015

Introduction Ordinance 2015-23 – Addendum Route 23 Redevelopment Plan

Mrs. Stendor made a motion to introduce Ordinance 2015-23 entitled “ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY ADOPTING ADDENDUM # 1 OF THE ROUTE 23 REDEVELOPMENT PLAN

PERTAINING TO AREA C OF THE ROUTE 23 REDEVELOPMENT AREA, AS PREPARED BY THE NELSON CONSULTING GROUP AND RECOMMENDED BY THE SUSSEX BOROUGH PLANNING BOARD.”. Motion seconded by Mrs. Little

Upon roll call vote:

Ayes: Dykstra, Holowach, Little, Masson, Stendor

Nays: None

Abstentions: None

Absent: Stoll

Council President Masson stated that the Final Reading of Ordinance 2015-23 will be held on December 15, 2015

Sussex Fire Department 2016 Bingo and Instant Raffle License

Mrs. Little made a motion to approve Bingo License BA 2016-01 and Raffle License RA 2016-01 for the Sussex Borough Fire Department and to waive the Borough fees associated with each license. Motion seconded by Mr. Holowach

Upon roll call vote:

Ayes: Dykstra, Holowach, Little, Masson, Stendor

Nays: None

Abstentions: None

Absent: Stoll

OPEN PUBLIC SESSION #2

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

Mrs. Ann Smulewicz, 108 Rt 23 Wantage, addressed the Governing Body regarding the Route 23 Sewer service area. Mrs. Smulewicz made mention of a third party conversation regarding the sale of the Borough's water sewer utility.

Mr. Jake Little, Chief Sussex Fire Department, 27 Harrison Street Sussex, thanked the Governing Body for their support in the purchase of the Rescue Pumper. He advised the Governing Body that the Fire Department will be back next year for the purchase of a pumper and in ten years for the purchase of a ladder.

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

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mrs. Stendor made a motion to adjourn into closed executive session to discuss **contract negotiation over possible purchase of real property, Four Main Street driveway agreement and a proposed redevelopment agreement**. Motion seconded by Mrs. Little

Upon roll call vote:

Ayes: Dykstra, Holowach, Little, Masson, Stendor

Nays: None

Abstentions: None

Absent: Stoll

After meeting in closed session, the Governing Body returned to their seats at 9:19 p.m. and Mrs. Masson made a motion to adjourn out of closed executive session and to be reconvened into open public session. Motion seconded by Mrs. Little

Upon roll call vote:

Ayes: Dykstra, Holowach, Little, Masson, Stendor

Nays: None

Abstentions: None

Absent: Stoll

ADJOURNMENT

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

Mark Zschack, Municipal Clerk

Date Approved: December 15, 2015