

**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 15, 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. Robert Holowach, Mrs. Katherine Little, Mrs. Linda Masson, Mrs. Annette Stendor, Mrs. Georgeanna Stoll

Absent: Mr. Frank Dykstra

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**

Mr. Holowach made a motion to approve the agenda for December 15, 2015 as submitted. Motion seconded by Mrs. Stendor

Upon roll call vote:

Ayes: Holowach, Little, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

**PRESENTATIONS:**

Mr. Brian Finestein, CEO of Saint Clare's Denville discussed that a consultant and local doctors have been contacted to help Saint Clare's decide what the needs of the local community are. A brief discussion ensued concerning the opening of Saint Clare's as a full time hospital. Mr. Finestein presented his contact information to the Council. The current Certificate of Need was discussed.

Mr. Tom Ferry discussed the impact of the \$400,000 Small Cities Community Development Block Grant that Sussex Borough was awarded on December 1, 2015. Mr. Ferry explained how to utilize the grant monies along with a bond ordinance to complete the project. A discussion ensued concerning what the immediate and future impact on rates could be with monies from the \$400,000 grant and other grants. It was the consensus that this topic needs to be revisited before the budget process is completed.

**NEW BUSINESS:**

**Adoption Ordinance 2015-23 – Addendum Route 23 Redevelopment Plan**

Mr. Holowach made a motion to adopt 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. Stendor

Council President Masson requested that Mr. Ken Nelson, Professional Planner come forward. Mr. Nelson presented a brief overview of the addendum concerning Area C. The design of buildings within this area was discussed. Mr. Rich Klein, Chairman of the Sussex Planning/Zoning Board introduced himself and made comments concerning the design for the exterior of buildings.

Council President Masson opened the meeting to the public for any questions or concerns regarding Ordinance #2015-23. There being no one present who wished to address the governing body, Council President Masson closed the meeting to the public.

Upon roll call vote:

Ayes: Holowach, Little, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

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

Mrs. Little stated that she attended the viewing and mass for former Mayor Peter Horvath. On December 5<sup>th</sup> she attended the Recreation Tree Lighting and Santa event. On December 8<sup>th</sup> the Business Owners held a meeting, a state trooper was there and I brought up the subject of a having a satellite station here. On December 10<sup>th</sup> the water resources held their meeting and again the subject of the state unfunded mandates were discussed and the big one was about having the sewers cleaned out. On December 11<sup>th</sup> a DPW Committee meeting was held, they will pick up Christmas Trees the second week of January. On December 14<sup>th</sup> the Planning/Zoning had a meeting and the Area C redevelopment plan was approved. On January 9, 2016 from 10am-12 noon there will be a Free Rabies Clinic.

Mrs. Stendor offered no report at this time.

Mrs. Stoll stated that she also attended the viewing for the former Mayor. Mrs. Stoll presented a brief report of the Recreation tree lighting event that was held on December 5<sup>th</sup>. There was a nice turnout; a lot of new faces.

Mr. Holowach stated that the clean-up at the DPW garage has been terrific. We need to give our DPW Director a pat on the back for working with the MUA. The MUA is going to take the sweeper tailings at an 80% cost reduction from what we priced out from an outside party.

Mrs. Masson stated that she also attended the Sussex Merchant's meeting on December 8<sup>th</sup> and the discussion was a satellite State Police office in Sussex Borough.

### **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 15, 2015.

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

1. *Email dated November 14, 2015 from Paul Downs to Mark Zschack regarding a "quality of life issue for our town."*
2. *Memo dated November 25, 2015 from Harold Pellow to Mark Zschack regarding engineer's end of year report.*
3. *Letter dated November 30, 2015 from Charles Richman Commissioner of the Department of Community Affairs advising that Sussex Borough was nominated as a qualified municipality under the New Jersey Urban Redevelopment Act.*

4. Letter dated December 3, 2015 from SCMUA to Council President Masson regarding the estimated Annual Charge for 2016.
5. Letter dated December 8, 2015 from Jayendra Patel Resident Engineer NJ DOT regarding an acceptance inspection of the completed Route 23 project.

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

1. Municipal Clerk's report for the month of November 2015.
2. Construction Department report for the month of November 2015.
3. Water Sewer Collector report for the month of November 2015.
4. Tax Collector report for the month of November 2015.
5. Property Maintenance report for the month of November 2015.
6. Zoning Department report for the month of November 2015.
7. Delinquent Utility Properties Report as of December 11, 2015.
8. Unpaid Utility Properties Report as of December 11, 2015.
9. Water Shut Off Report as of December 11, 2015.
10. Sussex Borough Recreation Committee meeting minutes from August 11, 2015.
11. Sussex Borough Recreation Committee meeting minutes from October 13, 2015.
12. Sussex Borough Recreation Committee meeting minutes from November 2015.

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

1. None

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

1. Payment of bills for the meeting of December 15, 2015.

Motion seconded by Mrs. Little

Upon roll call vote:

Ayes: Holowach, Little, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

**OPEN PUBLIC SESSION #1**

Mrs. Stoll 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. Masson  
All were in favor.

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

**OLD BUSINESS**

**Adoption Ordinance 2015-16 – \$500,000.00 Bond Ordinance**

Mrs. Stendor made a motion to adopt Ordinance 2015-16 entitled "BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A FIRE TRUCK BY THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$475,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION."  
Motion seconded by Mrs. Masson

Council President Masson opened the meeting to the public for any questions or concerns regarding Ordinance #2015-16. There being no one present who wished to address the governing body, Council President Masson closed the meeting to the public.

Upon roll call vote:

Ayes: Little, Masson, Stendor, Stoll

Nays: None

Abstentions: Holowach

Absent: Dykstra

**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 June 16, 2015. Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Holowach, Little, Masson, Stoll

Nays: None

Abstentions: Stendor

Absent: Dykstra

**Approval of Meeting Minutes**

Mrs. Masson made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on November 4, 2015. Motion seconded by Mrs. Little

Upon roll call vote:

Ayes: Holowach, Little, Masson, Stoll

Nays: None

Abstentions: Stendor

Absent: Dykstra

**Approval of Meeting Minutes**

Mr. Holowach made a motion to approve the meeting minutes of the Special Meeting held on November 10, 2015. Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Little, Masson, Stendor, Stoll

Nays: None

Abstentions: Holowach

Absent: Dykstra

**Approval of Meeting Minutes**

Mrs. Little made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on December 1, 2015. Motion seconded by Mrs. Masson

Mrs. Little made a motion to amend the previous motion correcting the roll call vote located at the bottom of page 5 to read:

*Upon roll call vote:*

*Ayes: Dykstra, Holowach, Little, Masson, Stendor*

*Nays: None*

*Abstentions: None*

*Absent: Stoll*

Motion seconded by Mrs. Masson

Upon roll call vote to amend original motion:

Ayes: Holowach, Little, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

Upon roll call vote of original motion as amended:

Ayes: Holowach, Little, Masson, Stendor

Nays: None

Abstentions: Stoll

Absent: Dykstra

**Resolution 2015-169R – Support Bicycle Lanes on NJSH Route 23**

Mrs. Stendor made a motion to adopt Resolution 2015-169R hereby supporting bicycle lanes along both the northbound and southbound lanes of New Jersey State Highway Route 23. Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Holowach, Little, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

**Resolution 2015-170R – EDU Adjustment for Account #850**

Mrs. Masson made a motion to adopt Resolution 2015-170R authorizing that account number 850 shall be considered for the purpose of EDU determination at 0.70 EDU per washer based on 18 washing machines. Motion seconded by Mrs. Stendor

Upon roll call vote:

Ayes: Holowach, Little, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

**Resolution 2015-172R – Tax Payment Refund**

Mrs. Little made a motion to adopt Resolution 2015-172R hereby authorizing the refund to US Bank Cust for PC6, LLC Sterling National, Block 505 Lot 21.01 in the amount of \$84.79 Motion seconded by Mrs. Stendor

Upon roll call vote:

Ayes: Holowach, Little, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

**Resolution 2015-173R – Transfers between Budget Appropriations**

Mr. Holowach made a motion to adopt Resolution 2015-173R authorizing transfers between budget appropriations. Motion seconded by Mrs. Little

Upon roll call vote:

Ayes: Holowach, Little, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

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

Mrs. Masson made a motion to adopt 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. Stendor

Council President Masson opened the meeting to the public for any questions or concerns regarding Ordinance #2015-19. There being no one present who wished to address the governing body, Council President Masson closed the meeting to the public.

Upon roll call vote:

Ayes: Holowach, Little, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

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

Mrs. Masson made a motion to adopt 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

A discussion ensued among the Council concerning the methodology of the EDU system.

Council President Masson opened the meeting to the public for any questions or concerns regarding Ordinance #2015-20.

Mr. Ed Meyer, 47 Lakeshore Drive voiced his displeasure concerning this Ordinance.

There being no one else present who wished to address the governing body, Council President Masson closed the meeting to the public.

Upon roll call vote:

Ayes: Little, Masson, Stendor

Nays: Holowach, Stoll

Abstentions: None

Absent: Dykstra

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

Mrs. Stendor made a motion to adopt 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

A discussion ensued among the Council concerning the merits of this ordinance.

Council President Masson opened the meeting to the public for any questions or concerns regarding Ordinance #2015-21.

Mr. Ed Meyer, 47 Lakeshore Drive made comments concerning the percent of votes cast for the referendum.

Mr. Al Decker, 7 Harrison Street offered comments concerning voting and the ownership of the utility.

There being no one else present who wished to address the governing body, Council President Masson closed the meeting to the public.

Upon roll call vote:

Ayes: Little, Masson, Stendor, Stoll

Nays: Holowach

Abstentions: None

Absent: Dykstra

**OPEN PUBLIC SESSION #2**

Mrs. Little 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. Stendor  
All were in favor.

Mr. Mario Poggi, 9 Spruce Avenue, Sussex, offered comments concerning passing an ordinance that would be unfavorable to new businesses.

Mr. Larry Sprague, Sustainable Energy Funding Program offered their services to the Borough for future funding.

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

### **EXECUTIVE SESSION**

In accordance with the provisions of the Open Public Meetings Act, Mrs. Little made a motion to adjourn into closed executive session to discuss contract negotiations concerning, possible purchase of real property, Water Operator Services, proposed redevelopment agreement and potential litigation. Motion seconded by Mrs. Masson

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

After meeting in closed session, the Governing Body returned to their seats at 9:58 p.m. and Mrs. Little made a motion to adjourn out of closed executive session and to be reconvened into open public session. Motion seconded by Mrs. Stoll

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

### **Adoption Ordinance 2015-04 - \$100,000.00 Bond Ordinance**

Mrs. Little made a motion to adopt Ordinance 2015-04 entitled "BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF LANDS IN AND BY THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND THE CONSTRUCTION OF A PARKING LOT THEREON, APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION. Motion seconded by Mrs. Masson

Council President Masson opened the meeting to the public for any questions or concerns regarding Ordinance #2015-04. There being no one present who wished to address the governing body, Council President Masson closed the meeting to the public.

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

### **Resolution 2015-171R – Redevelopment Agency**

Mrs. Little made a motion to adopt Resolution 2015-171R approving and authorizing the execution of Redevelopment Agreement with Sussex/Wantage 285 Urban Renewal, LLC Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Holowach, Little, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

### **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. Stoll  
All were in favor.

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Katherine Little, Mayor

\_\_\_\_\_  
Mark Zschack, Municipal Clerk

Date Approved: January 19, 2016