

**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
FEBRUARY 2, 2016**

Mayor Little called the meeting to order and requested the clerk to call the roll. Upon roll call, the following members of the Governing Body were present: Mr. Albert Decker, Mr. Frank Dykstra, Mr. Robert Holowach, Mrs. Linda Masson, Mr. Edward Meyer, Mrs. Georgeanna Stoll, and Mayor Katherine Little

Absent: None

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

Mayor Little led the assembly in the flag salute and requested a moment of silence.

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

APPROVAL OF AGENDA

Mrs. Stoll made a motion to approve the agenda for February 2, 2016 with the moving of item number twelve, Resolution 2016-65R to be considered before item number one under new business. Motion seconded by Mr. Holowach

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

PRESENTATIONS:

No presentations were scheduled for tonight's meeting.

CONSENT AGENDA

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

Mrs. Masson requested that items numbered 1 and 2 under correspondence and the bill list be removed and considered separately.

Mrs. Masson made a motion to accept the consent agenda of February 2, 2016 with the removal of items numbered 1 and 2 under correspondence and the bill list. Motion seconded by Mrs. Stoll

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated November 30, 2015 and corresponding Resolution #15-18 dated December 16, 2015 from the State of New Jersey Department of Community Affairs regarding the New Jersey Urban Redevelopment Act.
2. Letter dated January 18, 2016 from Marguerite L. Nemeth regarding recycling tonnage rate.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Animal Control Reports for October, November & December 2015.

2. Delinquent Utility Properties Report as of January 29, 2016.
3. Unpaid Utility Properties Report as of January 29, 2016.
4. Water Shut Off Report as of January 29, 2016.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

Payment of bills for the meeting of February 2, 2016.

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

Mrs. Masson made a motion to accept correspondence item number 1 on the Consent Agenda of February 2, 2016 "Letter dated November 30, 2015 and corresponding Resolution #15-18 dated December 16, 2015 from the State of New Jersey Department of Community Affairs regarding the New Jersey Urban Redevelopment Act."
Motion seconded by Mr. Decker.

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

Mrs. Masson made a motion to accept correspondence item number 2 on the Consent Agenda of February 2, 2016 "Letter dated January 18, 2016 from Marguerite L. Nemeth regarding recycling tonnage rate." Motion seconded by Mrs. Stoll.

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

Mrs. Masson made a motion to accept the payment of the bills on the Consent Agenda of February 2, 2016. Motion seconded by Mrs. Stoll.

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

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.

Mr. Adam Stern, Natural Systems Utilities introduced himself and stated that he is representing John Maione. Mr. Stern reviewed correspondence that was sent to the Governing Body. Mr. Maione has two wells on his property that they feel could supply the borough with enough water to support all customers. The finances concerning the connection to these wells were discussed. Mr. Stern urged the governing body to consider purchasing water from these wells. Mr. Gerry Gardner, Houser Engineering stated that this

option was considered while the solution to the turbidity situation was researched. Mr. Gardner suggested the Governing Body authorize the inlet relocation solution pending the outcome of a meeting with NJDEP scheduled for February 10th. The amount of water production from these wells and other wells in the general area were discussed. Mr. Dykstra offer his opinion concerning the quality and condition of the water and sewer utility. Mrs. Masson offered comments concerning a lawsuit in connection with the turbidity issue that has existed since construction of the water treatment plant.

Mr. Paul Downs, 29 Hamburg Avenue, Sussex questioned how the proposed engineering contract for Houser Engineering to design the inlet relocation solution was competitively bid. Mr. Frank McGovern stated that it is being considered through a professional service contract which is an exception to the bidding process. Mr. Downs voiced his opinion concerning the competitive bidding process.

Mr. Kyle Simpson, 19 Harrison Street, Sussex spoke concerning the hiring of additional help to handle parking issues in the Borough. Mr. Simpson also discussed the water bills that residents are charged.

Ms. Jessica Menendez, 19 Harrison Street, Sussex raised her concerns about parking problems in the Borough.

Mr. Steve Super, 12 Grant Street, Sussex raised his concerns about parking problems in the Borough.

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

OLD BUSINESS

Resolution 2016-37R – Appointment Rate Structure Committee

Mr. Decker made a motion to adopt Resolution 2016-37R approving the Mayor's appointments for the Water Sewer Rate Structure Committee for 2016.

Motion seconded by Mrs. Stoll

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Stoll

Nays: None

Abstentions: Meyer

Absent: None

NEW BUSINESS

Resolution 2016-65R – Turbidity Control Solution

Mr. Holowach made a motion to adopt Resolution 2016-65R selecting the "Inlet Relocation" solution and authorizing the Mayor and/or Clerk to sign an agreement with Houser Engineering for professional engineering services for a cost not to exceed \$195,950.00.

Motion seconded by Mrs. Masson

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2016-69R – Amendment to Turbidity Control Solution

Mr. Dykstra made a motion to amend the agenda to add a resolution directing Houser Engineering to present all four turbidity solution options to the New Jersey Department of Environmental Protection with the inlet relocation as the first option and the "Maione" ground water solution as option number two. Motion seconded by Mrs. Masson

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Approval of Meeting Minutes

Mrs. Masson made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on January 19, 2016. Motion seconded by Mr. Holowach

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2016-54R – Submit Grant Application Rural Development

Mrs. Masson made a motion to adopt Resolution 2016-54R approving the submission of an eligibility determination and funding application to the United States Department of Agriculture - Rural Development Administration for the water meter replacement, water system enhancement, and sewer main replacement projects. Motion seconded by Mrs. Stoll

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2016-55R – Municipal Alliance Alcoholism and Drug Abuse

Mr. Meyer made a motion to adopt Resolution 2016-55R approving the submission of a strategic plan for the Sussex Wantage Municipal Alliance grant for the fiscal year 2017. Motion seconded by Mrs. Masson

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2016-56R - Submit Grant Application NJDEP Sewer Force Main

Mrs. Masson made a motion to adopt Resolution 2016-56R approving the submission of a funding application to the state of New Jersey Department of Environmental Protection division of Water Quality H2loans for the sewer force main project. Motion seconded by Mrs. Stoll

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2016-57R - Submit Grant Application NJDEP Water Meter Replacement

Mrs. Stoll made a motion to adopt Resolution 2016-57R approving the submission of a funding application to the state of New Jersey Department of Environmental Protection division of Water Quality H2loans for the water meter replacement project. Motion seconded by Mrs. Masson

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2016-58R - Submit Grant Application NJDEP Water System Enhancement

Mrs. Masson made a motion to adopt Resolution 2016-58R approving the submission of a funding application to the state of New Jersey Department of Environmental Protection division of Water Quality H2loans for the water system enhancements project.

Motion seconded by Mrs. Stoll

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2016-59R – First Quarter 2016 Water/Sewer Adjustments

Mr. Holowach made a motion to adopt Resolution 2016-59R approving water/sewer adjustment for the first quarter 2016. Motion seconded by Mr. Decker

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2016-60R – Award Emergency Contract December 24, 2015

Mr. Holowach made a motion to adopt Resolution 2016-60R awarding an emergency contract to Ferraro Construction for the repair of a sewer line (force main) on route 23 (near 41-69 route 23) on December 24, 2015 Motion seconded by Mr. Meyer

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2016-61R – Award Emergency Contract October 25, 2015

Mr. Holowach made a motion to adopt Resolution 2016-61R awarding an emergency contract to Ferraro Construction for the repair of a sewer line (force main) on route 23 (near 41-69 route 23) on October 25, 2015 Motion seconded by Mr. Decker

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2016-62R – Award Emergency Contract September 25, 2015

Mr. Holowach made a motion to adopt Resolution 2016-62R awarding an emergency contract to Ferraro Construction for sewer repairs at 52 Hamburg Avenue.

Motion seconded by Mrs. Stoll

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2016-63R – Appointment of Municipal Clerk

Mr. Decker made a motion to adopt Resolution 2016-63R appointing Mr. Mark Zschack as the Sussex Borough Municipal Clerk effective January 22, 2016 for a three year term.

Motion seconded by Mr. Holowach

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Meyer, Stoll

Nays: Masson

Abstentions: None

Absent: None

Resolution 2016-66R – Animal Control Services

Mr. Dykstra made a motion to adopt Resolution 2016-66R authorizing the Mayor and/or Clerk to enter into an agreement with the Township of Vernon for the provision of Animal Control Services, effective June 1, 2016 through December 31, 2019

Motion seconded by Mrs. Stoll

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2016-67R – Transfers Between Budget Appropriations

Mrs. Masson made a motion to adopt Resolution 2016-67R authorizing transfers between budget appropriations. Motion seconded by Mr. Meyer

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2016-68R – Authorizing Refund

Mrs. Stoll made a motion to adopt Resolution 2016-68R authorizing the refund of \$3,756.80 to US Bank Cust for PC6, LLC Sterling National for redemption of tax sale certificate # 15-02. Motion seconded by Mr. Meyer

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Introduction Ordinance 2016-01 – Engine Braking

Mr. Holowach made a motion to introduce Ordinance 2016-01 entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING CHAPTER IX, ENTITLED “TRAFFIC”, OF THE REVISED GENERAL ORDINANCES THE BOROUGH OF SUSSEX TO ADD NEW SECTION 9-14, ENTITLED “ENGINE BRAKING”. Motion seconded by Mr. Meyer

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

FINAL READING: FEBRUARY 16, 2016

OPEN PUBLIC SESSION #2

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

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

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mrs. Stoll made a motion to adjourn into closed executive session to discuss personnel and attorney client privilege matters. Motion seconded by Mr. Meyer

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

After meeting in closed session, the Governing Body returned to their seats at 9:51 p.m. and Mr. Decker made a motion to adjourn out of closed executive session and to be reconvened into open public session. Motion seconded by Mrs. Stoll
All were in favor.

Mayor Little stated that Councilwoman Masson left Executive Session at 9:32 p.m. and did not participate in a portion of Executive Session.

ADJOURNMENT

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

Katherine Little, Mayor

Mark Zschack, Municipal Clerk

Date Approved: February 16, 2016