

**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 16, 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

Mr. Holowach made a motion to approve the agenda for February 16, 2016 as submitted. Motion seconded by Mrs. Stoll

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

PRESENTATIONS:

Scott D. Ripley, Ed.D. Superintendent High Point Regional High School presented the school's academic performance and vision for the children of our community to the Governing Body. The per pupil cost has been reduced by \$1,100 which equates to \$1.1 million. The graduation rate for the 2012-2013 school year was between 85%-86%, we now have a graduation rate of 95%. Mr. Seamus Campbell, Acting Director of Curriculum, addressed the governing body regarding different programs that are offered at the High School. Mrs. Masson asked that Mr. Ripley come back to a future meeting to discuss their budget.

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

Mrs. Masson stated that she has not attended any committee meetings as of yet as the committees only recently were assigned. However, she spoke with the grant writer today and as you know on the agenda are a lot of items for approval so that he can get these applications submitted. This New Jersey Redevelopment Act that we had a letter about last meeting stating that we are an eligible municipality, I sent a copy of that to Steve to find out what that means to us and he said what that means is that we are eligible for loans from them for water sewer but did not know the rate. He's looking to put another application in for USDA, he got \$400,000 for the dam and he's looking to get another \$400,000 for the relocation of the line from Lake Rutherford to the plant. I asked him to attend the next council meeting.

Mr. Meyer stated that we have not had any meetings either. A couple of quick things that I would like to recommend, for the water sewer rate structure committee I would recommend that we hire a consultant to review the rate structure. It appears that we are not competitive specifically on the sewer fees. I would like to add two more members from the council and one more member from the public. One of the things that I would suggest we look at are the sewer transmission fees cause right now people can purchase sewer allocation from

another municipality and we charge them a modest transmission fee. Creating an ordinance where the sewer allocation from other MUA's cannot be sent through our force main until all of our allocation is accounted for. Also, I did check with Mark, there is an application for rate reviews and would like to amend some of the language. It appears that people can come in and get a variance for their multifamily and state that it is only being used as a single family however we need some type of documentation to support that such as three years of tax returns are made available so that it shows that they are not claiming any portion of the taxes or sewer or ratables as a deduction on their taxes. For each subsequent year they would need to provide a tax return.

Mrs. Stoll stated that Sussex Wantage Board of Education has new members and gave a overview of what occurred at the meeting. The Recreation Committee held a meeting and the committee only has 4 members and we need more but no one wants to join because of the filing of the financial disclosure statements.

Mr. Decker offered no report at this time.

Mr. Dykstra offered no report at this time.

Mr. Holowach stated that the water sewer committee met last Friday with the DPW Director and we went over a number of items that still need to be purchased and the status on current open projects. We are working ourselves toward the purchase of an excavator to replace the backhoe and a truck body for the water sewer truck. There is a water leak on Brookside Ave by Patrick's Wine Barn and I will update as soon as more information is available. We had a sewer force main break last week by Dow Tire. We replaced a 100 foot section of pipe instead of patching. Would just like to compliment the Fire Department and DPW for a job well done on the structure fire at 14 Newton Avenue on Sunday February 14th.

Mayor Little stated that she would like to compliment the fire departments that responded to the fire at 14 Newton Avenue.

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 item number 1 under correspondence be removed and considered separately.

Mrs. Masson made a motion to accept the consent agenda of February 16, 2016 with the removal of item number 1 under correspondence. Motion seconded by Mrs. Stoll

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated January 18, 2016 from St. Clare's Health Systems to Mayor Little concerning a Community Advisory Group.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Department Report for the month of January 2016.
2. Tax Collector's Report for the month of January 2016.
3. Municipal Clerk's Report for the month of January 2016.
4. Property Maintenance Department Report for the month of January 2016.
5. Water Sewer Collector Report for the month of January 2016.
6. Planning/Zoning Board Meeting minutes from December 14, 2015.
7. Houser Engineering Progress Report for the CTA dated January 31, 2016.
8. Grant Writer Report for the month of January 2016.
9. Delinquent Utility Properties Report as of February 12, 2016.
10. Unpaid Utility Properties Report as of February 12, 2016.
11. Water Shut Off Report as of February 12, 2016.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Sussex Wantage Little League field use form for Brookside Park starting March 2016 through August 2016.
2. Sussex United Methodist Church use of Borough Facility form for March 27, 2016 for the use of Deckertown Commons Park.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of February 16, 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 16, 2016 "Letter dated January 18, 2016 from St. Clare's Health Systems to Mayor Little concerning a Community Advisory Group."

Motion seconded by Mr. Holowach.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

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. 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. Masson

All were in favor.

OLD BUSINESS

There was no old business discussed at this time.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Meyer made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on February 2, 2016. Motion seconded by Mr. Decker

Mr. Decker made a motion to amend the executive session minutes to add that the Clerk did not attend the Personnel Matters portion of executive session. Motion seconded by Mrs. Masson.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Mrs. Masson made a motion to amend the original motion changing on page three, first paragraph, the sentences that reads:

Mrs. Masson offered comments concerning a lawsuit in connection to the construction of the water treatment plant.

To read:

Mrs. Masson offered comments concerning a lawsuit in connection with the turbidity issue that has existed since construction of the water treatment plant.

Motion seconded by Mrs. Stoll

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2016-70R – Hold Harmless Agreement

Mr. Holowach made a motion to adopt Resolution 2016-70R authorizing the Mayor and Clerk to sign a Release and Hold Harmless Agreement for the purpose of accepting the terms on the Borough's behalf and having the Agreement recorded with the Sussex County Clerk's Office. Motion seconded by Mr. Meyer

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2016-72R – Performance Agreement Municipal Attorney

Mr. Meyer made a motion to **table** Resolution 2016-72R to the next regularly scheduled meeting. Motion seconded by Mr. Dykstra.

Mr. Meyer made a motion to amend the previous motion to **table** Resolution 2016-72R to the next meeting. Motion seconded by Mr. Holowach.

Upon roll call vote to amend:

Ayes: Decker, Dykstra, Holowach, Meyer, Stoll

Nays: Masson

Abstentions: None

Absent: None

Upon roll call vote of original motion as amended:

Ayes: Decker, Dykstra, Holowach, Meyer, Stoll

Nays: Masson

Abstentions: None

Absent: None

Resolution 2016-73R – Performance Agreement Municipal Auditor

Mr. Dykstra made a motion to **table** Resolution 2016-73R to the next meeting. Motion seconded by Mrs. Stoll.

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Meyer, Stoll

Nays: Masson

Abstentions: None

Absent: None

Resolution 2016-74R – Performance Agreement Bond Council

Mr. Dykstra made a motion to **table** Resolution 2016-74R to the next meeting. Motion seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Meyer, Stoll

Nays: Masson
Abstentions: None
Absent: None

Resolution 2016-75R – Schedule Budget Workshops

Mr. Decker made a motion to adopt Resolution 2016-75R scheduling budget workshops to be held on February 23, 2016 and March 8, 2016 at 7:30pm at the Sussex Municipal Building, 2 Main Street, Sussex, NJ 07461 NO FORMAL ACTION WILL BE TAKEN.

Motion seconded by Mr. Holowach

Mr. Holowach made a motion to amend the previous motion to adopt Resolution 2016-75R scheduling a Special Meeting of the Governing Body of the Borough of Sussex, County of Sussex, State of New Jersey, to be held on Tuesday, February 23, 2016, 7:30pm at the Sussex Municipal Building, 2 Main Street, Sussex NJ 07461 to hold a budget workshop and discuss USDA grant soft costs. **FORMAL ACTION WILL BE TAKEN.** Schedule a Special Meeting of the Governing Body of the Borough of Sussex, County of Sussex, State of New Jersey, will be held on Tuesday, March 8, 2016, 7:30pm at the Sussex Municipal Building, 2 Main Street, Sussex NJ 07461 to hold a budget workshop. **NO FORMAL ACTION WILL BE TAKEN** Motion seconded by Mrs. Stoll

Upon roll call vote to amend:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll
Nays: None
Abstentions: None
Absent: None

Upon roll call vote of original motion as amended:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll
Nays: None
Abstentions: None
Absent: None

Resolution 2016-76R – First Quarter 2016 Water/Sewer Adjustments

Mr. Meyer made a motion to adopt Resolution 2016-76R approving water/sewer adjustment for the first quarter 2016. Motion seconded by Mr. Holowach

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll
Nays: None
Abstentions: None
Absent: None

Resolution 2016-77R – Intent to Assign Tax Sale Certificate

Mr. Holowach made a motion to adopt Resolution 2016-77R considering the assignment of Certificate of Sale #15-07 to Another Lien, LLC at its March 1, 2016 meeting on condition that the Borough complies with the notice requirements set forth in N.J.S.A. 54:5-114

Motion seconded by Mrs. Masson

During the discussion Mr. Holowach made a motion to move the question. Motion seconded by Mr. Dykstra.

Upon roll call vote to move the question:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll
Nays: None
Abstentions: None
Absent: None

Upon roll call vote on original motion:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll
Nays: None
Abstentions: None

Absent: None

Resolution 2016-78R – Customers Request Water/Sewer Adjustment

Mr. Holowach made a motion to adopt Resolution 2016-78R approving the customer's request for a \$320.00 credit to be applied to their account.

Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: None

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

Abstentions: None

Absent: None

Resolution 2016-79R - Engineering and Consulting Services USDA Grant

Mr. Dykstra made a motion to **table** Resolution 2016-79R to the next meeting.

Motion seconded by Mrs. Stoll.

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Meyer, Stoll

Nays: Masson

Abstentions: None

Absent: None

Resolution 2016-80R – Elevator Maintenance Agreement

Mrs. Stoll made a motion to adopt Resolution 2016-80R authorizing the Mayor and/or Clerk to enter into a one year agreement with USA Hoist Co., Inc, 75 Mill Street, Newton, New Jersey 07860 for elevator maintenance services at a monthly rate of \$210.00.

Motion seconded by Mr. Holowach

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2016-81R - Engineering Services Sewer Force Main

Mr. Holowach made a motion to adopt Resolution 2016-81R authorizing the Mayor and/or Clerk to enter into a contract with Houser Engineering, LLC. for engineering services associated with the preparation of plans and permits associated with the replacement of the sewer force main at an approximate cost of \$26,000.00. Motion seconded by Mr. Meyer

After a brief discussion Mr. Holowach made a motion to amend the previous motion to state at a cost not to exceed \$26,000.00. Motion seconded by Mr. Dykstra.

Upon roll call vote to amend:

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

Nays: None

Abstentions: None

Absent: None

Upon roll call vote on original motion as amended:

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

Nays: None

Abstentions: None

Absent: None

Adoption Ordinance 2016-01 - Engine Braking

Mr. Holowach made a motion to adopt 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 OF THE BOROUGH OF SUSSEX TO ADD NEW SECTION 9-14, ENTITLED "ENGINE BRAKING" Motion seconded by Mr. Meyer

Mayor Little opened the meeting to the public for any questions or concerns regarding Ordinance #2016-01.

Mr. Ronald Gerstmann, 6 Fourth Street, Sussex, stated that he appreciates what the council is trying to do. He feels that the Council should look into adopting a noise ordinance in the Borough.

Mr. Walter Cleary, 17 Cedar Avenue, Sussex, addressed the governing concerning the ordinance for engine braking.

There being no one else present who wished to address the governing body Mayor Little closed the meeting to the public.

Upon roll call vote:

Ayes: None

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

Abstentions: None

Absent: None

Approval of Social Affair Permits for Sussex Fire Department

Mr. Decker made a motion to approve social affair permits for the Sussex Fire Department on March 12 & 19, 2016, and April 29, 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 #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. Decker
All were in favor.

Mr. David Lambert, 63 Hamburg Avenue, Sussex, addressed the Governing Body regarding concerns he has with the house located at 57 Hamburg Avenue and 3 Fourth Street.

Mr. Jessie Wolosky, 1 Vista Drive, Sparta, commented on the testing of water meters and sewer rates. Mr. Wolosky presented an overview of his current and past request to have the borough held tax lien on the Sussex Inn assigned to him. Mr. Wolosky described an ethics complaint that Mr. Wolosky filed against the borough's former attorney Mr. John Ursin. Mr. Wolosky requested that a copy of the ethics complaint be attached to the minutes. The recommendation was that if this document is presented to the Mayor and Council it will be placed on the consent agenda at a future meeting. Mr. Wolosky stated "I would like these ten pages to be typed up verbatim and put into the minutes". Mr. Wolosky presented a copy of an ethics complaint; Supreme Court of New Jersey District XA Ethics Committee v. John Ursin. Mayor Little informed Mr. Wolosky that he needs to wrap it up because he is over the allotted time. Mr. Wolosky continued to discuss his options concerning the assignment of a lien. Mayor Little stated again her desire for the speaker to hurry it up because he has spoken for nineteen minutes. Mr. Wolosky continued to discuss his options concerning the assignment of the lien on the Sussex Inn. Mr. Wolosky stated that that he would like to purchase the lien for the Sussex Inn for less than the requested amount.

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 Mr. Decker All were in favor.

Mr. Holowach presented an update of the break in the sewer force main.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Meyer made a motion to adjourn into closed executive session to discuss a redevelopment agreement within the Redevelopment Zone, Litigation and Negotiations.

Motion seconded by Mr. Decker

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 10:29 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.

Upon roll call vote:

Ayes: Decker, Dykstra, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Holowach

Mayor Little stated that Councilman Holowach excused himself from Executive Session.

Resolution 2016-82R – Hardyston – High Ridge Litigation

Mrs. Stoll made a motion to adopt Resolution 2016-82R stating: be it resolved that Fred Semrau of the firm Dorsey & Semrau, LLC., is authorized to file an appeal on behalf of Sussex Borough in the Hardyston Township, High Ridge litigation matter.

Motion seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Decker, Dykstra, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Holowach

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mrs. Stoll made a motion to adjourn the meeting. Motion seconded by Mrs. Masson

All were in favor.

Katherine Little, Mayor

Mark Zschack, Municipal Clerk

Date Approved: March 15, 2016