

**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
MARCH 1, 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. Robert Holowach, Mrs. Linda Masson, Mr. Edward Meyer, Mrs. Georgeanna Stoll, and Mayor Katherine Little

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

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 March 1, 2016 as submitted.
Motion seconded by Mrs. Stoll

Mr. Decker made a motion to amend the agenda by removing Resolution 2016-91R from the agenda. Motion seconded by Mr. Holowach.

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

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

PRESENTATIONS:

No presentations were scheduled for tonight's meeting.

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

Mrs. Stoll offered no report at this time.

Mr. Meyer offered no report at this time.

Mrs. Masson stated that on February 11th she attended the SCMUA meeting and they were discussing the twenty first break that we had in our force main and that on days when we have a lot of rain we are going over our maximum allocation. They did mention that the cost to keep the plant open to process the sewage that we have to truck down there is being paid for by all the participants.

Mr. Holowach stated that we had another sewer break in the area of DOW Tire about 20 feet south of the brand new pipe. The pipe was patched due to the high flow coming from the town. We have an active water leak in the area of Harden's Auto Body; we are not exactly sure where it is. There was a broken valve on the water tank that the DPW fixed. The PRV is scheduled for repair around March 10th.

Mr. Decker offered no report at this time.

ADMINISTRATORS REPORT

Mr. Mark Zschack offered the following report:

Financial

The next budget workshop is scheduled for March 8th at 7:30pm there are a few items to discuss pertaining to the Current Fund, then the main topic of discussion will be the Water/Sewer budget. No action will be taken.

Misc.

In response to a complaint at the February 16th Mayor and Council meeting an inspection of the property at 57 Hamburg Ave was performed by Steve Danner and Construction Official, Joe Butto. A list of concerns were drafted and forwarded to the property owner. If the owner complies there will be no further action.

Mr. Carl Johnson, Supervisor of Buildings and Grounds at the Sussex Wantage Regional School has asked if the Borough's DPW could, through a shared service, perform lawn maintenance for the school district. Mike Restel is researching this request to determine if the Borough could supply these services to benefit both entities.

The survey and marking out of the property located at 3 East Main Street is complete with a closing date scheduled for Friday March 11th.

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.

Mr. Holowach made a motion to accept the consent agenda of March 1, 2016 Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Final NJDEP Recycling Tonnage Grant Payout for Sussex County Municipalities.
2. Letter dated February 25, 2016 from County of Sussex authorizing the lease of county real property for SCARC.
3. Supreme Court of New Jersey Ethics Complaint against John Ursin.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Cash Report from the CFO for January 2016.
2. Delinquent Utility Properties Report as of February 26, 2016.
3. Unpaid Utility Properties Report as of February 26, 2016.
4. Water Shut Off Report as of February 26, 2016.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for field use from High Point Midget Football for July 16-December 31, 2016.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of March 1, 2016.

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, 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 Mr. Decker
All were in favor.

Mr. Ronald Gerstmann, 6 Fourth Street Sussex, addressed the governing body regarding the tax status of the Sussex Inn and the sewer force main breaks.

Mr. Holowach commented that the DEP came out that day. There are a couple of issues; what appears to have happened when you put in ductile liner pipe it has to be set correctly, it was just put in the trench and backfilled. We are also looking at the blasting; the DEP is getting the blasting records.

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. Holowach
All were in favor.

OLD BUSINESS

There was no old business discussed at this time.

NEW BUSINESS

Resolution 2016-85R – Authorizing Refund

Mr. Meyer made a motion to adopt Resolution 2016-85R authorizing the refund of \$2,401.53 to US Bank Cust for PC6, LLC Sterling National for redemption of tax sale certificate # 15-01. Motion seconded Mr. Decker.

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

Resolution 2016-86R – Authorizing Refund

Mr. Meyer made a motion to adopt Resolution 2016-86R authorizing the refund of \$5,063.95 to Dan Faber for redemption of tax sale certificate # 15-06. Motion seconded by Mr. Decker.

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

Resolution 2016-92R – Authorizing Refund

Mrs. Stoll made a motion to adopt Resolution 2016-92R authorizing the refund of \$2,527.98 to US Bank Cust PC6, LLC Sterling National for redemption for tax sale certificate #15-04. Motion seconded by Mr. Holowach.

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

Resolution 2016-83R – Morris County Cooperative

Mrs. Masson made a motion to adopt Resolution 2016-83R authorizing the Purchasing Agent to purchase certain goods or services from the Morris County Cooperative Pricing Council (MCCPC) vendors pursuant to NJSA 40A:11-11(5). Motion seconded by Mrs. Stoll

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

Resolution 2016-84R – State Contract Vendors

Mr. Holowach made a motion to adopt Resolution 2016-84R authorizing the Purchasing Agent to purchase certain goods or services from the State Contract Vendors pursuant to NJSA 40A:11-12(a). Motion seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

Resolution 2016-87R – Rutherford Dam Inspection

Mr. Decker made a motion to adopt Resolution 2016-87R authorizing the Mayor and/or Clerk to enter into a contract with Civil Dynamics, inc., to perform a NJDEP Regular Dam Inspection of the Lake Rutherford Dam for a lump sum cost of \$2,400.00. Motion seconded by Mr. Holowach.

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

Resolution 2016-88R – Appoint Recycling Coordinator

Mr. Holowach made a motion to adopt Resolution 2016-88R that Marguerite Nemeth be and is hereby appointed to the position of Recycling Coordinator and the Mayor and/or Clerk is hereby authorized to sign an agreement with Marguerite Nemeth, to prepare, certify and submit the 2015 Recycling Tonnage Report to NJDEP for a cost of \$2,250.00. Motion seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

Resolution 2016-89R – Recycling Coordinator Shared Service Agreement

There was no action taken on this resolution.

Resolution 2016-90R – Push Camera with Digital Viewer

Mr. Holowach made a motion to adopt Resolution 2016-90R authorizing the purchase of a VeriSight Pro 200 foot Push Camera with Digital Viewer/Recorder from Envirosight, 111 Canfield Avenue, Randolph, New Jersey 07869, for a cost of \$8,500.00. Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

Introduction Ordinance 2016-02 – Amend Section 24-1.4, Chapter XXIV

Mr. Meyer made a motion to introduce Ordinance 2016-02 entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AMEND SUBPARAGRAPH (J), ENTITLED “QUARTERLY CHARGES FOR USE OF WATER AND SEWER”, OF SECTION 24-1.4, ENTITLED “WATER/SEWER SYSTEM FEES,” OF CHAPTER XXIV, ENTITLED “FEES”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SUSSEX.” Motion seconded by Mr. Holowach.

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

Final Reading: March 15, 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 Mrs. Masson
All were in favor.

Ms. Debbie Freeman, 15 New Street Sussex, addressed the governing body regarding her water/sewer bill from the last quarter and asked if there was anything that the Governing Body could do for the water bill.

Mr. Mario Poggi, 9 Spruce Avenue Sussex, addressed the governing body regarding the historic marker sign that was missing. The sign needed to be refurbished therefore the County Historic Committee has the sign to refurbish it.

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

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 potential litigation regarding a tax assessment matter and potential litigation in regards to In Rem foreclosures of four tax lots, Block 202 Lot 3, Block 301.04 Lot 212, Block 301.13 Lot 199, and Block 702, Lot 18. Motion seconded by Mrs. Stoll

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

After meeting in closed session, the Governing Body returned to their seats at 9:29 p.m. and Mrs. Stoll made a motion to adjourn out of closed executive session and to be reconvened into open public session. Motion seconded by Mr. Meyer
All were in favor.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Meyer 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: May 3, 2016