

**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
MAY 3, 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., Mrs. Gail Magura CFO, Mr. Tom Ferry Municipal Auditor 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 May 3, 2016.

Motion seconded by Mrs. Stoll

Mr. Decker made a motion to amend the original motion to place on the agenda, after number ten, a resolution authorizing Bruno Associates to submit a grant application for the Globe Gear Giveaway on behalf of the Sussex Fire Department.

Motion seconded by Mrs. Masson.

Upon roll call vote to amend the original motion:

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

Nays: None

Abstentions: None

Absent: None

Mr. Holowach made a motion to amend the amended motion to add resolutions 2016-126R and 2016-127R as presented on an addendum dated May 3, 2016 to the agenda at the beginning of new business. Motion seconded by Mrs. Stoll.

Upon roll call vote to amend the amended motion:

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

Nays: None

Abstentions: None

Absent: None

Upon roll call vote of original motion as twice amended:

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

Nays: None

Abstentions: None

Absent: None

NEW BUSINESS:

Resolution 2016-128R – Intent to Assign Tax Sale Certificate

Mr. Holowach made a motion to adopt resolution 2016-128R considering the assignment of Certificate of Sale #15-07 to Avon 368 LLC at its June 8, 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. Stoll

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2016-129R – State Contract Vendor

Mr. Holowach made a motion to adopt resolution 2016-129R authorizing the Purchasing Agent to purchase a Compact Excavator 51-1/2 Blade from Gaithersburg Farmers Supply contract # 87961. Motion seconded by Mrs. Stoll

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: Decker

Absent: None

Public Hearing on CY 2016 Municipal Budget

Mayor Little opened the meeting to the public for any questions or concerns that they may have regarding the CY 2016 Municipal Budget.

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

Resolution 2016-123R - Adoption CY 2016 Municipal Budget

Mr. Holowach made a motion to adopt Resolution 2016-123R adopting the CY 2016 Municipal Budget for the Borough of Sussex. Motion seconded by Mr. Dykstra

Mr. Tom Ferry, Municipal Auditor presented an overview of a document titled "Borough of Sussex 2016 Budget". Said document is available in the Clerk's office.

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer

Nays: Stoll

Abstentions: None

Absent: None

PRESENTATIONS:

No presentations were scheduled for tonight's meeting.

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

Mrs. Masson stated that the grant committee was getting in touch with Steve, grant writer, today because the fire department was looking at a grant. On Wednesday April 20th Mrs. Masson attended a SCMUA meeting and stated Branchville should be up and running by the end of summer or beginning of fall. SCMUA is having a number of meetings with Vernon to discuss their service contract and also there is something that they have done for Vernon called rate stabilization fund where 60% of their connection fees go to 1,060 EDU's as an offset and they are saying it is a limited time and this is something that is in their 2005 contract.

Mr. Meyer stated that there is an ordinance on the agenda tonight for destroyed property that was recommended by the water/sewer rate structure committee. He asked that the Mayor assign someone else as the liaison to High Point Regional High School. He was unable to attend the planning/zoning board meeting due to illness and asked Mayor Little to provide a report.

Mrs. Stoll stated that there is nothing to report on the personnel committee or the school district. Recreation did not have a meeting yet but they are working on the Miss Sussex Contest.

Mr. Dykstra offered no report at this time.

Mr. Holowach stated that under water/sewer we had our 2" by pass break in the PRV pit last Monday night and gave a report on the repair. Under DPW, we approved the excavator and have a clean communities worker on the agenda for hire. Under fire commissioner, the USDA grant was awarded to the fire department for new air packs and he spoke to the fire chief about the globe gear give away.

Mayor Little stated that she is on the finance and general budget committees. The finance committee does get together and reviews the vouchers. Water quality management is mainly a county committee and its function is to make sure that we have clean drinking water and some aspects of septic systems. On the Clove Lake Maintenance committee we are setting programs to see what we can do to get rid of the geese and cleaning up the water chestnut.

ADMINISTRATORS REPORT

The Administrator/Clerk offered the following report:

Emergency Services

The Sussex Fire Department will hold a second training drill at 3 East Main Street during the evening on Wednesday May 4th. The first training session was held on April 25th and was well attended. The schedule for a third training exercise is forthcoming.

2016 Financial Disclosure Statement (FDS) Filing

The Mayor, Council and all required Borough officials and professionals have completed the filing of the 2016 Financial Disclosure Statement.

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 3 under reports be removed and considered separately.

Mrs. Masson made a motion to accept the consent agenda of May 3, 2016 with the removal of number 3 under reports. Motion seconded by Mrs. Stoll

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Resolution Dated April 12, 2016 from Sandyston Township supporting the Sussex County CLEAR Program – Community Law Enforcement Addiction Recovery.
2. Resolution Dated April 26, 2016 from Hampton Township supporting the Sussex County CLEAR Program – Community Law Enforcement Addiction Recovery.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Sussex Borough Cash Report for February and March 2016.
2. Zoning Department report for March 2016.
3. Delinquent Utility Properties Report as of April 29, 2016.
4. Unpaid Utility Properties Report as of April 29, 2016.
5. Water Shut Off Report as of April 29, 2016.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

Payment of bills for the meeting of May 3, 2016.

Upon roll call vote of consent agenda as amended:

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

Nays: None

Abstentions: None

Absent: None

Mr. Holowach made a motion to accept report item number 3 on the Consent Agenda of May 3, 2016 "Delinquent Utility Properties Report as of 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 #1

Mr. Decker 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, Mr. Dykstra made a motion to close the meeting to the public. Motion seconded by Mr. Decker

All were in favor.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Meyer made a motion to approve the meeting minutes of the Special Meeting held on February 23, 2016. Motion seconded by Mr. Decker

Upon roll call vote:

Ayes: Decker, Dykstra, Masson, Meyer

Nays: None

Abstentions: Holowach, Stoll

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 March 1, 2016. Motion seconded by Mr. Holowach

Mrs. Masson made a motion to amend the original motion changing on page one, under committee reports, Mrs. Masson, the sentences that reads:

Mrs. Masson stated that on February 11th she attended the SCMUA meeting and they were discussing the first break that we had on 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 recipients.

To read:

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**.

Motion seconded by Mr. Holowach

Upon roll call vote to amend original motion:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: Dykstra

Absent: None

Mrs. Masson made a motion to amend the amended motion to remove on page five under Introduction Ordinance 2016-02 the sentence that reads:

Mr. Meyer commented that perhaps the sewer/water committee and the rate study committee should be combined into one committee.

Motion seconded by Mr. Decker

Upon roll call vote to amend the amended motion:

Ayes: Decker, Holowach, Masson

Nays: Stoll

Abstentions: Dykstra, Meyer

Absent: None

Upon roll call vote of original motion as twice amended:

Ayes: Decker, Holowach, Masson, Meyer

Nays: Stoll

Abstentions: Dykstra

Absent: None

Resolution 2016-122R – DPW Laborer & Clean Communities Worker

Mrs. Masson made a motion to adopt Resolution 2016-122R approving the hire of Heather Koons as a seasonal DPW Laborer and Clean Communities Worker for the Borough of Sussex working approximately 24 hours per week at a rate of \$10.00 per hour for the year 2016. Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: Decker

Absent: None

Resolution 2016-124R – Public Sale of Borough Held Liens

Mr. Holowach made a motion to adopt Resolution 2016-124R authorizing the Tax Collector to conduct a public sale of certain tax liens held by Sussex Borough.

Motion seconded by Mr. Dykstra

Mr. Holowach made a motion to amend the original motion to remove any reference to Tax Sales Certificate #15-07 property designated as Block 703 Lot12, commonly known as 9 Main Street, assessed to Sussex Inn Inc. Motion seconded by Mr. Decker

Upon roll call vote to amend the original motion:

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

At this time Mayor Little stated that she must recuse herself (at 8:25pm) because she is a member and officer of the Wantage Grange #78. Mayor Little left the dais and Council President Holowach conducted the meeting.

Resolution 2016-126R - Customers Request Water/Sewer Adjustment

Mr. Meyer made a motion to adopt Resolution 2016-126R approving the customer request to remove \$2,881.76 in sewer charges from the second quarter 2016 billing. Motion seconded by Mr. Decker

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

Resolution 2016-127R - Customers Request Installment Plan

Mr. Decker made a motion to adopt Resolution 2016-127R approving the customer request for an installment plan for the second quarter 2016 billing. Motion seconded by Mr. Meyer

Mrs. Masson made a motion to amend the original motion amending the sentence that reads:
On condition that at least \$100.00 per quarter is delivered to the Borough on or before each usual quarterly due date.....
To read:
On condition that at least **\$100.00 per month or \$300.00 per quarter** is delivered to the Borough on or before each usual quarterly due date.....
Motion seconded by Mr. Decker

Upon roll call vote to amend the original motion:
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

Mayor Little returned to the dais at 8:33pm and presided over the remainder of the meeting.

Adoption Ordinance 2016-07 – Destroyed Property

Mr. Holowach made a motion to adopt Ordinance 2016-07 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 TO ADD A NEW SUBSECTION ENTITLED “DESTROYED PROPERTY” Motion seconded by Mrs. Stoll

Mayor Little opened the meeting to the public for any questions or concerns regarding Ordinance #2016-07.

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

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

Adoption Ordinance 2016-08 - \$21,000 from Capital Improvement Fund

Mr. Decker made a motion to adopt Ordinance 2016-08 entitled "AN ORDINANCE OF THE BOROUGH OF SUSSEX, SUSSEX COUNTY, NEW JERSEY, PROVIDING FOR REPLACEMENT OF EQUIPMENT ON THE 2004 SEAGRAVE 100' LADDER TRUCK APPROPRIATING \$21,000.00 FROM THE RESERVE FOR PURCHASE OF FIRE TRUCK FUND" Motion seconded by Mrs. Stoll

Mayor Little opened the meeting to the public for any questions or concerns regarding Ordinance #2016-08.

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

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2016-130R- Authorizing Grant Application

Mr. Decker made a motion to adopt a Resolution (2016-130R) authorizing Bruno Associates to submit a grant application for the Globe Gear Giveaway on behalf of the Sussex Fire Department. Motion seconded by Mr. Holowach

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

OLD BUSINESS

Resolution 2016-95R – Customers Request Water/Sewer Adjustment

Mr. Holowach made a motion to adopt Resolution 2016-95R approving the customer's request to suspend the water and sewer charges for account number 3587.

Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: None

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

Abstentions: None

Absent: None

OPEN PUBLIC SESSION #2

Mr. Holowach 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.

Mr. Walter Cleary, 17 Cedar Avenue, Sussex, addressed the governing body concerning the trip to Trenton that the Mayor made.

Mayor Little gave a brief report on the meeting that representative of the Borough attended in Trenton.

Mrs. Annette Stendor, 60 Hamburg Avenue, Sussex, addressed the governing body concerning the break at the PRV vault.

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.

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 Contract Negotiations pertaining to the proposed Lake Rutherford pipeline. Motion seconded by Mr. Holowach

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 9:21 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. Holowach
All were in favor.

Resolution 2016-125R – Borough Special Attorney

Mr. Meyer made a motion to adopt resolution 2016-125R authorizing the Mayor to execute a contract for the services of Special Attorney at the rate of \$200.00 per-hour plus mileage and postage, pursuant to a non-fair and open contract consistent with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. Motion seconded by Mr. Dykstra

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

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Dykstra 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: May 17, 2016