

**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  
JUNE 8, 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. Decker made a motion to approve the agenda for June 8, 2016 as submitted.

Motion seconded by Mrs. Stoll

Mr. Holowach made a motion to amend the agenda to:

- Add the addendum dated June 8, 2016, to be considered after item number 9
- Add a discussion in Executive Session "pending litigation in the Sass Muni v Hardyston case.
- Add a discussion before Executive Session concerning adjusting the sewer transmission fee to match our per gallonage fee that we send down for normal homeowners and also add a section to the ordinance that speaks to any available allocation that we have for sewer would be purchased from Sussex Borough first until we hit our upper threshold and then go to other towns.

Motion seconded by Mr. Meyer.

Upon roll call vote of amendment:

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

**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 had a meeting with the Sussex Wantage School Superintendent and Business Administrator and discussed the safe routes to school grant and based on the figures that were given to us regarding the number of students that walk to school it was determined that it was insufficient to support applying for the grant. We did have a concern about the numbers; we didn't feel that the list was accurate. Mayor Little signed some documents for the USDA grant. Mrs. Masson attended a SCMUA meeting and they were again discussing the connection fee hardship agreement with

Vernon and they hadn't come to a decision due to the fact that one of the commissioners needed more information. Vernon is still looking at the VFW connection.

Mr. Meyer offered no report at this time.

Mrs. Stoll stated that Recreation is meeting tomorrow and that's when we are going to crown Miss Sussex and Little Miss due to the fact that there was only one entry for Miss and Little Miss Sussex. She attended the meeting for the Sussex Wantage Board of Education where they honored some retirees.

Mr. Dykstra offered no report at this time.

Mr. Holowach stated that the excavator that we ordered is in and the trailer is backordered. The air compressor failed up at the water treatment plant and Houser Engineering is working with AGRA to get it resolved. We had a chlorine tank last year that was leaking, that new tank is now in and that tank feeds off the side. We are going to wait and install the tank when the chlorine level drops.

Mayor Little stated that the Water Quality Management meeting is cancelled for tomorrow night. Clove Lake/Brook Maintenance Committee is looking to purchase grills and tables to put on the beach at Clove Lake. Clove Lake/Brook Maintenance committee would like to hold a fishing contest on July 30<sup>th</sup> and they would like the recreation committee to work with them. We received a letter regarding nominating Julia Devine as senior citizen of the year.

### **ADMINISTRATORS REPORT**

The Administrator/Clerk offered no report at this time.

### **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 4 under correspondence and item number 4 under reports be removed and considered separately.

Mrs. Masson made a motion to accept the consent agenda of June 8, 2016 with the removal of item number 4 under correspondence and item number 4 under reports. Motion seconded by Mr. Holowach

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

1. Resolution from the Borough of Stanhope supporting Sussex County C.L.E.A.R. Program.
2. Resolution from the County of Sussex supporting Sussex County C.L.E.A.R. Program.
3. Resolution from the Township of Hardyston supporting Sussex County C.L.E.A.R. Program.
4. Letter dated May 9, 2016 from New Jersey State Forest Service to Mayor Little inviting a representative to attend a meeting on June 14, 2016 at 11am at High Point State Park.
5. Ordinance from the Township of Vernon granting municipal historic designation to certain property in the Township of Vernon.
6. Ordinance from the Township of Vernon authorizing correcting the zoning map for Block 141 Lot 12.02 to be included in the C-3 zone.

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

1. Sussex County Water Quality Management Minutes from March 10, 2016.
2. Delinquent Utility Properties Report as of June 3, 2016.
3. Unpaid Utility Properties Report as of June 3, 2016.
4. Water Shut Off Report as of June 3, 2016

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

NONE

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

1. Payment of bills for the meeting of June 8, 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 4 on the Consent Agenda of June 8, 2016 "Letter dated May 9, 2016 from New Jersey State Forest Service to Mayor Little inviting a representative to attend a meeting on June 14, 2016 at 11am at High Point State Park." Motion seconded by Mr. Decker.

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

Mr. Holowach made a motion to accept report item number 4 on the Consent Agenda of June 8, 2016 "Water Shut Off Report as of June 3, 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. Masson 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.

There being no one 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.

**OLD BUSINESS**

There was no old business discussed at this time.

**NEW BUSINESS**

**Approval of Meeting Minutes**

Mrs. Masson made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on May 17, 2016. Motion seconded by Mr. Meyer

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

**Resolution 2016-143R – Website Posting**

Mrs. Masson made a motion to adopt Resolution 2016-143R authorizing the posting of agendas and related documents on the Borough's website. Motion seconded by Mr. Decker

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

**Resolution 2016-144R – Extend Time for Open Public Session**

Mrs. Masson made a motion to adopt Resolution 2016-144R extending the time limit for both Open Public Sessions to read: “All comments should be directed to the Mayor and are limited to 10 minutes with a total of 20 minutes for the Council to discuss.”  
Motion seconded by Mr. Decker

Mr. Decker made a motion to amend the original motion to remove the phrase “with a total of 20 minutes for the Council to discuss.” Motion seconded by Mrs. Masson

Upon roll call vote to amend 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

**Resolution 2016-145R – Liquor License Renewal**

Mr. Decker made a motion to adopt Resolution 2016-145R approving the renewal of the following liquor licenses for the license period of July 1, 2016 – June 30, 2017.  
Motion seconded by Mr. Holowach

ZIGGY KPZ INC, T/A THE GREEN RESTAURANT AND PUB  
14 Newton Ave, Sussex, NJ 07461  
License #1921-33-003-005

TEACH PADRAIG, LLC, T/A PATRICKS WINE BARN  
38 Hamburg Avenue, Sussex, NJ 07461  
License #1921-44-005-002

SUSSEX INN INC., T/A SUSSEX INN  
9 Main Street, Sussex, NJ 07461  
License #1921-33-004-004

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

**Resolution 2016-146R – Assign Tax sale Certificate**

Mr. Holowach made a motion to adopt Resolution 2016-146R authorizing the Mayor and/or Municipal Clerk to execute the necessary documents to effect assignment of Tax Certificate of Sale # 15-07 to Avon 368 LLC. Motion seconded by Mrs. Masson

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

**Resolution 2016-147R – Rescue Squad Contribution**

Mr. Decker made a motion to adopt Resolution 2016-147R authorizing the Clerk to execute the Certification for Rescue Squad Contribution from the County of Sussex in the amount of \$2,800.00 for the Sussex Fire Department and First Aid Squad.

Motion seconded by Mrs. Stoll

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Introduction Ordinance 2016-09 – Cable TV Renewal**

Mr. Holowach made a motion to introduce Ordinance 2016-09 entitled “AN ORDINANCE GRANTING MUNICIPAL CONSENT TO THE ISSUANCE OF A FRANCHISE TO SERVICE ELECTRIC CABLE T.V. OF NEW JERSEY, INC., TO CONSTRUCT, OWN, OPERATE, EXTEND AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF SAID MUNICIPAL CONSENT AND PROVIDING FOR THE REGULATION AND USE OF SAID SYSTEM.”

Motion seconded by Mr. Meyer

Mrs. Masson made a motion to table Ordinance 2016-09 to the June 21, 2016 meeting.

Motion seconded by Mr. Holowach.

Upon roll call vote to table:

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

Nays: None

Abstentions: None

Absent: None

**Introduction Ordinance 2016-10 – Boating Restrictions**

Mr. Holowach made a motion to introduce Ordinance 2016-10 entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING SECTION 17-4, ENTITLED “GENERAL PROVISIONS”, OF CHAPTER XVII, ENTITLED “RECREATION AREAS”, OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF SUSSEX TO ADD SUBSECTION 17-4.7, ENTITLED “BOATING RESTRICTIONS.”” Motion seconded by Mr. Decker

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Mayor Little stated that the final reading of Ordinance 2016-10 will be on June 21, 2016

**Introduction Ordinance 2016-11 – Property Maintenance Advisory Committee**

Mr. Holowach made a motion to introduce Ordinance 2016-11 entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING SECTION 12-4, ENTITLED “PROPERTY MAINTENANCE CODE”, OF CHAPTER XII, ENTITLED “BUILDINGS AND HOUSING”, OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF SUSSEX TO ADD SUBSECTION 12-4.7, ENTITLED “PROPERTY MAINTENANCE ADVISORY COMMITTEE; ESTABLISHMENT; MEMBERSHIP”, AND SUBSECTION 12-4.8, ENTITLED “PROPERTY MAINTENANCE ADVISORY COMMITTEE; PURPOSE AND DUTIES”.” Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: Dykstra, Holowach, Meyer, Stoll

Nays: Decker, Masson

Abstentions: None

Absent: None

Mayor Little stated that the final reading of Ordinance 2016-11 will be on June 21, 2016

**Proposal for Professional Engineering Services Lake Rutherford Dam**

Mrs. Masson made a motion to authorize the Mayor to execute a contract with Civil Dynamics, Inc., for Professional Engineering Services for Final Design and Permitting Services for the Lake Rutherford Dam at a cost not to exceed \$56,155.00. Motion seconded by Mr. Meyer

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**OPEN PUBLIC SESSION #2**

Mr. Decker 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.

Mr. David Lambert, 63 Hamburg Avenue, addressed the governing body regarding 57 Hamburg Avenue and the condition of the aforementioned property.

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.

**Discussion – Sewage Transmission Fee**

At this time a discussion was held regarding adjusting the transmission fee up to match our per gallonage fee coupled with having Sussex Borough's sewer allocation be primarily purchased from Sussex until all available allocation from Sussex Borough is exhausted and then purchase from someone else. It was the consensus of the council to have the attorney to draft an ordinance to change the transmission fee charge.

**EXECUTIVE SESSION**

In accordance with the provisions of the Open Public Meetings Act, Mr. Dykstra made a motion to adjourn into closed executive session to discuss contract negotiations pertaining to the water operator contract with Agra Environmental and pending litigation in the Sass Muni v Hardyston case. Motion seconded by Mrs. Stoll  
All were in favor.

After meeting in closed session, the Governing Body returned to their seats at 10:24 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, Mrs. Stoll made a motion to adjourn the meeting. Motion seconded by Mrs. Masson  
All were in favor.

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Katherine Little, Mayor

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Mark Zschack, Municipal Clerk

Date Approved: June 21, 2016