

**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 17, 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 May 17, 2016 as submitted.
Motion seconded by Mrs. Stoll

Mr. Holowach made a motion to amend the agenda to add Resolution #2016-140R that supports submission to Safe Routes to School for a grant at the end of the agenda before executive session and to add a presentation after the Sussex Fire Department by Gerry Gardener of Houser Engineering. Motion seconded by Mrs. Stoll.

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

Mrs. Masson made a motion to amend the agenda to add a motion to direct the clerk to put all back up documents including the consent agenda, resolutions, reports, etc. on the town website with the agenda and to also add a discussion to vote to change the 5 minute rule for open public session to a 10 minute rule for open public session and special meetings may revert back to the five minute rule for open public session.
Motion seconded by Mr. Decker.

Upon roll call to amend the amended motion:
Ayes: Decker, Holowach, Masson
Nays: None
Abstentions: Meyer, Stoll
Absent: Dykstra

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

PRESENTATIONS:

Mr. Jake Little, 27 Harrison Street, Sussex and Chief of Sussex Fire Department along with Harrison Thompson, Lou Cecchini and Donald Hough presented an update, which included the parade route, locations for spectator parking, no parking signs and a business meeting to be

held on June 15, 2016, to the Governing Body regarding the Sussex County Fireman's Annual Inspection Day and Parade to be held on October 1, 2016.

Mr. Gerry Gardener, Houser Engineering, gave a presentation on the Wallkill River Crossing. We have a grant in to the USDA for approximately \$950,000 and it looks like we are going to receive it. That package is split into three different parts, local money, low interest loans and grants and it is split into three different sections, sewer force main, buy and install water meters throughout the whole town and to put the Wallkill River Crossing in. He provided a map that shows the Wallkill Water Crossing split into three sections. Our part of that grant is \$150,000 and the slice set aside for the water meters is \$400,000. He suggests that we go ahead with the project as planned but limit it to just crossing the Wallkill and not have the influent pipe and effluent. He has to advise the State DOT by Thursday if we are moving forward with the project. Gave the council an update on the purchase and installation of new meters.

Mrs. Masson made a motion to open the meeting to the public to discuss the topic of the Wallkill River Crossing. Motion seconded by Mrs. Stoll

Mr. Charles Fronheiser, 35 Bank Street Sussex, addressed the governing body concerning potential users for the sewer system and the location of the pipe for the Wallkill River Crossing.

Mr. Ronald Gerstmann, 6 Fourth Street Sussex, addressed the governing body concerning the pipe for the Wallkill River Crossing.

There being no one else from the public who wished to address the governing body, Mr. Holowach made a motion to close the meeting to the public. Motion seconded by Mrs. Stoll. All were in favor

Mr. Meyer made a motion to suspend the rules to rescind Resolution 2016-99. Motion seconded by Mr. Holowach

Mr. Meyer made a motion to amend the previous motion to include the condition that there is no adverse impact on the pending grant application and requested approval for the grant, loan and participation, however if it does have an adverse impact then Resolution 2016-99R is amended to approve the installation of approximately 350 feet of eight (8) inch water main with a section of conduit under the bridge crossing the Wallkill River at a cost not to exceed \$150,000.

There was no second on this motion.

Upon roll call vote of original motion:

Ayes: Holowach, Meyer, Little

Nays: Decker, Masson

Abstentions: Stoll

Absent: Dykstra

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

Mrs. Masson stated that she attended a SCMUA meeting on May 4th where they were discussing Branchville. Branchville was looking for SCMUA to provide an operator under a shared service agreement to run their pump station. SCMUA held their Earth Day event on April 21st and 350 plus children attended in three and half hours and the event gets better every year. The tonnage between December 1st and April 30th was up and household waste was up 3.1%.

Mr. Meyer offered no report at this time

Mrs. Stoll stated that the Recreation Committee could not hold a regular meeting because there were not enough members so a workshop meeting was held and the Miss Sussex Contest was discussed. The contest will be held June 3rd at 6:30 at the Sussex Middle School.

Mr. Holowach stated that on DPW the following items are either purchased or on order: welder generator, skag lawn mower, garage improvements, trailer for the excavator. Storm drain repairs are being done throughout the Borough and the DPW installed lights on the theater. Working on patching potholes. We had a couple of water quality complaints that

followed the repair of the PRV chamber. We tested for PFC, which is a big deal on top of the lead situation, we do not have that in Sussex Borough water. The lead testing from the schools came back, we do not have lead in the distribution. There was an issue on Grove Street with a gas line going through a sewer line, it has since been repaired.

Mayor Little stated that for finance and general budget, we seem to be holding our own. Councilwoman Stoll and I went through the bills and made sure that what we are paying for is what are getting. For the Water Quality Management Committee there is a lot going on with the state in regards with septic systems. Clove Lake/Brook Maintenance we are working on fixing up the area over by the beach. We are working on purchasing a couple grills and working on the problem with the geese.

ADMINISTRATORS REPORT

The Administrator/Clerk offered no report.

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 #4 under reports be removed and considered separately.

Mrs. Masson made a motion to accept the consent agenda of May 17, 2016 with the removal of Item #4 under reports. Motion seconded by Mrs. Stoll

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Resolution Dated April 26, 2016 from Montague Township supporting the Sussex County CLEAR Program – Community Law Enforcement Addiction Recovery.
2. Resolution Dated May 2, 2016 from Hamburg Borough supporting the Sussex County CLEAR Program – Community Law Enforcement Addiction Recovery.
3. Resolution Dated May 2, 2016 from Byram 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 April 2016.
2. Grant Writer report for April 2016.
3. Planning/Zoning Minutes from February 22, 2016.
4. Water Collector Report for the month of April 2016.
5. Zoning Department report for the month of April 2016.
6. Clerk's report for the month of April 2016.
7. Construction Department for the month of April 2016.
8. Property Maintenance Department report for the month of April 2016.
9. Tax Collector report for the month of April 2016.
10. Delinquent Utility Properties Report as of May 13, 2016.
11. Unpaid Utility Properties Report as of May 13, 2016.
12. Water Shut Off Report as of May 13, 2016.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

NONE

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of May 17, 2016.

Upon roll call vote of consent agenda as amended:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

Mrs. Masson made a motion to accept report item number 4 on the Consent Agenda of May 17, 2016 "Water Collector Report for the month of April 2016."

Motion seconded by Mrs. Stoll.

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 Mrs. Masson

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. Masson

All were in favor.

OLD BUSINESS

There was no old business discussed at this time.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Decker made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on May 3, 2016. Motion seconded by Mr. Holowach.

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

Resolution 2016-131R – Support Sussex County C.L.E.A.R. Program

Mr. Meyer made a motion to adopt Resolution 2016-131R supporting the Sussex County Community Law Enforcement Addiction Recovery program (C.L.E.A.R.) and urges other Sussex County Municipalities to adopt similar resolutions in support.

Motion seconded by Mr. Decker

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

Resolution 2016-132R – Approval of Payroll Services

Mr. Holowach made a motion to adopt Resolution 2016-132R authorizing the Mayor and/or Clerk to execute a contract with Action Data Services, to provide payroll and accounting services from April 1, 2016 through March 30, 2018 with a one year extension, if agreed upon, for a cost not to exceed \$3,100.00 per year. Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

Resolution 2016-133R – Award Emergency Contract February 9, 2016

Mr. Holowach made a motion to adopt Resolution 2016-133R awarding an emergency contract to Ferraro Construction for the repair of a sewer line (force main) on route 23 (near 80 route 23) on February 9, 2016. Motion seconded by Mrs. Stoll

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

Resolution 2016-134R – Award Emergency Contract February 16 & 17, 2016

Mrs. Stoll made a motion to adopt Resolution 2016-134R awarding an emergency contract to Ferraro Construction for the repair of a water main on Brookside Avenue (near 36 Hamburg Avenue) on February 16 & 17, 2016. Motion seconded by Mr. Holowach

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

Resolution 2016-135R – Rate Adjustment 14 Newton Avenue

Mr. Holowach made a motion to adopt Resolution 2016-135R classifying 14 Newton Avenue, Block 701.01, Lot 9, as “Destroyed Property” for the purpose of charging water/sewer system fees pursuant to Sussex Borough Ordinance 24-1.4(j). Motion seconded by Mr. Meyer

Mr. Meyer made a motion to amend Resolution #2016-135R to read that the effective date is February 14, 2016 to classify the property as a destroyed property.

Motion seconded by Mr. Holowach

Upon roll call vote to amend original motion:

Ayes: Holowach, Meyer, Stoll

Nays: Decker, Masson

Abstentions: None

Absent: Dykstra

Upon roll call vote of original motion as amended:

Ayes: Holowach, Meyer, Stoll

Nays: Decker, Masson

Abstentions: None

Absent: Dykstra

Resolution 2016-136R – Authorization to Purchase Copier

Mr. Holowach made a motion to adopt Resolution 2016-136R authorizing the award of a contract to Konica/Minolta for the purchase of a copier at a cost not to exceed \$7,600.00 and copier maintenance service under the NASPO Valuepoint Cooperative at a cost to be determined. Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

Resolution 2016-137R – Authorization to submit Clove Lake Lowering Permit

Mrs. Stoll made a motion to adopt Resolution 2016-137R authorizing the submission of an application to the Bureau of Freshwater Fisheries to lower the elevation of Clove Lake by four (4) feet, for beach and shoreline cleanup, on October 14, 2016 and begin refilling on October 31, 2016. Mr. Holowach

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

Resolution 2016-138R - Elevate Sewer Pump Station Controls

Mr. Holowach made a motion to adopt Resolution 2016-138R authorizing the Mayor and/or Clerk to execute a contract with Houser Engineering, LLC., to provide engineering and consulting services to raise the sewer pump controls, above flood elevation levels, for a cost not to exceed \$23,500.00. Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

Approval of Social Affair Permit for Sussex Fire Department

Mr. Decker made a motion to approve social affair permit for the Sussex Fire Department on October 1, 2016. Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

Mrs. Masson made a motion to direct the clerk to put all the backup documentation on the website with the agenda and consent agenda. Motion seconded by Mr. Decker

Councilman Holowach left the dais at 9:41pm and returned at 9:43pm

After some discussion, it was the consensus of the council to have the attorney draft a resolution that would state what could and could not be placed on the website.

Upon roll call vote:

Ayes: None

Nays: Decker, Holowach, Masson, Meyer, Stoll

Abstentions: None

Absent: Dykstra

Mrs. Masson made a motion to change the time limit for the public sessions of the meeting from 5 minutes to 10 minutes and the time of the council to discuss from 10 minutes to 20 minutes and this can be changed for special meetings. Motion seconded by Mr. Decker

Upon roll call vote:

Ayes: Decker, Masson

Nays: Holowach, Meyer, Stoll

Abstentions: None

Absent: Dykstra

Discussion

At this time a discussion took place concerning reestablishing the Property Maintenance Board. It was the consensus of the council that a new ordinance be written that will reestablish the Property Maintenance Board.

At this time a discussion took place concerning the prohibition of motor powered boats on Clove Lake. It was the consensus of the council to prohibit gas powered water craft on Clove Lake by amending the ordinance.

At this time a discussion took place concerning vendors/peddlers at the Sussex County Firemen's Parade in Sussex Borough on October 1, 2016. After some discussion, it was the consensus of the council to have the attorney research whether or not the businesses on Main Street can put out a stand on the sidewalk to sell items.

At this time a discussion took place concerning the choice of a roadway to submit for the New Jersey Department of Transportation's 2016 Municipal Aid Program. The governing body discussed a memo from Harold Pellow regarding which roads should be considered for a grant.

Mr. Decker made a motion to suspend the rules to add a resolution to choose Linden Street as the street that the Borough should upgrade and apply for a grant through the grant writer. Motion seconded by Mr. Holowach

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

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. Holowach
All were in favor.

Mr. Charles Fronheiser, 35 Bank Street Sussex, addressed the governing body regarding the property maintenance board.

Mr. Anthony Szabo, 53 Highland Avenue Sussex, addressed the governing body regarding the condition of Highland Avenue and the trailer full of garbage at 124 Main Street that a bear keeps getting in and dragging the garbage up to his property.

Mr. Walter Cleary, 17 Cedar Avenue Sussex, addressed the governing body concerning the condition of Cedar Avenue and said that he would be interested in serving on the property maintenance board.

Mr. Mike Gurski, Mike's Mobil Maintenance, addressed the governing body concerning an invoice from March 17th and about the installation of a water valve at the PRV.

Mr. Ronald Gerstmann, 6 Fourth Street Sussex, addressed the governing body regarding becoming a member of the property maintenance board.

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

Resolution 2016-140R – Support Submission of Application for Safe Routes to School

Mrs. Masson made a motion to adopt resolution 2016-140R supporting the submission of an application for New Jersey Department of Transportation Safe Routes to School Program. Motion seconded by Mrs. Stoll

Mrs. Masson made a motion to amend the first paragraph of Resolution 2016-140R to insert the words “or in the vicinity of” between the words “on” and “Main Street”.

Motion seconded by Mr. Holowach

Upon roll call vote to amend original motion:

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

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mrs. Masson made a motion to adjourn into closed executive session to discuss contract negotiations and potential litigation pertaining to the proposed Lake Rutherford pipeline and contract negotiations pertaining to the water operator contract with Agra Environmental. 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 11:20p.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 Mrs. Masson
All were in favor.

Resolution 2016-139R – Authorizing Submission of Notice of Intent

Mrs. Masson made a motion to adopt Resolution 2016-139R authorizing Legal Counsel to submit a Notice of Intent to the State Agriculture Development Committee and, if required, to the Sussex County Agriculture Development Board. Motion seconded by Mrs. Stoll

Upon roll call vote:

Ayes: Decker, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Dykstra

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: June 8, 2016