

**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
NOVEMBER 15, 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. Frank Dykstra, Mr. Robert Holowach, Mrs. Linda Masson, Mr. Edward Meyer and Mayor Katherine Little

Absent: Georgeanna Stoll, who asked to be excused as she is attending NJLM Conference.

Also present: Borough Attorney Mr. Frank McGovern, Esq. of McGovern and Roseman, P.A., Mr. Michael Restel, Municipal Administrator and Antoinette Smith, Acting 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."

Resolution 2016-225R Resignation Acceptance

Mr. Holowach made a motion to accept Resolution 2016-225R to accept the resignation of Councilman Frank Dykstra from his current seat as Councilman. Motion seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer

Nays: None

Abstentions: None

Absent: Stoll

OATH OF OFFICE

Mayor Katherine Little read the "Statement of County Canvassers."

Mayor Little administered the Oath of Office to Frank Dykstra for an Unexpired Term ending December 31, 2017.

APPROVAL OF AGENDA

Mr. Holowach made a motion to approve the agenda for November 15, 2016 as submitted. Motion seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer

Nays: None

Abstentions: None

Absent: Stoll

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 she would like to reiterate the \$400,000 grant to Lake Rutherford is still waiting for the ERR/EA reports. This week in Atlantic City we are hoping to get good news about the other \$400,000 grant for the realignment of the waterline.

Mr. Meyer stated the planning board met last night and discussed the proposed parking ordinance change. There were quite a few concerns from the Planning Board and they will be sending us some information regarding it. Essentially it comes down to the definition of the side of the house. Mrs. Masson voiced concerns regarding corner properties. Mr. Meyer replied the Planning Board is working towards a resolution. The Planner is looking through the language to interpret what is presently in place.

Mr. Dykstra offered no report at this time.

Mr. Holowach stated DPW did some blacktop work on Hill Street and Highland Avenue. We have received a delivery of salt for the sidewalks, which is different from the salt used for the roads. The DPW also obtained road grit that is mixed with the salt in icy conditions. There was soffit work done on the rear stairs of the theater. There is a metal overhang and people were living there. This has now been remediated. Mr. Holowach also stated there are leaf bags available at the municipal building for the residents. The wood chipper has been serviced and new blades installed. The DPW also did a great job helping to set up for the recent election. There was a water leak behind Fireman Dan's on Thursday, November 10. This involved a pit that has been problematic for some time now which we are hoping Houser Engineering can redesign to eliminate the problem. In addition, there are concerns with a service line in the same area that is normally in the creek. However due to the drought the line is exposed and therefore subject to freezing once the weather turns colder. Efforts are being made to come to a resolution that will not be exceedingly costly to the homeowners. The high lift pump number three has been repaired and is working very well.

Mayor Little stated on November 6 she attended the Eagle Scout Court of Honor for Joseph Barta. Mayor Little presented him with the Resolution from Sussex Borough which was read at the November 2 meeting. She also presented Joseph with a Certificate of Achievement. On November 10, a conference call was held at the Borough Hall with the principals concerning the possible hook up to our sewer line on Route 23 South. Also on November 10 there was a water line leak behind Fireman Dan's. DPW Supervisor Michael Restel and the DPW staff had the leak fixed before the Mayor arrived on scene, she commended them on a job well done. On November 10 Mayor Little attended the Water Quality Management PAC meeting in Newton. There are new DEP water quality rules that were adopted on November 7, 2016. On November 14, there was a meeting of the Planning/Zoning Board, much discussion occurred regarding the parking ordinance.

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.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated 11-04-2016 from Diana Francisco, Administrator of Andover Township, requesting support for the Lackawanna Cut-Off Restoration Project.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Clerk's Report for the month of October 2016.
2. Water Sewer Collector Report for the month of October 2016.
3. Tax Collector's Report for the month of October 2016.
4. Construction Department Report for the month of October 2016.
5. Property Maintenance Department Report for the month of October 2016.
6. Sussex Borough Zoning Report for October 2016.
7. Grant Writer's Report October 2016.
8. Sussex County Water Quality Management Policy Advisory Committee Minutes for July 12, 2016, and September 13, 2016
9. Delinquent Utility Properties Report as of November 10, 2016.
10. Unpaid Utility Properties Report as of November 10, 2016.
11. Water Shut Off Report as of November 10, 2016.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of November 15, 2016.

Mrs. Masson made a motion to accept the consent agenda of November 15, 2016. Motion seconded by Mr. Holowach.

Mrs. Masson made a motion to remove the bill's list for November 15, 2016 for discussion. Motion seconded by Mr. Holowach.

Upon roll call vote to remove bills list:
Ayes: Dykstra, Holowach, Masson, Meyer
Nays: None
Abstentions: None
Absent: Stoll

Mrs. Masson made a motion to accept the consent agenda of November 15, 2016 as originally presented. Motion seconded by Mr. Holowach.

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

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 a total of 10 minutes for the Council to discuss. Motion seconded by Mr. Meyer.

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

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. Meyer.

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 November 2, 2016. (Absent: Stoll) Motion seconded by Mr. Holowach.

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

Resolution 2016-221R – Fourth Quarter 2016 Water/Sewer Adjustments

Mrs. Masson made a motion to adopt Resolution 2016-221R approving the Water/Sewer Collector's adjustments for the fourth quarter 2016. Motion seconded by Mr. Holowach

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer

Nays: None

Abstentions: None

Absent: Stoll

Resolution 2016-222R – To Support the Lackawanna Cut-Off Restoration

Mrs. Masson made a motion to adopt Resolution 2016-222R to support the Lackawanna Cut-Off Restoration. Motion seconded by Mr. Holowach.

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer

Nays: None

Abstentions: None

Absent: Stoll

Resolution 2016-223R – Engineering Services for NJDEP Fresh Water Wetlands and Hazard Area Permitting for Force Main Repair

Mr. Meyer made a motion to adopt Resolution 2016-223R approving the proposal from Houser Engineering to provide a metes and bounds description which had never been filed when the original force main was constructed and is necessary to achieve the approval from SCMUA to perform the construction within their property at a cost of \$9,550.00.

Additional costs to the client include all regulatory fees and performance bonds, including but not limited to the NJDOT Road Opening Permit Application and NJDEP Application review fees estimated at \$1,950.00 and \$1,000.00.

Motion seconded by Mr. Holowach.

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer

Nays: None

Abstentions: None

Absent: Stoll

Adoption of Ordinance 2016-25 – \$25,000.00 from Capital Improvement Fund

Mr. Holowach made a motion to adopt Ordinance 2016-25 entitled "AN ORDINANCE OF THE BOROUGH OF SUSSEX, SUSSEX COUNTY, NEW JERSEY, PROVIDING FOR THE PURCHASE OF 1 EAST MAIN ST AND APPROPRIATING \$25,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND". Motion seconded by Mr. Meyer.

Mr. Holowach rescinded his motion and Mr. Meyer rescinded his second of the motion.

Upon roll call vote to accept rescinding of motion and second:

Ayes: Dykstra, Holowach, Masson, Meyer

Nays: None

Abstentions: None

Absent: Stoll

Mr. Holowach made a motion to table Ordinance 2016-25 until the December 6, 2016 meeting. Motion seconded by Mr. Dykstra.

Upon roll call vote to table:

Ayes: Dykstra, Holowach, Masson, Meyer

Nays: None

Abstentions: None

Absent: Stoll

Introduction of Ordinance 2016-26 – Vacant and Abandoned Properties Ordinance

Mr. Meyer made a motion to introduce Ordinance 2016-26 entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING THE CODE OF THE BOROUGH OF SUSSEX BY AMENDING AND REPLACING RESERVED SECTION 12-5 OF ARTICLE XII, ENTITLED “BUILDINGS AND HOUSING”, WITH A NEW SECTION ENTITLED “VACANT AND ABANDONED PROPERTIES”. Motion seconded by Mrs. Masson.

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer

Nays: None

Abstentions: None

Absent: Stoll

Mayor Little stated that the final reading of Ordinance 2016-26 will be on December 6, 2016.

Introduction of Ordinance 2016-27 – Abandoned Properties Fees

Mr. Holowach made a motion to introduce Ordinance 2016-27 entitled “AN ORDINANCE TO AMEND CHAPTER XXIV, ENTITLED “FEES”, OF THE CODE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW JERSEY, ESTABLISHING FEES FOR REGISTRATIONS AND RENEWAL REGISTRATIONS OF VACANT PROPERTIES.” Motion seconded by Mrs. Masson.

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer

Nays: None

Abstentions: None

Absent: Stoll

Mayor Little stated that the final reading of Ordinance 2016-27 will be on December 6, 2016.

OPEN PUBLIC SESSION #2

Mrs. Masson 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 a total of 10 minutes for the Council to discuss. Motion seconded by Mr. Holowach.

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer

Nays: None

Abstentions: None

Absent: Georgeanna Stoll

Francis Fagan from Clove Hill Manor – Ms. Fagan asked what plan is currently in place to remediate the TTHM issue in our water system. Ms. Fagan also asked if it was possible to install a charcoal filtration system at the main meter. Councilman Holowach explained what causes TTHM and the current plan for remediation. The Council advised Michael Restel to address the question of the filtration system to Houser Engineering.

Michael Modero, 17 Clove Avenue, Sussex NJ – Mr. Modero voiced his concerns over a form he needs to have the Borough sign regarding his home and the floodplain map. Michael Restel will look into this matter.

There being no one else present who wished to address the Governing Body, Mr. Dykstra made a motion to close the meeting to the public. Motion seconded by Mr. Meyer.

All were in favor.

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 personnel and attorney client privilege matters. Motion seconded by Mr. Meyer.

Contract negotiations for Redevelopment area and 911 Dispatch. Purchase of Real Property.

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer

Nays: None

Abstentions: None

Absent: Stoll

After meeting in closed session, the Governing Body returned to their seats at 8:50 p.m. and Mrs. Masson 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 2016-224R – Authorization to Sign Contract to Purchase Real Estate

Mrs. Masson made a motion to adopt Resolution 2016-224R to purchase real estate. Motion seconded by Mr. Holowach.

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer

Nays: None

Abstentions: None

Absent: Stoll

ADJOURNMENT

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

All were in favor.

Katherine Little, Mayor

Antoinette Smith, Acting Clerk

Date Approved: December 6, 2016