

**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
DECEMBER 19, 2017**

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. Walter Cleary, III, Mr. Robert Holowach, Mrs. Linda Masson, Mr. Mario Poggi, and Mayor Katherine Little.

Absent: Mr. Frank Dykstra, Mr. Edward Meyer

Also present: Mr. Michael Restel, Municipal Administrator, Chris Adams, PE of Civil Dynamics and Mrs. Antoinette Smith, Acting Municipal 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 December 19, 2017 as submitted. Motion seconded by Mr. Poggi.

Mr. Holowach made a motion to suspend the rules and add Resolution 2017-166R- Authorizing Contract for Water Meter Hosting Software Services, Resolution 2017-167R - Authorizing Shared Service Agreement with Wantage Township pertaining to Redevelopment of Certain Properties by Sussex/Wantage 285 Urban Renewal, LLC and Resolution 2017-168R – Transfer of Funds. Motion seconded by Mr. Poggi.

Mr. Poggi stated that no public business of the regular meeting would start until 7:30pm.

Upon roll call vote as amended:

Ayes: Cleary, Holowach, Masson, Poggi

Nays: None

Abstentions: None

Absent: Dykstra, Meyer

PUBLIC HEARING: The purpose of the hearing is to review the performance of and receive citizen comments and recommendations concerning the Small Cities Community Development Block Grant, awarded in FY2016 for Public Facilities improvements to the Lake Rutherford Dam at Lake Rutherford.

Administrator Restel read the following statement:

Today December 19, 2017 6:30 pm at the Sussex Borough Hall is the Public Hearing for Application for the Small Cities Community Development Block Grant Program which has been advertised in the newspaper at least 7 days prior to today.

The purpose of the hearing is to review the performance of and receive citizen comments and recommendations concerning the Small Cities Community Development Block Grant, awarded in FY2016 for Public Facilities improvements to the Lake Rutherford Dam at Lake Rutherford.

The Borough of Sussex received a grant in the amount of \$400,000.00 for Lake Rutherford Dam Repair at Lake Rutherford. This is the maximum grant amount. The estimated cost of the project is \$700,000.00 according to Chris Adams of Civil Dynamics.

The Lake Rutherford Dam is an earthen embankment with a near vertical stone masonry downstream face. The dam is classified as a Class I – High Hazard structure with a Spillway Design Storm (SDS) equal to the full Probable Maximum Precipitation (PMP) event.

As with most older dams, the dam is not in conformance with New Jersey Dam Safety Standards because the dam and spillway cannot safely pass the required Spillway Design Storm of the full Probable Maximum Precipitation event. Therefore, Lake Rutherford Dam is in need of rehabilitation to bring it into compliance with New Jersey Dam Safety Standards.

Civil Dynamics recommends the “Protecting the Dam for Overtopping” alternative which consists of armoring the dam to protect it for safe overtopping. A substantial thickness of hard armoring is required. The design concept consists of a concrete slab across the crest of the dam and a downstream stepped concrete buttress with a downstream grouted riprap apron.

By undertaking this project, the Borough of Sussex meets the national Small Cities objective of “Undertaking Community Development activities that benefit persons of low/moderate income” and two State Small Cities objectives of “Improving the availability and adequacy of essential public facilities and remedy serious deficiencies in areas that principally serve people of low/moderate income” and “To support Community Development projects of particular urgency where existing conditions pose a serious and immediate threat to the health or welfare of the Community and where other financial resources are unavailable”

All citizens are encouraged to offer comments at the public hearing or by writing to the Borough of Sussex, 2 Main Street, Sussex, NJ 07461-2305, ATTN: Mr. Michael Restel, Administrator. Within ten days following the public hearing, written comments may also be sent to the New Jersey Department of Community Affairs, Small Cities Unit, PO Box 811, Trenton, New Jersey, 08625-0811, ATTN: Administrator.

Chris Adams of Civil Dynamics gave an overview of the project.

PRESENTATIONS:

There was a brief presentation by Kate McNamara of Project Self Sufficiency regarding a mobile office with services that will hopefully be starting in February of 2018.

DISCUSSION

There were no discussions scheduled.

Mr. Meyer joined the dais at 7:10 pm.

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**. Motion seconded by Mr. Holowach.

Mr. Dykstra joined the dais at 7:27 p.m.

All were in favor.

After meeting in closed session, the Governing Body returned to their seats at 8:01 p.m. and Mrs. Masson made a motion to adjourn out of Executive Session and return to the regular order of business. Motion seconded by Mr. Holowach.

All were in favor.

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

Mr. Poggi stated that Mr. Kevin McCarthy will begin as CFO on January 1, 2018.

Mr. Meyer stated he did not attend the Planning Board meeting, but asked Mayor Little to include a summary in her report.

Mr. Cleary stated he reviewed the vouchers and found a few small issues that he was able to get clarified.

Mr. Dykstra offered no report at this time.

Mr. Holowach stated there was tons of salt delivered, the DPW is continuing the repair work on the curb boxes. An issue on Brookside involving two storm drains tied together was repaired last week. Mr. Holowach announced that DPW Supervisor Michael Restel passed his Certified Public Works Manager test.

Mayor Little stated that on December 6, 2017 a meeting was held to discuss our water treatment plant contract. On December 8, 2017 she attended a Lake Rutherford Dam Project update

meeting at Borough Hall. We are still slightly behind schedule. On December 11, 2017 she attended the Planning/Zoning Board meeting. The Redevelopment Area B is still being discussed. Building heights and the possible uses for certain deed restricted properties were among the points of discussion. On December 12, 2017 a meeting was held at Borough Hall with Bruce Benton regarding the ongoing Small Cities Block Grant. Mr. Benton provided detailed information about what needed to be done. Mayor Little stated that on December 13, 2017 a meeting was held with Gerry Gardner and James Schappell of Houser Engineering and a developer who may be interested in hooking up to our sewer force main. On December 14, 2017 Mayor Little was unable to attend the water resources meeting in Newton. We will however, receive a map showing our sewer service area. On December 15, 2017 Mayor Little attended a meeting with individuals from Lakeland Bank who wanted to discuss loans with the Borough.

Mayor Little read the following letter received from Terence Schrider of NJ Small Cities CDBG Program on December 18, 2017:

"Dear Mayor Little:

The award letter the Borough received on December 12, 2017 for \$400,000 is in response to Application #2018-02292-0195, which will fund improvements to the water distribution system at the Loomis Avenue Bridge and various locations in the Borough. A SFY 2018 grant agreement with a scope of work will be sent within the next several weeks for the Borough's review and approval. The Small Cities Program looks forward to assisting the Borough with the successful completion of this important project."

Mrs. Masson stated on behalf of the grant committee, which is Walter Cleary and myself, we are thrilled with that recent grant award. Mrs. Masson stated for three years in a row, we have received \$400,000.00 for the CDBG grant totaling \$1,200,000.00 for our water system. In addition we have received \$360,000.00 for the USDA grant for a total of \$1,560,000.00 in three years. Mrs. Masson also stated on December 6, 2017 she attended the School Regionalization meeting at Sparta Regional High School. This meeting was predominately attended by school board members. One of the members of the public who attended stated "it was one of the most negative meetings he had ever attended." Mrs. Masson stated this was true, they spent the entire time saying this would not work, it's not going to save us money and this was the tone for the entire evening. Mrs. Masson stated that she felt very confident that if these are the individuals looking into this subject we will definitely save no money. They should have a seat at the table, but should not be leading this parade, as she feels they have an agenda. Mrs. Masson also stated METV did an interview with her, Harvey Roseff and Wayne LeVante, the Mayor of Newton, which has not aired yet. Mrs. Masson stated she was told the interview would air sometime in December.

Mayor Little introduced the incoming CFO, Kevin McCarthy.

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. Poggi made a motion to accept the consent agenda of December 19, 2017. Motion seconded by Mrs. Masson.

CORRESPONDENCE (ACCEPTANCE, FOR FILING ONLY, OF THE FOLLOWING):

1. Receipt of payment of the 2015 recycling tonnage grant.
2. Letter dated December 13, 2017 from the State of New Jersey Department of Community Affairs to Mayor Little in regards to Sussex Borough receiving a \$400,000 grant to fund improvements to the water distribution system at the Loomis Avenue Bridge and various locations in the Borough.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Clerk's Report for the month of November 2017.
2. Cash Report for the month of November 2017.
3. Water Sewer Collector Report for the month of November 2017.
4. Tax Collector's Report for the month of November 2017.
5. Construction Department Report for the month of November 2017.
6. Property Maintenance Department Report for the month of November 2017.

7. Delinquent Utility Properties report as of December 15, 2017.
8. Unpaid Utility Properties report as of December 15, 2017.
9. Water Shut Off report as of December 15, 2017.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of December 19, 2017.

Upon roll call vote:

Ayes: Cleary, Dykstra, Holowach, Masson, Meyer, Poggi

Nays: None

Abstentions: None

Absent: None

OPEN PUBLIC SESSION #1

Mr. Poggi 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 10 minutes. Motion seconded by Mrs. Masson.

All were in favor.

There being no one present who wished to address the Governing Body, Mr. Poggi 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 to discuss 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 December 5, 2017. Motion seconded by Mr. Dykstra.

Upon roll call vote:

Ayes: Cleary, Dykstra, Holowach, Masson, Poggi

Nays: None

Abstentions: Meyer

Absent: None

Resolution 2017-166R- Authorizing Contract for Water Meter Hosting Software Services

Mr. Holowach made a motion to adopt Resolution 2017-166R authorizing award of contract with Neptune Technology Group Inc., 1600 Alabama Highway 229, Tallassee, AL 36078, for the provision of hosting software services in conjunction with the Borough's upgrade of water meters for a cost not to exceed \$9,000 for one year. Motion seconded by Mr. Poggi.

Upon roll call vote:

Ayes: Cleary, Dykstra, Holowach, Masson, Meyer, Poggi

Nays: None

Abstentions: None

Absent: None

Resolution 2017-162R - Resolution Authorizing Award of Contract to J. J. Rich for the Demolition of 1 East Main Street, Sussex

Mr. Holowach made a motion to adopt Resolution 2017-162R authorizing award of contract to J. J. Rich for the Demolition of 1 East Main Street, Sussex at a cost not to exceed \$33,360.00. Motion seconded by Mr. Poggi.

Upon roll call vote:

Ayes: Cleary, Dykstra, Holowach, Masson, Meyer, Poggi

Nays: None

Abstentions: None

Absent: None

Resolution 2017-163R – Engineering Services for the Harrison Street Parking Lot Redesign, Phase I

Mr. Meyer made a motion to adopt Resolution 2017-163R approving the expenditure of not more than \$7,500.00 to the Sussex Borough Planning Board Engineering firm, Guerin and Vreeland Engineering, Inc. for engineering services for phase I of the redesign of the Harrison Street Parking Lot on behalf of Sussex Borough. Motion seconded by Mr. Holowach.

Upon roll call vote:

Ayes: None

Nays: Cleary, Dykstra, Holowach, Masson, Meyer, Poggi

Abstentions: None

Absent: None

Motion fails.

Adoption of Ordinance 2017-14- AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER IX, ENTITLED “TRAFFIC”, OF THE CODE OF THE BOROUGH OF SUSSEX.

Mr. Holowach made a motion to adopt Ordinance 2017-14- AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER IX, ENTITLED “TRAFFIC”, OF THE CODE OF THE BOROUGH OF SUSSEX. Motion seconded by Mr. Poggi.

Mayor Little opened the meeting to the public for any questions or concerns regarding Ordinance #2017-14

Michael Brennan, 27 Walnut Street, Sussex. Mr. Brennan asked for clarification of exactly what was being changed by the new traffic ordinance.

Upon roll call vote:

Ayes: Cleary, Dykstra, Holowach, Masson, Meyer, Poggi

Nays: None

Abstentions: None

Absent: None

Resolution 2017-164R – Resolution Authorizing Refund

Mr. Holowach made a motion to adopt Resolution 2017-164R – authorizing the refund of \$511.43 to Alphonse and Melinda Grillo, for an overpayment of the 4th quarter of 2017 taxes for Block 203 Lot 2.01. Motion seconded by Mrs. Masson.

Upon roll call vote:

Ayes: Cleary, Dykstra, Holowach, Masson, Meyer, Poggi

Nays: None

Abstentions: None

Absent: None

Approval of Social Affair Permit for Sussex Fire Department

Mr. Poggi made a motion to approve a social affair permit for the Sussex Fire Department, event to be held at the Sussex Fire Department on February 24, 2018. Motion seconded by Mr. Dykstra.

Upon roll call vote:

Ayes: Cleary, Dykstra, Holowach, Masson, Meyer, Poggi

Nays: None

Abstentions: None

Absent: None

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 10 minutes to discuss. Motion seconded by Mr. Poggi.

All were in favor.

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

All were in favor.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Poggi made a motion to adjourn into closed executive session to discuss **Personnel, Purchase of Real Property, Redevelopment Area, Contract Negotiations and Pending Litigation**. Motion seconded by Mr. Holowach.

All were in favor.

After meeting in closed session, the Governing Body returned to their seats at 9:19 p.m. and Mr. Dykstra made a motion to adjourn out of closed executive session and to be reconvened into open public session. Motion seconded by Mr. Poggi.

All were in favor.

NEW BUSINESS (cont'd)

Mr. Holowach made a motion to suspend the rules and add Resolution 2017-169R- Amending Redevelopment Agreement between Sussex/Wantage 285 Urban Renewal, LLC, the Borough of Sussex and the Township of Wantage, to be changed to a Special Meeting on December 28, 2017 at 7:30pm. Motion seconded by Mr. Dykstra.

Upon roll call vote:

Ayes: Dykstra, Holowach, Meyer, Poggi

Nays: Cleary, Masson

Abstentions: None

Absent: None

Resolution 2017-169R - Amending Ordinance 2017-15 Introduced on December 5, 2017 and Scheduled for Final Reading on December 19, 2017.

Mr. Holowach made a motion to adopt Resolution 2017-169R Amending Ordinance 2017-15 introduced on December 5, 2017 and scheduled for Final Reading on December 19, 2017. Motion seconded by Mr. Dykstra.

Upon roll call vote:

Ayes: Dykstra, Holowach, Meyer, Poggi

Nays: Cleary, Masson

Abstentions: None

Absent: None

Adoption of Ordinance 2017-15 - An Ordinance Approving and authorizing the execution of a Financial Agreement with respect to Block 104, Lot 1.01, Block 105, Lot 1.03 and Block 106, Lot 1.02 in the Borough of Sussex

Mr. Poggi made a motion to adopt Ordinance 2017-15 - An Ordinance Approving and authorizing the execution of a Financial Agreement with respect to Block 104, Lot 1.01, Block 105, Lot 1.03 and Block 106, Lot 1.02 in the Borough of Sussex. Motion seconded by Mr. Holowach.

Mayor Little opened the meeting to the public for any questions or concerns regarding Ordinance #2017-15.

Mr. Holowach made a motion to table the Final Reading of Ordinance 2017-15 until a Special Meeting to be held on December 28, 2017 at 7:30 pm. Motion seconded by Mr. Dykstra.

Upon roll call vote to table:

Ayes: Cleary, Dykstra, Holowach, Masson, Meyer, Poggi

Nays: None

Abstentions: None

Absent: None

Resolution 2017-165R – Approving an Application of Sussex/Wantage 285 Urban Renewal, LLC for a Financial Agreement with respect to Block 104, Lot 1.01, Block 105, Lot 1.03 and Block 106, Lot 1.02

Resolution 2017-167R - Authorizing Shared Service Agreement with Wantage Township pertaining to Redevelopment of Certain Properties by Sussex/Wantage 285 Urban Renewal, LLC

Mr. Holowach made a motion to table Resolution 2017-165R- approving an application of Sussex/Wantage 285 Urban Renewal, LLC for a Financial Agreement with respect to Block 104, Lot 1.01, Block 105, Lot 1.03 and Block 106, Lot 1.02 and Resolution 2017-167R - Resolution Authorizing Shared Service Agreement with Wantage Township pertaining to Redevelopment of Certain Properties by Sussex/Wantage 285 Urban Renewal, LLC until a special meeting on December 28, 2017 at 7:30 p.m. at Borough Hall. Motion seconded by Mr. Dykstra.

Upon roll call vote to table:

Ayes: Cleary, Dykstra, Holowach, Masson, Meyer, Poggi

Nays: None

Abstentions: None

Absent: None

Resolution 2017-168R – Transfer of Funds

Mr. Holowach made a motion to adopt Resolution 2017- 168R approving the transfer adjustments to the 2017 municipal budget appropriations. Motion seconded by Mr. Dykstra.

Upon roll call vote:

Ayes: Cleary, Dykstra, Holowach, Masson, Meyer, Poggi

Nays: None

Abstentions: None

Absent: None

Resolution 2017-170R – Special Meeting

Mr. Holowach made a motion to adopt Resolution 2017-170R to hold a Special Meeting of the Governing Body of the Borough of Sussex, County of Sussex, State of New Jersey, to be held on Thursday, December 28, 2017, 7:30pm at the Sussex Municipal Building, 2 Main Street, Sussex NJ 07461. Motion seconded by Mr. Dykstra.

Upon roll call vote:

Ayes: Cleary, Dykstra, Holowach, Masson, Meyer, Poggi

Nays: None

Abstentions: None

Absent: None

ADJOURNMENT

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

All were in favor.