

**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
SEPTEMBER 20, 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, Mrs. Georgeanna Stoll, and Mayor Katherine Little

Absent: Mr. Albert Decker (excused)

Also present: Borough Attorney Mr. Frank McGovern, Esq. of McGovern and Roseman, P.A., Michael Restel, Administrator/DPW Supervisor 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 September 20, 2016 as submitted. Motion seconded by Mr. Meyer.

Mrs. Masson made a motion to amend the agenda to include a discussion of Robert's Rules after item E. Motion seconded by Mrs. Stoll

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

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

DISCUSSION (Water Quality) Present for discussion were Mike Furrey, Licensed Operator and Gerry Gardner and James Schappell of Houser Engineering. The topics discussed were the ongoing TTHM issue and the two possible solutions submitted to the DEP. The chlorination which is required for disinfection can mix with organic matter and cause a by-product of the disinfection. The trend for the past few years has shown an increase in the TTHM's.

Permanganate has been added in an effort to keep levels lowered. There has been an increased deterioration of the water at Colesville Reservoir and several algae blooms which have contributed to this problem. A likely request from the State's Administrative Consent Order (ACO) will be to use an alternative disinfectant. The filters cleaning was completed approximately one month ago. Mrs. Masson asked what the alternatives to chlorine would be. Chloramines, ozone, UV and chlorine dioxides are some of the options. The State is also requesting to test deep water, which may contain less organics. The State is also asking that the Sussex Tank be turned over (lowered and raised) more frequently. In addition water systems should have no dead ends, meaning the lines should loop to provide constant water flow.

Conclusion: deep water testing, changes at the plant, different disinfection alternatives and no dead ends.

Mr. Holowach asked where most of the TTHM's are formed, to which Mike Furrey responded that most are formed at the plant. Gerry Gardner stated the turbidity issue is

exasperating the TTHM problem. Mr. Dykstra stated that deep water should solve the turbidity issue, but there is no guarantee it will solve the TTHM issue. Mr. Dykstra stated that without the turbidity issue the Borough could add more options to remediate the TTHM issue that are currently not viable due to the turbidity issue. Mike Furrey and Gerry Gardner agreed with that statement. Mr. Meyer asked when the TTHM testing results began to raise concern with the DEP. Mr. Meyer also stated the previous operator was not operating under an approved DEP SOP. Mr. Meyer stated individual filtration system on their homes could be beneficial. Mr. Meyer suggested the Borough offer installing carbon filters in each home simultaneously with the installation of the new meters. Mayor Little asked when the TTHM standard number was lowered by the DEP. Mr. Meyer asked if the cost of adding individual home options that could be offered to home owners. The Council would like the information regarding the carbon filters. Mrs. Masson stated she subscribes to a publication Nutrition Action put out by The Center for Science in the Public Interest, which states the TTHM's are a common problem. Mr. Holowach stated that the TTHM's are not only ingested but also leach into the skin while showering. Mr. Meyer stated his concern over the length of time this has been an issue.

DISCUSSION (Robert's Rules) Mrs. Masson asked if everyone has a copy of Robert's Rules. Mrs. Masson read an excerpt from page 31, "debate issues not personalities". Mrs. Masson stated that she has read this to Council previously. "One of the most important rules of debate is that the proposal not the member is the subject of the debate. Vigorous debate about the merits of a motion is central to the very idea of a deliberative assembly. Criticizing an opponent's reasoning however is different from criticizing the opponent personally. When a motion is pending you may attack the idea or likely results of the proposal in strong terms but you must avoid personalities. Under no circumstances can you attack or question the motives of another member." At the last meeting Mr. Dykstra called some of us not agreeing with some others on the Counsel stupid, and he said that numerous times. At a prior meeting Mr. Meyer told the Mayor some of us clearly did not understand. I can tell you I do understand very well and I keep my very low opinion of some of you to myself because it has no bearing on the items we are needing to discuss and the people we are supposed to be representing in this Borough. There is one other item. Mr. Holowach stated "Team Parrot" is a perfect example of that. Mrs. Masson answered that she did not name that. Mr. Meyer stated but you did use it and attacked me repeatedly. Mrs. Masson stated that is because some of you identify yourselves that way. (Cross talking ensued, Mayor Little banged the gavel and stated we are getting off what we are supposed to be doing here-one person at a time.) Mrs. Masson stated there is another section in here that spoke about letting individuals express their opinion and not limiting what they have to say and prior to the last meeting we all received an email from the Mayor that states "I will no longer grant any comments at any meeting. They are disruptive and accomplish nothing. If you wish to make comments you will have to override my decision and ask the rest of the Council to vote on your request." Mrs. Masson stated we are not a family here where you are the mother and you have your favorites. I am tired of having individuals be able to attack me and then when I go to say something, I get gaveled. If you are going to allow some members of this governing body to attack, then you have to allow those being attacked equal time. Mayor Little stated our Attorney says we will take it under advisement. Mr. Dykstra asked to make a statement. "Let the record show that at no time did I address Mrs. Masson personally. The record will show that and there are witnesses here that will verify that." Mrs. Masson stated "I would like to state that any individual is welcome to listen to the recording of the previous meeting." Mayor Little closed the discussion.

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 Potential Litigation Regarding Lake Rutherford Pipeline, Contract Negotiations Regarding Wantage Plaza, SCMUA Agreement pertaining to Sewer Line Easement, Purchase of Real Property and Contract negotiations regarding the Redevelopment Area. Motion seconded by Mr. Meyer.

Mrs. Masson made a motion to suspend the rules seconded by Mrs. Stoll.

Upon roll call vote to suspend the rules:

Ayes: Masson, Stoll

Nays: Dykstra, Holowach, Meyer

Abstentions: None

Absent: Decker
Motion fails.

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

After meeting in closed session, the Governing Body returned to their seats at 9:12 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. Meyer
All in favor.

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.

Mayor Little stated on September 14, 2016, a conference call was held with the State DEP in the Administrator's office to discuss some of the requirements the State is requesting. On September 16, 2016 a conference call was held with the State SADC. This also was a discussion concerning the request for more information. September 16, 2016 was Mark Zschack's last day as Sussex Borough's Administrator. September 19, 2016 I gave the Oath of Office to Michael Restel, our new Administrator and Toni Smith, our Acting Clerk. Georgeanna Stoll was a witness. The Finance Committee reviewed the vouchers and all was in order. Last night Mayor Little attended the Sussex Fire Department's Parade meeting at the Fire House. Everyone was updated on the different committees and everything is progressing on time. Tomorrow, September 21, 2016, I will be joining our Administrator, Mike Restel, Gerry Gardner and James Schappell from Houser Engineering, in a meeting at Senator Oroho's office to introduce our new Administrator and to update the Senator on our Water project. On Thursday, September 22, 2016 we will be meeting with Christine Schmelzle, the Community Programs Specialist from the USDA-Rural Development Department.

Mr. Decker: Absent

Mr. Holowach stated that the DPW, using our new line striper, striped all the lines on Main Street in preparation for the October 1, Fireman's Parade. They have been exercising valves in the Clove Lake area, Newton Avenue, Main Street and East Main Street. Next time they will move on to the hospital area. In preparation for the parade, they have done a terrific job in the Deckertown Commons Park (ie. flower beds, paver walkways, redesigned the section of the curb). The muffin monster has been installed at the sewer pump station and the transfer switch has been fixed. There are new banners and sponsor slices will be installed and new American flags put in place. Our DPW employee Jacob Kinney has finished his W-1 Water Operator License course with 92% and is scheduled to take the state test on October 26 or 27. At this point Mr. Holowach asked Michael Restel as the DPW supervisor to finish the report.

Mr. Restel stated he is proud of the DPW department, they have stepped up during this transition and shown real pride.

Mayor Little stated that we may need to discuss adding an additional DPW worker in the near future.

Mr. Dykstra offered no report at this time.

Mrs. Stoll offered no report at this time.

Mr. Meyer offered no report at this time.

Mrs. Masson stated that she attended a SCMUA meeting on September 7th. The Mayor of Vernon and a representative from the VFW were there appealing their connection fee to SCMUA. The representative from the VFW stated although they have 70 members only 20 of them are active. The Vernon MUA decided to reclassify the VFW because they do not use their kitchen and are not functioning as a banquet hall any longer. Their EDU was reduced from 4.5 to one EDU. The reduced connection fee to SCMUA is \$6,068.00. The SCMUA board made a motion to enter into an agreement with a vendor to do Styrofoam recycling. They have to have their 2017 Capital Budget and their 2017 Operating Budget to the State very shortly. They mentioned Public Safety Training Academy is looking for surplus vehicles for training purposes which SCMUA was able to provide some old vehicles to them. The Grant report for August is in today's Consent Agenda. The CDGB small cities \$400,000.00 grant for Lake Rutherford Dam which was expected this month has been held up. The ERR and EA reports that were expected to be done quickly and we would have the money in a month now has been contracted out by Civil Dynamics, thus expanding the timeframe possibly to November. Mrs. Masson requested someone from the Borough reach out to Civil Dynamics to get a status update on the ERR and EA reports. We are hoping this delay doesn't impact the request that was put in last Friday for another \$400,000 for the pipeline. We need estimates on the roof for the Theatre, I believe two people came out. Michael Restel confirmed two companies came out and three perspective vendors declined saying they did not wish to get involved. We have no estimates due to the fact that the contractors do not want to work on a historical building. Mrs. Masson suggested other towns with historical buildings be contacted. A brief discussion ensued. Mrs. Masson stated there is grant money available for Main Street. She spoke with Steve (Welsh) this morning he mentioned that letters need to go out to the owners of all the properties on Main Street giving their permission to do these sidewalks. There is emergency grant money available for repairs for water and sewer, there is no limit on the amount. It would be good to identify what we would like to go for. Mayor Little stated she spoke with Steve (Welsh) about what would qualify. A discussion ensued concluding that Houser Engineering should decide what will qualify. Mrs. Masson stated that Steve (Welsh) has not received any direction.

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 made a motion to accept the consent agenda of September 20, 2016 Motion seconded by Mrs. Stoll.

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

1. Letter from Mario Poggi, dated August 26, 2016, regarding Borough Ordinance 19, Section 17.2 (Off-Street Parking Requirements).

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Clerk's Report for the month of August 2016.
2. Water Sewer Collector Report for the month of August 2016.
3. Tax Collector's Report for the month of August 2016.
4. Construction Department Report for the month of August 2016.
5. Property Maintenance Department Report for the month of August 2016.
6. Sussex Borough Zoning Report for August 2016.
7. Grant Writer's Report August 2016.
8. Sussex Borough Cash Report August 2016.
9. Delinquent Utility Properties Report as of September 16, 2016.
10. Unpaid Utility Properties Report as of September 16, 2016.
11. Water Shut Off Report as of September 16, 2016.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of September 20, 2016.

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Decker

OPEN PUBLIC SESSION #1

Mr. Holowach 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.
All were in favor.

Mr. Brenner of 27 Walnut Street voiced concerns about being ticketed regarding his property for property maintenance violations.

Mrs. Stoll made a motion to close the meeting to the public. Motion seconded by Mr. Meyer.
All were in favor.

OLD BUSINESS

Approval of Meeting Minutes

Mrs. Masson made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on August 16, 2016. Motion seconded by Mr. Holowach.

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Decker

Resolution 2016-182R – Issuance of \$2,200,000 Bond Anticipation Notes

Mrs. Masson made a motion to adopt Resolution 2016-182R authorizing the issuance of not exceeding \$2,200,000 bond anticipation notes of the Borough of Sussex, County of Sussex, New Jersey. Motion seconded by Mrs. Stoll

Mr. Holowach made a motion to table Resolution 2016-182R to the October 4, 2016 meeting. Motion seconded by Mr. Meyer.

Upon roll call vote to table:

Ayes: Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

Absent: Decker

NEW BUSINESS

Mr. Holowach made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on September 6, 2016. Motion seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Decker

Resolution 2016-200R – Tax Foreclosures

Mrs. Stoll made a motion to adopt Resolution 2016-200R authorizing Borough officials to proceed with the necessary steps to pursue Rem Foreclosures for various properties in the Borough of Sussex. Motion seconded by Mrs. Masson.

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Decker

Resolution 2016-201R – Issuance of \$1,800,000 Bond Anticipation Notes

Mr. Holowach made a motion to suspend the rules to move this item to the agenda after the adoption of Ordinance 2016-22. Motion seconded by Mrs. Stoll.

Upon roll call vote to suspend the rules and move item:

Ayes: Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Decker

Resolution 2016-203R – Authorizing Refunds

Mr. Holowach made a motion to adopt Resolution 2016-203R authorizing the refunds of \$8,705.84 to US Bank Cust for PC6, LLC Sterling National for redemption of Tax Sale Certificate #15-05. Motion seconded by Mrs. Stoll.

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Decker

Adoption Ordinance 2016-19 – Permit Sidewalk Usage

Mr. Holowach made a motion to adopt Ordinance 2016-19 entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING SUBSECTION 3-6.1, ENTITLED “OBSTRUCTIONS PROHIBITED”, OF SECTION 3-6, ENTITLED “USE OF SIDEWALKS”, OF CHAPTER III, ENTITLED “POLICE REGULATIONS”, OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF SUSSEX.” Motion seconded by Mrs. Stoll.

Mayor Little opened the meeting to the public for any questions or concerns regarding Ordinance #2016-19. No one from the public wished to speak.

A discussion ensued among the council regarding the possibility of allowing the business owners to be able to use the sidewalks for wares at all times.

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Decker

Resolution 2016-204R – Authorize Sidewalk Usage

Mrs. Stoll made a motion to adopt Resolution 2016-204R permitting stored or displayed goods, wares, merchandise or other obstructions on the sidewalks October 1, 2016 for the 2016 Sussex County Fireman’s Parade. Motion seconded by Mr. Holowach.

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Decker

Adoption Ordinance 2016-20 – Salary Ordinance

Mr. Meyer made a motion to adopt Ordinance 2016-20 entitled “ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY.” Motion seconded by Mr. Dykstra.

Mayor Little opened the meeting to the public for any questions or concerns regarding Ordinance #2016-20. No one from the public wished to speak.

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Decker

Adoption Ordinance 2016-21 – Establish Borough Administrator

Mr. Dykstra made a motion to adopt Ordinance 2016-21 entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING SECTION 2-6A, ENTITLED “RESERVED”, OF CHAPTER II, ENTITLED “ADMINISTRATION”, OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF SUSSEX.” Motion seconded by Mr. Holowach.

Mayor Little opened the meeting to the public for any questions or concerns regarding Ordinance #2016-21. No one from the public wished to speak.

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: Decker

Adoption Ordinance 2016-22 – \$25,000 Bond Ordinance

Mr. Holowach made a motion to adopt Ordinance 2016-22 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

Mayor Little opened the meeting to the public for any questions or concerns regarding Ordinance #2016-22. No one from the public wished to speak.

Upon roll call vote:

Ayes: None

Nays: Dykstra, Holowach, Masson, Meyer, Stoll

Abstentions: None

Absent: Decker

Not adopted.

Adoption Ordinance 2016-23 – \$2,500,000 Bond Ordinance

Mr. Holowach made a motion to adopt Ordinance 2016-23 entitled “BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE WATER SUPPLY AND DISTRIBUTION SYSTEM IN AND BY THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$2,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,980,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.” Motion seconded by Mr. Dykstra.

Mayor Little opened the meeting to the public for any questions or concerns regarding Ordinance #2016-23. No one from the public wished to speak.

Mr. Holowach made a motion to move the question seconded by Mr. Dykstra.

Upon roll call vote to move the question:

Ayes: Dykstra, Holowach, Meyer, Mayor Little

Nays: Masson

Abstentions: Stoll

Absent: Decker

Upon roll call vote of original motion:

Ayes: Dykstra, Holowach, Meyer, Stoll

Nays: Masson

Abstentions: None

Absent: Decker

Resolution 2016-201R – Issuance of \$1,800,000 Bond Anticipation Notes

Mr. Holowach made a motion to adopt Resolution 2016-201R authorizing the issuance of not exceeding \$1,800,000 bond anticipation notes of the Borough of Sussex, County of Sussex, New Jersey. Motion seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Dykstra, Holowach, Meyer, Stoll

Nays: Masson

Abstentions: None

Absent: Decker

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

All were in favor.

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. 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.

Katherine Little, Mayor

Antoinette Smith, Acting Municipal Clerk

Date Approved: 10-04-16