

**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 2, 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, and Mayor Katherine Little.

Absent: Mrs. Georgeanna Stoll – Mayor Little stated Mrs. Stoll called and asked to be excused due to an injury from a fall which occurred at the Recreation Committee's Halloween Event.

Also present: Borough Attorney Mr. Frank McGovern, Esq. of McGovern and Roseman, P.A., Mr. Michael Restel, Municipal Administrator/DPW Supervisor 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."

APPROVAL OF AGENDA

Mr. Decker made a motion to approve the agenda for November 2, 2016 as submitted. Motion seconded by Mr. Holowach.

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer

Nays: None

Abstentions: None

Absent: Stoll

PRESENTATIONS:

No presentations were scheduled for tonight's meeting.

DISCUSSION:

A brief discussion ensued confirming the desire of the Council to introduce the ordinance regarding abandoned properties.

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 October 19, 2016. The main focus of the meeting was a presentation by SCMUA employee Nathaniel Sajdak regarding all of the projects and initiatives that he's working on in the community. The McKeown School on a rain garden project, (also reported in NJ Herald recently) He gave a list of approximately 10 projects. One in particular was especially interesting for a storm water drain infrastructure program with the town of Newton. NJDEP, Rutgers, NJ Future, the Town of Newton and Sussex Community College are working together on this project and succeeding in getting quite a few grants from various sources. Mr. Meyer stated he has worked with Nathaniel before. He helped with the planting of trees along Clove Lake and identifying the invasive water chestnut species. Mrs. Masson suggested we keep these projects in mind for possible future projects. On October 25th we had a Grant meeting to review all grants. The small cities grant for Lake Rutherford is still waiting on the ERR/EA reports. Steve (Welsh) will add stairs to the Crescent Theater grant.

Mr. Meyer stated there was a Planning/Zoning board meeting. One of the things discussed was the 2016-24 Revised Parking ordinance. The board is concerned that this would allow people to just park in the front of the house on the grass, etc. Mr. McGovern stated that the ordinance was just referring to a section of the ordinance and needs to be looked at along with the entire ordinance. It was suggested by the Council that the entire parking ordinance may need to be reviewed. The attorney and the planner advised that COAH may be coming back. The Borough does not have an actual COAH Plan in place. We asked about the theater parking lot to see if there was a way to get extra usable parking spaces without a large amount of work. (Mr. Meyer shared a photo with overlay with the Mayor & Council). There are possibly 26 spaces. There was also consideration for curbs and to fix the second set of stairs. This would provide more parking which would help improve downtown. Mr. Decker stated that the theater group is supposed to put signs up showing that the theater parking is up at the Harrison Street lot. Mr. Holowach stated the theater has online ticketing which states on the ticket that the parking is on Harrison Street along with directions to the lot.

Mr. Dykstra stated he attended the Board of Health meeting in October. The rabies clinic will be held early in January. There will be a meeting in November, but none in December. Mr. Dykstra asked "Board of Health alternate members needed" be put on the board out in front of municipal building.

Mr. Holowach stated we met today with Gerry Gardner and James Schappell of Houser Engineering regarding the utility. The insurance was received from the insurance company for the lightning strike. The hydrant flushing was delayed due to the drought. The filter media cleaning was completed by the water plant operator and no dramatic effect was found. The retention analysis for floc particles should be done by the end of the month. There has been no major movement on the ACO for the TTHM violations from the state, within the next month or so we should begin to understand what needs to happen. We have been having issues with the flocculation motors at a cost of \$3,000 each with updated technologies, whereas replacement would have cost \$20,000 each by R & R Pump. The high lift pumps are being repaired. The scheduled valve replacement focusing on Harrison and Liberty Streets as long as weather permits, resuming in spring. All valves needing replacement can be purchased in this year's budget. The meter grant process is progressing and there is a possibility that there is an easement existing for almost a century, which will fast track our efforts. Wantage Plaza was also discussed, there may be SCMUA options going forward. We will be reaching out to the parties involved in the I & I project that still has money available. Clove Lake will be refilling as soon as it rains, the sluice gate was closed last week. Road salt has been delivered and DPW is getting everything ready for the winter months. The street sweeper is being repaired. Mr. Dykstra inquired about the level of Lake Rutherford. Mr. Holowach stated a study is in progress to ascertain at what depth the pipeline should be placed. At this point 25 feet seems the best course of action.

Mr. Decker stated the Property Maintenance Committee met on Monday. We elected Karen as secretary, discussed a property on Harrison Street with recommendations going to Steve Danner. Mr. Decker also met with a resident on Sunday regarding a leaning tree. Mr. Decker also expressed that the Grant Committee did not recommend removing the \$56,000.00 of engineering costs from a grant application. Mayor Little suggested we revisit the information regarding the engineering costs.

Mayor Little stated that on October 19th at 8:30 a.m. Sussex-Wantage Chamber of Commerce meeting was held at the Friendly's restaurant in Wantage Plaza. Mayor Little gave an update on activities such as the parade, some of our projects and what we are working on as far as grants for the water and sewer systems. On October 19th at 10:00 a.m. Mike Restel and I attended the Mayor and Administrators meeting with Senator Oroho in Hardyston. On October 20th at 1:30 p.m. Joe Butto, the Construction Official, met with us concerning the problem with the building on Main Street. On October 24th at 12:00 p.m. Saint Clare's Prime Health Care held a meeting to discuss plans for Saint Clare's Sussex Campus. On October 24th at 7:30 p.m. the Planning/Zoning Board meeting was held. The subject of COAH-Fair Housing was resurrected by the state with new formulas. On October 25th at 1:30 p.m. Mayor Little attended the Grant Committee meeting. I asked Steve Welsh to check into security camera grants and anything for parking lots. On October 27th at 6:00 p.m. there was a meeting of the Clove Lake/Clove Brook Maintenance Committee. Only two people showed up for the meeting. For everyone's information the sluice gate was closed

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last week. The Lake was only lowered, not emptied or drained. On October 29th the Recreation Committee held their Halloween program and parade. On November 2nd Gerry Gardner and James Schappell held a meeting with Mike, Toni and me to update us on the water/sewer issues and the work they are doing on gathering all the information to submit to the state and for grants. We also discussed the issues at the water treatment plant.

Councilwoman Stoll relayed the following information through Mayor Little

1. She would like to thank the DPW for their quick response to repairing a problem on Highland Avenue and Hill Street. They did a very good job.
2. The Recreation Committee held their Halloween program at the theater. They had a magician do a show and he involved the children which they enjoyed. The parade was held outside and the winners of the costume contests received prizes. Refreshments were provided.

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 November 2, 2016. Motion seconded by Mr. Holowach.

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

1. Letter from Sussex Fire Department dated October 3, 2016 regarding fire prevention week.
2. Resolution from Andover Township regarding the Lackawanna Cutoff.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Delinquent Utility Properties report as of October 28, 2016.
2. Unpaid Utility Properties report as of October 28, 2016.
3. Water Shut Off report as of October 28, 2016.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

NONE

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of November 2, 2016.

Mr. Holowach made a motion to accept the consent agenda of November 2, 2016 with the removal of item number 2 under correspondence. Motion seconded by Mr. Decker.

Mr. Holowach made a motion to draft a resolution in support of the Lackawanna Cut-Off Restoration project. Motion seconded by Mr. Decker.

All were in favor.

Upon roll call vote to accept the consent agenda with the removal of item number 2 under correspondence:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer

Nays: None

Abstentions: None

Absent: Stoll

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OPEN PUBLIC SESSION #1

Mr. Decker 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

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer

Nays: None

Abstentions: None

Absent: Stoll

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. Holowach made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on October 18, 2016. Motion seconded by Mr. Decker.

Upon roll call vote:

Ayes: Decker, Holowach, Masson

Nays: None

Abstentions: Dykstra, Meyer

Absent: Stoll

Resolution 2016-215R – Fourth Quarter 2016 Water/Sewer Adjustments

Mr. Holowach made a motion to adopt Resolution 2016-215R approving the Water/Sewer Collector's adjustments for the fourth quarter 2016. Motion seconded by Mrs. Masson.

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer

Nays: None

Abstentions: None

Absent: Stoll

Resolution 2016-216R - Adopting a Conflict of Interest Policy

Mr. Holowach made a motion to adopt Resolution 2016-216R establishing a conflict of interest policy. Motion seconded by Mr. Decker.

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer

Nays: None

Abstentions: None

Absent: Stoll

Resolution 2016-217R - Eagle Scout Recognition

Mr. Holowach made a motion to adopt Resolution 2016-217R congratulating Joseph Barta for achieving the rank of Eagle Scout as a member of Boy Scout Troop 84. Motion seconded by Mrs. Masson.

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer

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Nays: None
Abstentions: None
Absent: Stoll

Resolution 2016-218R - Crossing Guard Hire

Mr. Holowach made a motion to adopt Resolution 2016-218R approving the hire of Jon Chegwidden as a Crossing Guard for the Borough of Sussex at \$10.00 per hour. Motion seconded by Mr. Meyer.

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

Resolution 2016-219R - Authorizing Refund

Mr. Dykstra made a motion to adopt Resolution 2016-219R authorizing refund of \$5,935.68 to Dan Faber for redemption of tax sale Certificate #15-03. Motion seconded by Mr. Meyer.

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

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 Mr. Meyer.

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

There being no one else present who wished to address the Governing Body, Mr. Decker 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, Mr. Dykstra made a motion to adjourn into closed executive session to discuss personnel and attorney client privilege matters. Motion seconded by Mr. Meyer.

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

After meeting in closed session, the Governing Body returned to their seats at 9:36 p.m. and Mr. Decker 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.

Resolution 2016- 220R – Redevelopment Consulting Services

Mr. Dykstra made a motion to adopt Resolution 2016-220R authorizing the Mayor and/or Clerk to enter into a contract with NW Financial Group, 2 Hudson Place, 3rd Floor, Hoboken, NJ 07030 for redevelopment consulting services. Motion seconded by Mr. Decker.

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer

Nays: None

Abstentions: None

Absent: Stoll

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

Mr. Holowach made a motion to introduce 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 Mrs. Masson.

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer

Nays: None

Abstentions: None

Absent: Stoll

Mayor Little stated that the final reading of Ordinance (2016-25) will be on November 15, 2016.

Renew Interlocal Agreement for Tax Collector Services

Mrs. Masson made a motion to direct the Mayor to enter into an Interlocal agreement with Wantage Township for Tax Collector services from November 1, 2016 to October 31, 2020. Motion seconded by Mr. Holowach.

Mr. Holowach made a motion to amend the contract to add in section D “*and the Provider shall bear the costs of Recipient’s attorneys’ fees and costs in such action in the event it is determined, by settlement or otherwise, that Recipient is not responsible to Provider.*” Motion seconded by Mr. Meyer.

Upon roll call vote to amend:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer

Nays: None

Abstentions: None

Absent: Stoll

Mr. Holowach made a motion to add a second amendment to the contract extending the end date from October 31, 2020 to December 31, 2020 and additional prorated fee, with a request for renewal to be received by September 1, 2020. Motion seconded by Mr. Meyer.

Upon roll call vote to amend:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer

Nays: None

Abstentions: None

Absent: Stoll

Mr. Meyer made a motion to accept the Tax Collector Services Interlocal Agreement as amended. Motion seconded by Mrs. Masson.

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer

Nays: None

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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. Holowach.

All were in favor.

Katherine Little, Mayor

Antoinette Smith, Acting Clerk

Date Approved: November 15, 2016