

**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
APRIL 19, 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, Mrs. Georgeanna Stoll, and Mayor Katherine Little

Absent: None

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 April 19, 2016 as submitted.
Motion seconded by Mrs. Stoll

Mr. Decker made a motion to amend the previous motion to add an addendum dated April 19, 2016 to the agenda after number 14 under new business.
Motion seconded by Mr. Holowach.

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

Mr. Holowach made a motion to amend the original motion to pull the executive session discussion titled Potential Tax Sale Foreclosure Litigation to open session under discussion.
Motion seconded by Mrs. Masson.

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

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

PRESENTATIONS:

No presentations were scheduled for tonight's meeting.

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

Mrs. Stoll stated that the Recreation Committee did not have a meeting because there was not a quorum. There was a special meeting at Sussex Wantage School that three of us attended. The Sussex Wantage School will come to present their budget after it is approved.

Mr. Meyer stated the Planning/Zoning Board meeting was adjourned until April 25, 2016. The water/sewer rate structure committee met on April 12, 2016 and held a discussion regarding the

scope of the committee and from that we have several recommendations that are unanimous which are that the meetings should be open to the public, the meetings be recorded and that the recordings of the meetings be posted on the website and posting the meeting dates on the website and on the bulletin board the week before the meetings and will meet once a quarter. Update the rates on the website because the rates are incorrect. Also we are requesting that we get more increased code enforcement for follow up on edu changes. We also recommended the ordinance that is on tonight for destroyed property with the following addition where there would be a status review within one year from the date of the loss. Some questions that came from the meeting, how will we budget for when the clerk, attorney or other staff is needed? Are there any liability concerns for members and is the committee covered by borough insurance? There have been some concerns about businesses being run in residential zones.

Mrs. Masson read the following prepared statement: "Our Borough has been struggling with Mr. Parrott and his Sussex Inn's non-payment of money owed to the Borough on and off for at least the last five years.

Mr. Parrott's current attorney, George Daggett, has interjected himself in the matter of a payment plan for the redemption of the Sussex Inn tax lien held by the Borough. Mr. Daggett has tried to influence the outcome of a vote via threats and intimidation. I liken this to "jury tampering". I find his statements about me libelous.

As a councilperson, I take my oath of office seriously. It is my responsibility to represent all Borough taxpayers equally.

I didn't take direction from Mr. Parrott's previous attorney, who is now facing a legal proceeding for withholding from us his dual representation of the Sussex Inn, while also acting as our municipal attorney. I certainly will not relinquish my ethical responsibilities by taking direction from Mr. Parrott's current attorney, who has twice been cited by the same state ethics board that is dealing with Mr. Ursin.

It is the responsibility of this governing body to make decisions on matters put before it that do not indicate favoritism but rather reflect what is best for ALL residents of the Borough we serve and to do so with transparency. We must always be careful of setting dangerous precedents which open the Borough up to lawsuits."

I attended the water/sewer rate structure committee meeting. I also attended the Sussex Wantage School meeting on April 6th and I had spoken twice about the need to reduce their budget and the fact that they have reduced their student count by 670 in the last 15 or so years. I asked them if they had looked into closing one of the schools. I asked the superintendent for a total by school. The grant committee met this morning and we went over all of the grant applications that are out there. We should hear in May about the USDA grants. Also, in May the H2Loan should be determined and that is half loan forgiveness. Mr. Welsh is very confident that we stand a very good chance of receiving these grants. There was a report for the Small Cities CDBG for the lake Rutherford dam that should have been received today from the engineer. There is a recreational trail grant that the Clove Lake Maintenance Committee should look into. There is a sewer main repair local aid infrastructure fund, this program funds emergency infrastructure improvements. There's no limit to the request for funds and no match required; the only requirement is that the project must be an emergency. The small cities CDBG grant, Steve Welsh is looking to put in for that again for realignment of the intake line at the plant and that is coming out at the end of June. Safe routes to school, we were discussing this, it's another grant and I asked him about Main Street.

Mr. Dykstra offered no report at this time.

Mr. Holowach stated that the DOT punch list is still open for the Route 23 project. The dehumidifiers and sump pump were installed in the dry well which is down by the sewer pump at the DPW property. The water leak on Clove Avenue, a contractor will be here on Friday to dig that up. There is a hydrant flushing schedule out and the DPW will be using the camera to determine if there is anything running into the sanitary sewer. The containment area repairs, the caustic was cleaned and there are plumbing repairs that are happening in that space. We are doing chlorine piping repairs in that same area. Valves and actuators are being rebid. Gerry is getting numbers to repair the floc tanks.

ADMINISTRATORS REPORT

The administrator/Clerk offered no report at this time.

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. Holowach made a motion to accept the consent agenda of April 19, 2016.

Motion seconded by Mrs. Masson

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated March 31, 2016 from Frank McGovern to Gina Liotta regarding block 301.04, lot 212.
2. Proclamation from Hampton Township proclaiming April as child abuse prevention month.
3. Letter dated March 31, 2016 from the Hardyston Township Mayor and Council to the NJ Department of Environmental Protection and the NJ Division of Fish and Wildlife regarding the Sparta Mountain Wildlife Management Area Forest Stewardship Plan.
4. Letter dated April 6, 2016 from Kathleen Kania regarding a refund of her parking payment.
5. Letter dated April 14, 2016 from Mario Poggi, Borough Historian to Nancy Bookbinder thanking her for help on getting the World War II Memorial repaired.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Grant writer report for the month of March 2016.
2. Tax Collector Report for the month of March 2016.
3. Clerk's Report for the month of March 2016.
4. Water/Sewer Collector Report for the month of March 2016.
5. Property Maintenance Department for the month of March 2016.
6. Delinquent Utility Properties Report as of April 15, 2016.
7. Unpaid Utility Properties Report as of April 15, 2016.
8. Water Shut Off Report as of April 15, 2016.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. NJ State Fireman's Application from Brian Keith.
2. NJ State Fireman's Application from Christopher Cameron.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

Payment of bills for the meeting of April 19, 2016.

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

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

All were in favor.

Mr. Ronald Gerstmann, 6 Fourth Street, addressed the governing body regarding the Sussex Inn tax liens.

Ms. Sharon Halvorsen, Lakeview Terrace, addressed the governing body regarding payment plans for individuals.

Ms. Pam Flynn, 19 Grove Street, addressed the governing body regarding the non-payment of bills by the Sussex Inn.

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. Dykstra. 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 March 15, 2016. Motion seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

NEW BUSINESS

Resolution 2016-116R - Honoring Eagle Scout

Mrs. Masson made a motion to adopt Resolution 2016-116R congratulating Michael Shorr for achieving the rank of Eagle Scout as a member of Boy Scout Troop 84. Motion seconded by Mrs. Stoll.

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

Adoption Ordinance 2016-04 - Salary Ordinance

Mr. Decker made a motion to adopt Ordinance 2016-04 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. Meyer.

Mayor Little opened the meeting to the public for any questions or concerns regarding Ordinance #2016-04.

There being no one present who wished to address the governing body Mayor Little closed the meeting to the public.

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Meyer, Stoll

Nays: Masson

Abstentions: None

Absent: None

Resolution 2016-117R – 2016 Salary and Wages

Mr. Holowach made a motion to adopt Resolution 2016-117R establishing the salaries and wages of certain Borough employees for the year 2016. Motion seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Meyer, Stoll

Nays: Masson

Abstentions: None

Absent: None

Resolution 2016-118R – RFP Water Treatment Plant

Mr. Holowach made a motion to adopt Resolution 2016-118R authorizing the solicitation of proposals for operation services at the water treatment plant by issuing a Request for Proposals (RFP). Motion seconded by Mr. Dykstra.

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

Resolution 2016-119R – World War II Memorial Restoration

Mr. Decker made a motion to adopt Resolution 2016-119R extending the Borough's gratitude to Wolfe Granite Memorials, 86 Main Street, Sussex, for donating time and materials in restoring the World War II memorial. Motion seconded by Mr. Dykstra

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

Adoption Ordinance 2016-05 – Bond Ordinance Appropriating \$1,200,000.00

Mr. Holowach made a motion to adopt Ordinance 2016-05 entitled "BOND ORDINANCE APPROPRIATING \$1,200,000, AND AUTHORIZING THE ISSUANCE OF \$1,200,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, FOR THE WATER SUPPLY AND DISTRIBUTION SYSTEM AND THE SANITARY SEWERAGE SYSTEM OF THE BOROUGH."

Motion seconded by Mr. Dykstra

Mayor Little opened the meeting to the public for any questions or concerns regarding Ordinance #2016-05.

Mr. Charles Fronheiser, 35 Bank Street Sussex, asked the governing body if this ordinance had anything to do with what Mr. Holowach stated earlier.

There being no one else present who wished to address the governing body Mayor Little closed the meeting to the public

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

Adoption Ordinance 2016-06 - \$130,400 from Capital Improvement Funds

Mr. Meyer made a motion to adopt Ordinance 2016-06 entitled "AN ORDINANCE OF THE BOROUGH OF SUSSEX, SUSSEX COUNTY, NEW JERSEY, PROVIDING FOR VARIOUS DPW EQUIPMENT AND REPAIRS APPROPRIATING \$80,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND AND \$50,400 FROM THE WATER/SEWER CAPITAL IMPROVEMENT FUND Motion seconded by Mr. Dykstra

Mayor Little opened the meeting to the public for any questions or concerns regarding Ordinance #2016-06.

Mr. Charles Fronheiser, 35 Bank Street, addressed the governing body regarding how much money is owed to the water/sewer system.

There being no one else present who wished to address the governing body Mayor Little closed the meeting to the public

Upon roll call vote:

Ayes: Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: Decker

Absent: None

Introduction Ordinance 2016-07 – Destroyed Property

Mr. Meyer made a motion to introduce Ordinance 2016-07 entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AMEND CHAPTER XXIV, SECTION 24-1.4, ENTITLED “WATER/SEWER SYSTEM FEES,” OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF SUSSEX TO ADD A NEW SUBSECTION ENTITLED “DESTROYED PROPERTY” Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

Mayor Little stated that the final reading of Ordinance 2016-07 will be on May 3, 2016

Introduction Ordinance 2016-08 – \$21,000 from Capital Improvement Fund

Mr. Decker made a motion to introduce Ordinance 2016-08 entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, SUSSEX COUNTY, NEW JERSEY, PROVIDING FOR REPAIRS TO THE 2004 SEAGRAVE 100’ LADDER TRUCK APPROPRIATING \$21,000.00 FROM THE RESERVE FOR PURCHASE OF FIRE TRUCK FUND” Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

Mayor Little stated that the final reading of Ordinance 2016-08 will be on May 3, 2016

DISCUSSION:

At this time a discussion took place concerning a special meeting titled “State of Sussex Borough”. After a brief discussion by the Governing Body it was the consensus that a special meeting is not warranted.

At this time a discussion took place concerning Potential Tax Sale Foreclosure Litigation. Mr. McGovern stated that there are five tax sale certificates that are owned by the Borough. A brief overview of the tax sale certificates was provided by Mr. McGovern. The procedure, timeframe and estimated cost of foreclosing, auctioning or establishing a payment plan was discussed. Mr. McGovern stated there is another option that while the Borough owns the certificate it can take possession of an income producing property. It was the consensus of the Council to auction four of the five tax certificates for the amount due as of January 1, 2016. (The excluded property is Block 301.13 Lot 199.)

Mr. Holowach made a motion to suspend the rules and relocate the consideration of Resolutions 2016-111R, 2016-114R and 2016-115R to this point in the meeting. Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

Resolution 2016-111R – Lien Redemption and Installment Plan

Mayor Little requested a motion to adopt Resolution 2016-111R hereby authorizing an installment payment plan as set forth on Schedule “A” and subject to the listed requirements and conditions.

No action was taken

Resolution 2016-114R – Lien Redemption and Installment Plan Alternate 1

Mayor Little requested a motion to adopt Resolution 2016-114R hereby authorizing an installment payment plan as set forth on Schedule “A” and subject to the listed requirements and conditions

No action was taken

Resolution 2016-115R – Lien Redemption and Installment Plan Alternate 2

Mayor Little requested a motion to adopt Resolution 2016-115R hereby authorizing an installment payment plan as set forth on Schedule “A” and subject to the listed requirements and conditions

No action was taken

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 Mrs. Masson
All were in favor.

Mr. Charles Fronheiser, 35 Bank Street, addressed the governing body regarding items that are on the agenda.

Mr. Herb Hockenbery, 11 Linden Street, addressed the governing body regarding the street sweeper and asked when his street is going to be paved.

Mr. Ron Gerstmann, 6 Fourth Street, addressed the governing body stating that the governing body took in the best interest of the Borough with the regards to the Sussex Inn.

Ms. Sharon Halvorsen, 12 Lakeview Terrace, thanked the governing body for listening to her concerns.

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. Holowach
All were in favor.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Holowach made a motion to adjourn into closed executive session to discuss Contract Negotiations pertaining to the proposed Lake Rutherford pipeline. Motion seconded by Mrs. Stoll

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

After meeting in closed session, the Governing Body returned to their seats at 9:55 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 Mrs. Stoll
All were in favor.

ADDENDUM

Resolution 2016-120R – Fire Department Training

Mr. Decker made a motion to adopt resolution 2016-120R authorizing the Sussex Fire Department to perform training and drills within the dwelling located at 3 East Main Street in the Borough of Sussex. Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

Resolution 2016-121R – Borough Special Attorney

Mrs. Stoll made a motion to adopt resolution 2016-121R authorizing the Mayor to execute a contract for the services of Special Attorney at the rate, not to exceed \$250.00 per-hour plus mileage, to represent the Borough at a meeting with the State Agriculture Development Committee on April 25, 2016. Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Decker, Dykstra, Holowach, Masson, Meyer, Stoll

Nays: None

Abstentions: None

Absent: None

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 Mrs. Stoll
All were in favor.

Katherine Little, Mayor

Mark Zschack, Municipal Clerk

Date Approved: July 19, 2016