

**CONSENT AGENDA  
FOR THE MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF SUSSEX  
HELD VIA THE INTERNET  
MAY 4, 2021**

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ALL MATTERS LISTED BELOW ARE CONSIDERED ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF ANY DISCUSSION IS DESIRED, THAT PARTICULAR ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.

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

1. Resolution from the Township of Byram calling upon the Governor, State Legislature and BPU to bring proper broadband services to Byram Township and all of the State of NJ
2. Resolution from the Township of Montague disapproving of the County of Sussex imposing additional staff overtime election fees.
3. Resolution from the Borough of Franklin disapproving of the County of Sussex imposing additional staff overtime election fees.

**REPORTS** (ACCEPTANCE FOR FILING OF THE FOLLOWING):

**APPLICATIONS** (APPROVAL OF THE FOLLOWING):

**RESOLUTIONS:** (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of May 4, 2021.

**TOWNSHIP OF BYRAM  
RESOLUTION NO. 116- 2021**

**RESOLUTION CALLING UPON THE GOVERNOR, STATE LEGISLATURE AND BPU  
TO BRING PROPER BROADBAND SERVICES TO BYRAM TOWNSHIP AND ALL OF  
THE STATE OF NEW JERSEY**

**WHEREAS**, Byram Township, a small town organized primarily into communities, is in dire need of improved and up-to-date internet service and a Municipality that has the further complication of a geographically splintered monopoly territory map; and

**WHEREAS**, part of Byram Township has waited 14 years to receive Verizon's FIOS service and now struggles with Verizon's slow and out-of-date DSL/copper line internet service with some residents experiencing as low as 0.63 Mbps download and 0.21 Mbps upload speeds and another part of Byram Township is served by CenturyLink's slow and out-of-date DSL/copper line service with 1.5 Mbps download and 3.0 Mbps upload speeds when other parts of the State (Union) are typically experiencing 73.1 Mbps download and 62.0 upload speeds; and

**WHEREAS**, Byram Township has received numerous complaints from residents concerning Altice/Service Electric's unreliable cable and internet services; and

**WHEREAS**, both the Legislature and the BPU are charged with the responsibility and supplied with powers to regulate monopoly and de-facto monopoly telecom and digital communication services, which operate in New Jersey within a protected market and/or with high barriers to competitor entry which are derived from historically provided State approvals and within this Government oversight and control, residents should receive properly quality services at reasonable pricing; and

**WHEREAS**, this COVID virus period has highlighted the detrimental effects of substandard internet service on children as well as adults; and as neglected digital communication infrastructure impacts stay-at-home schooling and work-from-home residents which then impacts real estate desirability; and

**WHEREAS**, the Legislature and the BPU have allowed Verizon to bring FIOS service to Roxbury (a short 5 miles away from Byram Township) while neglecting Byram Township; and with the BPU's approval of its merger with L3 Communications, CenturyLink has grown to be one of the largest digital communication service companies in the world but does not deliver Byram Township a proper, modern internet service (see speeds above);

**NOW, THEREFORE BE IT RESOLVED**, that the Township Council of Byram Township supports the efforts of State Senator Oroho and Assemblypersons Wirths and Space and Representative Gottheimer that asks the State to improve existing or build-out broadband infrastructure in Byram Township and other neglected communities across the State of New Jersey (described in the attached March 15, 2021 letter to Governor Murphy); and

**BE IT FURTHER RESOLVED**, that the Township Clerk will forward copies of this resolution to the Sussex and Warren County Municipalities, Congressional Representative Gottheimer & Sherrill, Sussex County State Senator Oroho, Assemblypersons Space & Wirths, Warren County State Senator Doherty and Warren State Assemblypersons, Honorable Wayne P. DeAngelo, Honorable Nilsa I Cruz-Perez, Honorable Stephen M. Sweeney & Honorable Craig J. Couglin;

**BE IT FURTHER RESOLVED**, that the Township Council of Byram Township asks that the Legislature and BPU reorganize Statutes and Regulations and provide the needed oversight so that the quality of internet service is raised, and costs reduced, for all residents of the State of New Jersey.

**BYRAM TOWNSHIP COUNCIL**

	Councilman Bonker	Councilwoman Franco	Councilman Gallagher	Councilman Rosoff	Mayor Rubenstein
Motion					
2nd					
Yes	✓	✓	✓	✓	✓
No					
Abstain					
Absent					

**ATTEST:**

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on April 20, 2021.

  
Cynthia Church, Township Clerk

**TOWNSHIP OF MONTAGUE**

**RESOLUTION 2021-32**

**RESOLUTION OF THE TOWNSHIP OF MONTAGUE DISAPPROVING OF THE  
COUNTY OF SUSSEX IMPOSING ADDITIONAL STAFF OVERTIME ELECTION  
FEES**

**WHEREAS**, the Township of Montague ("Township") has received a notice from the County of Sussex ("County") concerning election costs; and

**WHEREAS**, the County has indicated that some all-mail election related services/products initiated last year due to the COVID-19 pandemic need to continue given the continued presence of the virus and continued Public Health Emergency; and

**WHEREAS**, the County has taken the position that the municipalities in the County of Sussex should provide reimbursements for some of the costs associated with the upcoming primary elections; and

**WHEREAS**, one of the costs for which the County will be seeking reimbursement for is its staff overtime in connection with fulfilling mail-in ballot requests; and

**WHEREAS**, the Township disapproves of the proposed reimbursement and feels that this is a "usual" cost that should be borne by the County in connection with its election duties. The Township further asserts that the County should be using the funds it will receive in connection with the 2021 American Rescue Plan Act to pay its personnel.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Montague disapproves of the County of Sussex seeking reimbursement for its staff overtime in connection with fulfilling mail-in ballot requests and hereby requests that the County of Sussex utilize its own funds for such expenditures.

**BE IT FURTHER RESOLVED**, that the Township Clerk is hereby directed to send a copy of this Resolution to the Sussex County Freeholders, County Administrator, and the Governing Bodies of all municipalities in Sussex County, New Jersey.

Adopted: April 13, 2021

ATTEST:



  
Richard E. Innella, Mayor

Upon roll call, the vote was recorded as follows:

Committeewoman Crawford:      aye  
Committeewoman Martin:        aye  
Committeeman Merusi:           aye

Committeeman Zitone:           aye  
Mayor Innella:                   aye

**CERTIFICATION**

I hereby certify that this is a true and accurate copy of the Resolution adopted by the Montague Township Committee, in the County of Sussex, State of New Jersey, at their regular meeting held on April 13, 2021.

  
\_\_\_\_\_  
Eileen DeFabiis, RMC/CMR  
Municipal Clerk

**COUNTY OF SUSSEX  
BOROUGH OF FRANKLIN**

**RESOLUTION #2021-38**

**RESOLUTION OF THE BOROUGH OF FRANKLIN DISAPPROVING OF THE  
COUNTY OF SUSSEX IMPOSING ADDITIONAL STAFF OVERTIME ELECTION  
FEES**

**WHEREAS**, the Borough of Franklin ("Borough") has received a notice from the County of Sussex ("County") concerning election costs; and

**WHEREAS**, the County has indicated that some all-mail election related services/products initiated last year due to the COVID-19 pandemic need to continue given the continued presence of the virus and continued Public Health Emergency; and

**WHEREAS**, the County has taken the position that the municipalities in the County of Sussex should provide reimbursements for some of the costs associated with the upcoming primary elections; and

**WHEREAS**, one of the costs for which the County will be seeking reimbursement for is its staff overtime in connection with fulfilling mail-in ballot requests; and

**WHEREAS**, the Borough disapproves of the proposed reimbursement and feels that this is a "usual" cost that should be borne by the County in connection with its election duties. The Borough further asserts that the County should be using the funds it will receive in connection with the 2021 American Rescue Plan Act to pay its personnel.

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Franklin disapproves of the County of Sussex seeking reimbursement for its staff overtime in connection with fulfilling mail-in ballot requests and hereby requests that the County of Sussex utilize its own funds for such expenditures.

**BE IT FURTHER RESOLVED**, that the Borough Clerk is directed to send a copy of this Resolution to the Sussex County Board of Commissioners, County Administrator, and the Governing Bodies of all other municipalities in the County of Sussex.

**CERTIFICATION:** I, Darlene J. Tremont, Municipal Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin, County of Sussex, State of New Jersey at a regular meeting of said Governing Body held on April 27, 2021

  
Darlene J. Tremont, Municipal Clerk

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
CONCETTO FORMICA	X			
JOSEPH LIMON	X			
JOHN POSTAS	X			
STEPHEN SKELLENGER	X			
GILBERT SNYDER	X			
STEPHAN ZYDON JR.	X			
MAYOR SOWDEN (Tie Only)				

## List of Bills - (All Funds)

Vendor	Description	Payment	Check Total
<b>Current Fund</b>			
1675 - Action Data Services	PO 14887 Acct 0542	121.15	121.15
1174 - Bassani Power Equipment, LLC	PO 14854 Customer 1401	55.83	55.83
2075 - Cintas Corporation No. 2	PO 14599 Payer # 18602682	457.19	457.19
2035 - Douglas K. & Katrina A. Morris	PO 14900 Refund of Overpayment on 2017 Homestead	488.44	488.44
1472 - Goffco Industries, Inc	PO 14864 Window envelopes	227.50	227.50
1556 - Harold E. Fellow & Associates, Inc	PO 14901 Council Business	238.00	
	PO 14902 Stormwater Control Ordinance	51.38	
	PO 14903 Main St Sidewalk 7 Milling/Paving	1,169.63	
	PO 14904 Walnut St & Valley RD NJDOT Trust Fund	130.76	1,589.77
1063 - James L. Moore	PO 14556 2021 Medicare Part B Payments	148.50	148.50
1103 - Jersey Central Power & Light	PO 14889 Master acct 200 000 020 806	1,062.84	1,062.84
1315 - Karen I. Moore	PO 14557 2021 Medicare Part B Payments	148.50	148.50
1105 - Kniken Brothers Co. Inc	PO 14856 Acct 070009	31.76	31.76
2080 - Laddey, Clark & Ryan, LLP	PO 14743 Legal Services for 2021	3,500.00	
	PO 14884 For professional services rendered	456.55	3,956.55
1788 - McKee Hardware Co., Inc	PO 14874 Brians workbooks	134.99	134.99
1940 - Nielsen Ford	PO 14857 Cust 41654	103.86	103.86
1076 - North East Parts Group, LLC	PO 14852 Acct 7498	510.93	510.93
1286 - Purchase Power	PO 14878 Acct 8000-9000-0264-0377	765.74	765.74
1198 - Staples	PO 14821 Supplies	154.55	
	PO 14862 Supplies	62.66	
	PO 14871 Admin supplies	46.83	264.04
1086 - Suburban Propane - 2232	PO 14892 Acct 2232-090324	838.79	838.79
1390 - Sussex County Treasurer	PO 14837 2nd Quarter 2021 County Purpose Tax	178,817.51	178,817.51
1390 - Sussex County Treasurer	PO 14838 2nd Quarter 2021 County Library Tax	12,834.98	12,834.98
1390 - Sussex County Treasurer	PO 14839 2nd Quarter 2021 County Open Space Tax	736.32	736.32
1171 - Waldon Quarry Co., LLC	PO 14633 Cold patch	532.00	532.00
1075 - Wilcox Press	PO 14868 Vehicle log books	52.00	52.00
<b>Water Sewer Operating Fund</b>			
1763 - Athania Mason Supply, LLC	PO 14855 Customer 734	25.80	25.80
1174 - Bassani Power Equipment, LLC	PO 14854 Customer 1401	13.90	13.90
1887 - Environmental Systems Research Inst	PO 14891 Cust # 539622	1,500.00	1,500.00
1472 - Goffco Industries, Inc	PO 14864 Window envelopes	227.50	227.50
1888 - Grainger	PO 14898 Air dryer for WTP	1,257.04	1,257.04
1103 - Jersey Central Power & Light	PO 14889 Master acct 200 000 020 806	4,551.86	4,551.86
1940 - Nielsen Ford	PO 14857 Cust 41654	270.26	270.26
1076 - North East Parts Group, LLC	PO 14852 Acct 7498	2.64	2.64
1286 - Purchase Power	PO 14878 Acct 8000-9000-0264-0377	255.25	255.25
1945 - Rio Systems and Services, Inc.	PO 14836 Neptune 360 AMI Advanced Annual Subscrip	12,500.00	12,500.00
1198 - Staples	PO 14862 Supplies	24.66	24.66
1084 - Sussex County Municipal	PO 14840 Sewer user fees, 2nd qtr FY 2021	163,790.25	163,790.25
1136 - Treasurer, State of NJ	PO 14886 Environmental Regulation - NJDES	1,650.00	1,650.00
<b>Clearing</b>			
1852 - Marguerite L. Nemeth	PO 14899 2020 Recycling tonnage grant submission	2,550.00	2,550.00
TOTAL			392,498.35

## Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-101-01-001-000	Cash Checking			0.00	203,879.19
01-201-20-100-020	General Admin Other Expenses	488.93			
01-201-20-130-020	Finance Administration Other Expenses	261.75			
01-201-20-145-020	Tax Collector Other Expenses	255.25			
01-201-20-155-020	Legal Services	3,956.55			
01-201-20-165-020	Engineering Other Expenses	1,538.39			
01-201-21-180-020	Planning Board Other Expenses	357.52			
01-201-23-220-020	Insurance Employee Group Insurance	297.00			
01-201-26-290-020	Streets & Roads Other Expenses	1,848.34			
01-201-26-300-020	Street Lighting	124.85			
01-201-26-310-020	Building & Grounds Other Expenses	1,873.36			
01-209-55-000-000	County Taxes Payable			192,388.81	
01-403-66-000-000	Tax Collector Receipts Clearing			488.44	

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
<b>TOTALS FOR</b>	<b>Current Fund</b>	<b>11,001.94</b>	<b>0.00</b>	<b>192,877.25</b>	<b>203,879.19</b>
02-213-40-701-000	Appro St Gr State Recycling Program			2,550.00	
02-260-05-100	Due To Clearing			0.00	2,550.00
<b>TOTALS FOR</b>	<b>State Grant Fund</b>	<b>0.00</b>	<b>0.00</b>	<b>2,550.00</b>	<b>2,550.00</b>
09-101-01-001-000	Cash Checking Water Sewer			0.00	186,069.16
09-201-55-502-020	Water Sewer Operat. OE Water	14,734.84			
09-201-55-503-020	Water Sewer Operat. OE Sewer	171,334.32			
<b>TOTALS FOR</b>	<b>Water Sewer Operating Fund</b>	<b>186,069.16</b>	<b>0.00</b>	<b>0.00</b>	<b>186,069.16</b>

Total to be paid from Fund 01 Current Fund	203,879.19
Total to be paid from Fund 02 State Grant Fund	2,550.00
Total to be paid from Fund 09 Water Sewer Operating Fund	186,069.16
	<b>392,498.35</b>

## Checks Previously Disbursed

1055	PenTeleData	PO# 14879	Acct 3256497	140.95	4/27/2021
1054	Jersey Central Power & Light	PO# 14875	Lighting	5.88	4/27/2021
1053	Home Depot Credit Services	PO# 14823	Concession stand temp water	192.94	4/27/2021
1052	CenturyLink	PO# 14888	Acct 309802655	21.22	4/27/2021
1030	Verizon Wireless	PO# 14876	Acct 642190964-00001	75.15	4/27/2021
1029	PenTeleData	PO# 14879	Acct 3256497	140.95	4/27/2021
1028	Jersey Central Power & Light	PO# 14875	Lighting	1,723.51	4/27/2021
1027	CenturyLink	PO# 14877	Acct 431057408	141.08	4/27/2021
43021	Borough of Sussex Payroll		WE 4/24/21	7,735.76	4/27/2021
43021	Borough of Sussex Payroll		WE 4/24/21	8,783.00	4/27/2021
1051	The Lincoln National Life Insurance	PO# 14869	2019 LOSAP	25,349.75	4/21/2021
				<b>44,310.19</b>	

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 01 Current Fund	34,493.74	203,879.19	<b>238,372.93</b>
Fund 02 State Grant Fund		2,550.00	<b>2,550.00</b>
Fund 09 Water Sewer Operating Fund	9,816.45	186,069.16	<b>195,885.61</b>
<b>BILLS LIST TOTALS</b>	<b>44,310.19</b>	<b>392,498.35</b>	<b>436,808.54</b>

**REGULAR AGENDA  
FOR THE MAYOR AND COUNCIL MEETING, BOROUGH  
OF SUSSEX, HELD VIA THE INTERNET AT 7:00 P.M. ON  
MAY 4, 2021**

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- A. **Mayor Meyer** will call the meeting of **May 4, 2021** to order.
- B. **Mayor Meyer** will invite all present to salute the flag and to remain standing for a moment of silence.
- C. **Mayor Meyer** will state that "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."
- D. Clerk will call the roll.
- E. **APPROVAL OF AGENDA**

A motion is in order to approve the agenda for May 4, 2021.

F. **PRESENTATIONS:**

There are no presentations scheduled.

G. **DISCUSSION:**

There will be a discussion with our Municipal Engineer regarding Main Street.  
There will be a discussion of debris at the DPW garage. (Moynihan, LLC)  
The Attorney will hold a brief discussion on the cannabis laws.

- H. **CONSENT AGENDA:** **Mayor Meyer** will request 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. (**Mayor Meyer** will allow time for the Council to consider changes.)

After all persons have had an opportunity to review the consent agenda and offer requests for changes, **Mayor Meyer** will request a motion to approve the consent agenda.

I. **OLD BUSINESS:**

- 1. **Adoption of Ordinance 2021-07 ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS MUNICIPAL FACILITIES OF THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING \$75,000 THEREFOR FROM THE GENERAL CAPITAL FUND – RESERVE FOR IMPROVEMENTS TO STREET AND ROADS OF THE BOROUGH**

A motion is in order to adopt Ordinance 2021-07 ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS MUNICIPAL FACILITIES OF THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING \$75,000 THEREFOR FROM THE GENERAL CAPITAL FUND – RESERVE FOR IMPROVEMENTS TO STREET AND ROADS OF THE BOROUGH

**BEFORE FINAL ROLL CALL MAYOR MEYER WILL OPEN THE MEETING TO THE PUBLIC FOR ANY QUESTIONS OR CONCERNS REGARDING ORDINANCE 2021-07.**

- 2. **Adoption of Ordinance 2021-08 ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS FIRE DEPARTMENT EQUIPMENT OF THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING \$15,160 THEREFOR FROM THE GENERAL CAPITAL FUND – RESERVE FOR FIRE DEPARTMENT EQUIPMENT OF THE BOROUGH.**

A motion is in order to adopt Ordinance 2021-08 ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS FIRE DEPARTMENT EQUIPMENT OF THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING \$15,160 THEREFOR FROM THE GENERAL CAPITAL FUND – RESERVE FOR FIRE DEPARTMENT EQUIPMENT OF THE BOROUGH.

**BEFORE FINAL ROLL CALL MAYOR MEYER WILL OPEN THE MEETING TO THE PUBLIC FOR ANY QUESTIONS OR CONCERNS REGARDING ORDINANCE 2021-08.**

J. **NEW BUSINESS:**



**1. Approval of Meeting Minutes**

A motion is in order to approve the meeting minutes of the Regular Meeting and Executive Session held on April 20, 2021. (Absent: none) (Motion requested by Clerk)

**2. Public Hearing on CY 2021 Municipal Budget**

**Mayor Meyer** will open the meeting to the public for any questions or concerns that they may have regarding the CY 2021 Municipal Budget.

After giving the public an opportunity to address the Governing Body, **Mayor Meyer** will close the meeting to the public and return to the regular order of business.

**3. Resolution 2021-76R - Adoption CY 2021 Municipal Budget**

A motion is in order to adopt Resolution 2021-76R adopting the CY 2021 Municipal Budget for the Borough of Sussex. (Motion requested by CFO)

**4. Resolution 2021-77R – Resolution in support of the Sussex Fire Department Firemen's Relief Association**

A motion is in order to approve Resolution 2021-77R Resolution in support of the Sussex Fire Department Firemen's Relief Association.

**5. Resolution 2021-78R – Resolution Authorizing Refund**

A motion is in order to approve Resolution 2021-78R authorizing refund for Homestead Rebate for tax exempt property.

**6. Resolution 2021-79R – Resolution Authorizing Refund for overpayment**

A motion is in order to approve Resolution 2021-79R authorizing refund for overpayment for annual housing inspection fee.

**7. Resolution 2021-80R – Resolution Accepting Resignation**

A motion is in order to approve Resolution 2021-80R accepting the resignation of a council member.

**K. OPEN PUBLIC SESSION: **Mayor Meyer** will request 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 3 minutes.**

After giving all persons present an opportunity to address the Governing Body, **Mayor Meyer** will request a motion to close the meeting to the public and return to the regular order of business.

**L. EXECUTIVE SESSION – IF REQUESTED**

WHEREAS, the Open Public Meetings Act, P. L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and whereas this public body is of the opinion that such circumstances presently exist;

**Mayor Meyer** will request a motion to adopt a resolution, which shall take effect immediately, to adjourn into Executive Session to discuss:

**Personnel**  
**Purchase of Real Property**  
**Redevelopment Area**  
**Contract Negotiations**  
**Pending Litigation**

The Executive Session minutes will be placed on file in accordance to New Jersey Law.

**Mayor Meyer** will request a motion to adjourn out of Executive Session and return to the regular order of business.

**K. COUNCIL COMMENTS**

**Mayor Meyer** will allow each council member the opportunity to discuss their committees, propose legislation or make any comments for the good and welfare of Sussex Borough.

**M. ADJOURNMENT: **Mayor Meyer** will request a motion to adjourn the meeting.**

**MINUTES OF THE MEETING OF THE  
MAYOR AND COUNCIL OF THE BOROUGH OF SUSSEX  
HELD VIA THE INTERNET AT 7:00 P.M. ON  
APRIL 20, 2021**

Mayor Meyer led the assembly in the flag salute and requested a moment of silence.

Mayor Meyer 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."

Mayor Meyer 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. Charles H. Fronheiser, Jr., Mr. Jake Little, Mr. Robert Holowach, Mr. Mario Poggi and Mayor Edward Meyer.

Absent: Mr. Walter Cleary, III,

Also present: Borough Attorney Mr. Jonathan N. Frodella, Esq. of Laddy Clark & Ryan LLP, Mrs. Antoinette Smith, Clerk/Administrator and Mrs. Melissa Morales, Deputy Clerk

Absent: None

**APPROVAL OF AGENDA**

Mr. Little made a motion to approve the agenda for April 20, 2021. Motion seconded by Mr. Fronheiser.

Mr. Fronheiser made a motion to amend the agenda and add Resolution 2021-75. Motion seconded by Mr. Holowach.

Upon roll call vote to amend:

Ayes: Dykstra, Fronheiser, Holowach, Little, Poggi

Nays: None

Abstentions None

Absent: Cleary

Upon roll call vote as amended:

Ayes: Dykstra, Fronheiser, Holowach, Little, Poggi

Nays: None

Abstentions None

Absent: Cleary

**PRESENTATIONS:**

There were no presentations scheduled.

**DISCUSSION:**

There were no discussions scheduled.

**CONSENT AGENDA**

Mayor Meyer 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 approve the consent agenda of April 20, 2021. Motion seconded by Mr. Poggi.

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

1. Resolution from the Township of Vernon Disapproving of the County of Sussex imposing Additional staff overtime election fees.
2. Resolution from the Millstone Township requesting Municipalities in New Jersey to join together in a consortium of Municipalities to help improve JCP&L overall services.

**REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):**

1. Clerk's Report for the month of March 2021.
2. Construction Department Report for the month of March 2021.
3. Grant Writer Report for the month of March 2021.
4. Property Maintenance Department Report for the month of March 2021.
5. Tax Collector's Report for the month of March 2021.
6. Water Sewer Collector Report for the month of March 2021.
7. Zoning Department Report March 2021.

**APPLICATIONS (APPROVAL OF THE FOLLOWING):**

**RESOLUTIONS: (APPROVAL OF THE FOLLOWING):**

1. Payment of bills for the meeting of April 20, 2021.

Upon roll call vote:

Ayes: Dykstra, Fronheiser, Holowach, Little, Poggi

Nays: None

Abstentions None

Absent: Cleary

**OLD BUSINESS:**

**Approval of Meeting Minutes**

Mr. Fronheiser made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on April 6, 2021. (Absent: Cleary) Motion seconded by Mr. Poggi.

Upon roll call vote:

Ayes: Dykstra, Fronheiser, Holowach, Little, Poggi

Nays: None

Abstentions None

Absent: Cleary

Mr. Cleary joined the meeting at 7:07pm.

**ADOPTION ORDINANCE 2021-04 – ESTABLISH A CAP BANK**

Mr. Poggi made a motion to adopt Ordinance 2021-04 entitled "CALENDAR YEAR 2021 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)." Motion seconded by Mr. Fronheiser.

**BEFORE FINAL ROLL CALL, MAYOR MEYER OPENED THE MEETING TO THE PUBLIC FOR ANY QUESTIONS OR CONCERNS REGARDING ORDINANCE 2021-04.**

There was no public comments

Upon roll call vote:

Ayes: Cleary, Dykstra, Fronheiser, Holowach, Little, Poggi

Nays: None

Abstentions None

Absent: None

**ADOPTION OF ORDINANCE 2021-05 AN ORDINANCE TO AMEND SUBSECTION 9-3.10, ENTITLED "PARKING OF COMMERCIAL VEHICLES", OF CHAPTER IX, ENTITLED "TRAFFIC", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY**

Mr. Fronheiser made a motion to adopt Ordinance 2021-05 AN ORDINANCE TO AMEND SUBSECTION 9-3.10, ENTITLED "PARKING OF COMMERCIAL VEHICLES", OF CHAPTER IX, ENTITLED "TRAFFIC", OF THE REVISED GENERAL ORDINANCES OF

THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY.  
Motion seconded by Mr. Holowach.

**BEFORE FINAL ROLL CALL, MAYOR MEYER OPENED THE MEETING TO THE PUBLIC FOR ANY QUESTIONS OR CONCERNS REGARDING ORDINANCE 2021-05.**

There was no public comments

Upon roll call vote:

Ayes: Cleary, Dykstra, Fronheiser, Holowach, Little, Poggi

Nays: None

Abstentions None

Absent: None

**Adoption of Ordinance 2021-06 – AN ORDINANCE TO AMEND SUBSECTION 19-4.8, ENTITLED “COMMERCIAL VEHICLES in RESIDENTIAL DISTRICTS”, OF CHAPTER XIX, ENTITLED “ZONING”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY**

Mr. Fronheiser made a motion to adopt Ordinance 2021-06 titled AN ORDINANCE TO AMEND SUBSECTION 19-4.8, ENTITLED “COMMERCIAL VEHICLES in RESIDENTIAL DISTRICTS”, OF CHAPTER XIX, ENTITLED “ZONING”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY. Motion seconded by Mr. Holowach.

**BEFORE FINAL ROLL CALL, MAYOR MEYER OPENED THE MEETING TO THE PUBLIC FOR ANY QUESTIONS OR CONCERNS REGARDING ORDINANCE 2021-06.**

There was no public comments

Upon roll call vote:

Ayes: Cleary, Dykstra, Fronheiser, Holowach, Little, Poggi

Nays: None

Abstentions None

Absent: None

**Main Street Discussion**

Discussion on Main Street was moved to next meeting on May 4, 2021.

**NEW BUSINESS:**

**Introduction of Ordinance 2021-07 ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS MUNICIPAL FACILITIES OF THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING \$75,000 THEREFOR FROM THE GENERAL CAPITAL FUND – RESERVE FOR IMPROVEMENTS TO STREET AND ROADS OF THE BOROUGH**

Mr. Poggi made a motion to introduce Ordinance 2021-07 ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS MUNICIPAL FACILITIES OF THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING \$75,000 THEREFOR FROM THE GENERAL CAPITAL FUND – RESERVE FOR IMPROVEMENTS TO STREET AND ROADS OF THE BOROUGH. Motion seconded by Mr. Fronheiser.

Upon roll call vote:

Ayes: Cleary, Dykstra, Fronheiser, Holowach, Little, Poggi

Nays: None

Abstentions None

Absent: None

**FINAL READING MAY 4, 2021**

**Introduction of Ordinance 2021-08 ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS FIRE DEPARTMENT EQUIPMENT OF THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING \$15,160 THEREFOR FROM THE GENERAL CAPITAL FUND – RESERVE FOR FIRE DEPARTMENT EQUIPMENT OF THE BOROUGH.**

Mr. Cleary made a motion to introduce Ordinance 2021-08 ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS FIRE DEPARTMENT EQUIPMENT OF THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING \$15,160 THEREFOR FROM THE GENERAL CAPITAL FUND – RESERVE FOR FIRE DEPARTMENT EQUIPMENT OF THE BOROUGH. Motion seconded by Mr. Fronheiser.

Upon roll call vote:

Ayes: Cleary, Dykstra, Fronheiser, Holowach, Little, Poggi

Nays: None

Abstentions None

Absent: None

**FINAL READING MAY 4, 2021**

**Resolution 2021-70R – Special Emergency Resolution**

Mr. Dykstra made a motion to adopt Resolution 2021-70R Special Emergency Resolution. Motion seconded by Mr. Fronheiser.

Upon roll call vote:

Ayes: Cleary, Dykstra, Fronheiser, Holowach, Little, Poggi

Nays: None

Abstentions None

Absent: None

**Resolution 2021-71R – Resignation of a Part Time Employee**

Mr. Fronheiser made a motion to adopt Resolution 2021-71R accepting the resignation of a part time employee. Motion seconded by Mr. Poggi.

Upon roll call vote:

Ayes: Cleary, Dykstra, Fronheiser, Holowach, Little, Poggi

Nays: None

Abstentions None

Absent: None

**Resolution 2021-72R – Confirming the Termination of Contract Services for Engineering and Consulting Services for the Raw Waterline Project**

Mr. Fronheiser made a motion to adopt Resolution 2021-72R confirming the termination of contract services for the Raw Waterline Project. Motion seconded by Mr. Cleary.

Upon roll call vote:

Ayes: Cleary, Dykstra, Fronheiser, Holowach, Little, Poggi

Nays: None

Abstentions None

Absent: None

**Resolution 2021-73R – RESOLUTION OF INTENT TO ASSIGN TAX SALE CERTIFICATE**

Mr. Dykstra made a motion to adopt Resolution 2021-73R Resolution of Intent to Assign Tax Sale Certificate. Motion seconded by Mr. Little.

Upon roll call vote:

Ayes: Cleary, Dykstra, Fronheiser, Holowach, Little, Poggi

Nays: None

Abstentions None



Absent: None

**Resolution 2021-75R - APPROVING ROADWAY COLLECTION BY SUSSEX BOROUGH FIRE DEPARTMENT**

Mr. Fronheiser made a motion to approve Resolution 2021-75R Approving roadway collection by Sussex Borough Fire Department. Motion seconded by Mr. Cleary.

Upon roll call vote:

Ayes: Cleary, Dykstra, Fronheiser, Holowach, Little, Poggi

Nays: None

Abstentions None

Absent: None

**OPEN PUBLIC SESSION:**

Mr. Dykstra 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 3 minutes for the Council to discuss. Motion seconded by Mr. Fronheiser.

All were in favor.

Cat Mandara, 9 Munson St., voiced her concerns on property maintenance in the Borough.

There being no one else from the public who wished to address the Governing Body at this time, Mr. Poggi made a motion to close the meeting to the public and return to the regular order of business. Motion seconded by Mr. Holowach.

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. Fronheiser.

All were in favor.

After meeting in closed session, the Governing Body returned to their seats at 8:31 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. Fronheiser.

All were in favor.

**NEW BUSINESS: (CONTINUED)**

**Resolution 2021-74R – Confirming the Re-Appointment of Antoinette M. Smith as Municipal Clerk**

Mr. Cleary made a motion to approve Resolution 2021-74R confirming the Re-Appointment of Antoinette M. Smith as Municipal Clerk. Motion seconded by Mr. Holowach.

Upon roll call vote:

Ayes: Cleary, Dykstra, Fronheiser, Holowach, Little, Poggi

Nays: None

Abstentions None

Absent: None

**COUNCIL COMMENTS**

Mayor Meyer allowed each council member the opportunity to discuss their committees, propose legislation or make any comments for the good and welfare of Sussex Borough.

Mr. Holowach stated he will have more information on the utility shared services with Vernon in the future.

Mr. Poggi gave an overview of the playground meeting. Mr. Poggi stated he nominated Sussex Borough for a grant from Lowes. Mr. Poggi stated his appreciation of the involvement of Norwescap for the Borough.

Mr. Fronheiser gave an overview of Brookside Park. Mr. Fronheiser asked for status of funding that is in place of the truck. Mr. Fronheiser asked if Council was in favor for the DPW Supervisor to take the Borough van for his State Exam.

#### **ADJOURNMENT**

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

All were in favor.

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Edward Meyer, Mayor

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Antoinette Smith, RMC

Approved:

**ORDINANCE #2021-07**

**ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS  
ROADS OF THE BOROUGH OF SUSSEX, IN THE COUNTY OF  
SUSSEX, NEW JERSEY, AND APPROPRIATING \$75,000  
THEREFOR FROM THE GENERAL CAPITAL FUND – RESERVE  
FOR IMPROVEMENTS TO STREETS AND ROADS OF THE  
BOROUGH.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH  
OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:**

Section 1. The improvement described in Section 2 of this ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Sussex, New Jersey, and there is hereby appropriated therefor the sum of \$75,000 from moneys available in the General Capital Fund – Reserve for Improvements to Streets and Roads of the Borough.

Section 2. The improvement hereby authorized and the purpose for the financing of which the appropriation is made as provided in Section 1 of this ordinance is the improvement of Cedar Avenue in and by the Borough including, but not limited to, paving, together with all accessories, appurtenances and other expenses necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

Section 3. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 4. This ordinance shall take effect after publication after final passage as provided by law.

NOTICE IS HEREBY GIVEN that the attached Ordinance 2021-07 was introduced at a meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on April 20, 2021 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at a meeting of the Mayor and Council to be held on May 4, 2021 via the internet at 7:00 p.m., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

\_\_\_\_\_  
Antoinette Smith, Clerk

\_\_\_\_\_  
Edward Meyer, Mayor

Introduced: April 20, 2021  
Adopted:



**ORDINANCE #2021-08**

**ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS FIRE DEPARTMENT EQUIPMENT OF THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING \$15,160 THEREFOR FROM THE GENERAL CAPITAL FUND – RESERVE FOR FIRE DEPARTMENT EQUIPMENT OF THE BOROUGH.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:**

Section 1. The improvement described in Section 2 of this ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Sussex, New Jersey, and there is hereby appropriated therefor the sum of \$15,160 from moneys available in the General Capital Fund – Reserve for Fire Department Equipment of the Borough.

Section 2. The improvement hereby authorized and the purpose for the financing of which the appropriation is made as provided in Section 1 of this ordinance is the acquisition of fire department equipment in and by the Borough including, but not limited to, turnout gear, together with all accessories, appurtenances and other expenses necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

Section 3. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 4. This ordinance shall take effect after publication after final passage as provided by law.

NOTICE IS HEREBY GIVEN that the attached Ordinance 2021-08 was introduced at a meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on April 20, 2021 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at a meeting of the Mayor and Council to be held on May 4, 2021 via the internet at 7:00 p.m., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

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Antoinette Smith, Clerk

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Edward Meyer, Mayor

Introduced: April 20, 2021

Adopted:

# SECTION 2 - UPON ADOPTION FOR YEAR 2021

RESOLUTION 2021-76R

Be it Resolved by the COUNCIL MEMBERS of the BOROUGH  
of SUSSEX, County of SUSSEX that the budget hereinbefore set forth is hereby  
adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 1,024,079.00 (Item 2 below) for municipal purposes, and  
(b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,  
(c) \$ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in  
Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of  
the following summary of general revenues and appropriations.  
(d) \$ - (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy  
(e) \$ - (Sheet 44) Arts and Culture Trust Fund Levy  
(f) \$ - (Item 5 Below) Minimum Library Tax

**RECORDED VOTE**  
(Insert last name)

Ayes

Nays

Abstained

Absent

## 1. General Revenues

## SUMMARY OF REVENUES

Surplus Anticipated	08-100	\$	150,000.00
Miscellaneous Revenues Anticipated	13-099	\$	244,848.00
Receipts from Delinquent Taxes	15-499	\$	125,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	07-190	\$	1,024,079.00
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 42	07-195	\$	-
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$	-
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY		\$	-
4. To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191		
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX	07-192	\$	-
Total Revenues	13-299	\$	1,543,927.00

**BOROUGH OF SUSSEX  
RESOLUTION #2021-77R**

**RESOLUTION IN SUPPORT OF THE SUSSEX FIRE DEPARTMENT  
FIREMEN'S RELIEF ASSOCIATION**

**WHEREAS**, the concept of a Firemen's home for old and disabled firefighters was first brought up at the New Jersey State Firemen's Association's 11<sup>th</sup> Annual Convention held in Cape May September 25, 1888 by Delegates of the Hoboken Firemen's Relief Association; and,

**WHEREAS**, no further action was taken until 1896 when Association President Bird W. Spencer outlined a proposal in his report at the 19<sup>th</sup> Annual Convention held in Cape May September 30, 1896 that the Executive Committee prepare Legislation for submission to the Legislature; and,

**WHEREAS**, in 1897 Association President Spencer appointed a committee of eleven including himself, the Association Secretary, Treasurer, two firefighters and one member from each of the eight Congressional Districts to oversee the legislative process to get the home operational; and,

**WHEREAS**, in 1898 the home was established by legislature and opened in 1900 to be run by a Board of Managers including the President of the New Jersey State Firemen's Association; and,

**WHEREAS**, recently some members of the New Jersey Firemen's Home Board of Managers have taken action to eliminate the voting rights of the New Jersey State Firemen's Association President, as well as meeting with legislators that resulted in that same legislator posting legislation that would have all the 2% tax collected go directly to the New Jersey State Treasury for payment directly to the Firemen's Home and allow select home managers the ability to take out loans against anticipated revenue and approve major construction without any oversight from the firefighters of this state and have each county lose their right to select their County Manager and taking away the lawful duty of the New Jersey State Firemen's Association President to appoint a Firemen's Home Manager should a vacancy occur; and,

**WHEREAS**, such actions by the Firemen's Home Board of Managers are contrary to the existing statutes governing the operation of the Firemen's Home and would disenfranchise the firefighters of every county with regard to the election of a representative to the Board of Managers;

**THEREFORE** the Delegates and Life Members of the Sussex Fire Department Firemen's Relief Association hereby request that if approved at the Annual Convention held in 2021 that the members of the New Jersey State Firemen's Association Executive Committee and State Officers propose an amendment to the existing statutes to eliminate the Board of Members and to bring the management, control and oversight of the New Jersey State Firemen's Association as one of the many programs it currently offers.

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of the Borough of Sussex, Sussex County, New Jersey, supports the Sussex Fire Department Firemen's Relief Association in their request that if approved at the Annual Convention held in 2021 that the members of the New Jersey State Firemen's Association Executive Committee and State Officers propose an amendment to the existing statutes to eliminate the Board of Members and to bring the management, control and oversight of the New Jersey State Firemen's Association as one of the many programs it currently offers.

**CERTIFICATION:** I hereby certify the foregoing to be a true and correct copy of a Resolution duly adopted by the Governing Body of the Borough of Sussex, in the County of Sussex, New Jersey, at a meeting held on May 4, 2021.

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Antoinette Smith, RMC, Clerk  
Sussex Borough