

BRANCHVILLE BOROUGH

Regular Meeting

March 2, 2022

The Regular Meeting of the Branchville Borough Council was held on Wednesday, March 2, 2022 at 7:00 p.m. at the Branchville Municipal Office, 34 Wantage Ave, Branchville, New Jersey.

Mayor Frato opened the meeting with the flag salute and the reading of the New Jersey Open Public Meetings Act Statement.

The New Jersey Open Public Meetings Act was enacted to ensure the right of the public to have advance notice of and to attend meetings of public bodies at which any business affecting their interest is discussed or acted upon. In accordance with the provisions of this Act, the Branchville Borough Council has caused notice of this meeting to be published by having the date, time and place thereof sent to the New Jersey Herald.

The roll was called. Those present were Mayor Frato, Council Members Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Also present were Jeff Lewis, Michelle Shelton, Bill Bathgate, Claudia Olivio, Norman Card, Wayne Lumkong, Jim Ayers, Sheila Risley and Will Eckert.

Motion was made by Councilwoman Bathgate, seconded by Councilwoman Whitesell to approve the minutes from February 2 regular meeting. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

Motion was made by Councilman Van Stone, seconded by Councilwoman Bathgate to go into executive session due to negotiations. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

Minutes of this meeting will be made available once the matter discussed has been settled.

Motion was made by Councilman Van Stone, seconded by Councilwoman Whitesell to exit executive session. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

Tom Ferry, auditor, will be sent a thank you letter for his years of service.

Motion was made by Councilman Doremus, seconded by Councilwoman Bathgate to open the public comment portion of the meeting. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

Wayne Lumkong, Skylands Cycle, shared the previously approved plans for the July 9 and 10 cycling race. Mr. Lumkong reviewed the route to be taken, road closures and stated that it would be a good day for volunteer groups to sell food to make revenue. No action taken.

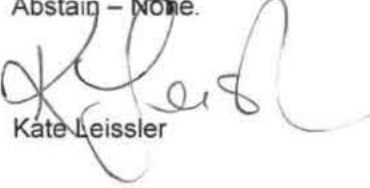
Jim Ayers, Frankford official, asked the governing body to split the cost of an appraisal for the Cerra property. The discussion was part of a plan to attempt to rectify the water issue on Broad, Prospect and Rossmore. Jim stated that the cost of the appraisal may be \$3,500.00. Attorney Valenti stated that part of the appraisal for the Cerra property includes the cul de sac and that the property has repeated flooding.

Frankford Township applied for a grant for Hillside in Frankford Township.

out of correct account and subject to the availability of funds. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Whitesell. Nay – None. Absent – None. Abstain – Orr, Van Stone.

(List of bills follow minutes)

On motion of Councilman Bellis, seconded by Councilman Doremus the meeting was adjourned.
Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None.
Abstain – None.


Kate Leissler

BOROUGH OF BRANCHVILLE

ORDINANCE NO. 01-2022

AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE BOROUGH OF BRANCHVILLE, NEW JERSEY TO CSC TKR, LLC

WHEREAS, the governing body of Borough of Branchville (hereinafter referred to as the "Borough") determined that CSC TKR, LLC (hereinafter referred to as "the Company") has the technical competence and general fitness to operate a cable television system in the Municipality (as defined in Section 1 of this Ordinance), and by prior ordinance granted its municipal consent for the Company's predecessor in interest, Service Electric Cable T. V. of New Jersey, Inc. ("SECTV") to obtain a non-exclusive franchise (the "Franchise") for the placement of facilities and the establishment of a cable television system in the Municipality; and

WHEREAS, on or about July 14, 2020; with the prior approval of the Board of Public Utilities of the State of New Jersey (hereinafter the "Board") the Company completed its purchase of the assets of SECTV, including the cable television franchise for, and the cable television system within the territorial limits governed by, the Borough, and

WHEREAS, by application for renewal consent filed with the Borough and the Office of Cable Television on or about June 30, 2021, the Company has sought a renewal of the Franchise; and

WHEREAS, the Borough having held public hearings has made due inquiry to review the Company's performance under the Franchise, and to identify the Borough's future cable-related needs and interests and has concluded that the Company has substantially complied with its obligations under the Franchise and applicable law and has committed to certain undertakings responsive to the Borough's future cable-related needs and interests;

WHEREAS, the Borough has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided the Company's proposal for renewal embodies the commitments set forth below, the Borough's municipal consent to the renewal of the Franchise should be given; and

WHEREAS, imposition of the same burdens and costs on other competitors franchised by the Borough is a basic assumption of the parties;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough Branchville, County of Sussex, and State of New Jersey, as follows:

SECTION 1. DEFINITIONS

For the purpose of this Ordinance the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

- (a) "Act" or "Cable Television Act" shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq.
- (b) "Application" shall mean the Company's application for Renewal of Municipal Consent, which application is on file in the Borough Clerk's office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.
- (c) "Board" shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.
- (d) "Borough" shall mean the governing body of the Borough of Branchville in the County of Sussex, and the State of New Jersey.
- (e) "Company" shall mean CSC TKR, LLC, the grantee of rights under this Ordinance.
- (f) "FCC" shall mean the Federal Communications Commission.
- (g) "Federal Act" shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. and the Telecommunications Act of 1996, or as those statutes may be amended.
- (h) "Federal Regulations" shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 et seq. (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.
- (i) "Municipality" shall mean the area contained within the present municipal boundaries of the Borough of Branchville in the County of Sussex, and the State of New Jersey.

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- (j) "Standard installation" shall mean the installation of drop cable to a customer's premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.
- (k) "State" shall mean the State of New Jersey.
- (l) "State Regulations" shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.

SECTION 2. STATEMENT OF FINDINGS

A public hearing concerning the consent herein granted to the Company was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the Borough having received all comments regarding the qualifications of the Company to receive this consent, the Borough hereby finds the Company possesses the necessary legal, technical, character, financial and other qualifications to support municipal consent, and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 3. GRANT OF AUTHORITY

The Borough hereby grants to the Company its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the Municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Municipality of a cable television system or other communications facility, and for the provision of any communication service over such facilities. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

SECTION 4. DURATION OF FRANCHISE

This consent granted herein shall be non-exclusive and shall be for a term of ten (10) years from the date of issuance of a Certificate of Approval by the Board.

SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL

If the Company seeks successive consent, it shall, prior to the expiration of this consent, apply for a municipal consent and certificate of approval in accordance with N.J.S.A 48:5A-16, and applicable state and federal rules and regulations. In accordance with N.J.S.A. 48:5A-25.1, both the Borough and the Company shall be bound by the

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terms of this municipal consent until such time as the Company converts the municipal consent (and any certificate of approval) into a system-wide franchise.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to the Company shall apply to the entirety of the Municipality and any property hereafter annexed.

SECTION 7. SERVICE AREA

The Company shall be required to proffer video programming service along any public right-of-way to any person's residence within the "primary service area," as it exists on the effective date of any written approval order by the Board of this consent, at the Company's schedule of rates for standard and nonstandard installation.

SECTION 8. EXTENSION OF SERVICE

Pursuant to the requirements of the Board, as ordered in its approval of the transfer of the Franchise from SECTV to the Company (Docket No. CM20030211, effective July 6, 2020), upon request, the Company shall extend service along any public right of way outside its primary service area to those residences or small businesses within the franchise territory which are located in areas that have a residential home density of twenty-five (25) homes per mile or greater (as measured from the then existing primary service area), or areas with less than twenty-five (25) homes per mile where residents and/or small businesses agree to share the cost of such extension in accordance with the line extension formula as provided by the Company in its application for municipal consent.

SECTION 9. FRANCHISE FEE

Pursuant to the terms and conditions of the Cable Television Act, the Company shall pay to the Borough, as an annual franchise fee, a sum equal to two percent (2%) of the actual gross revenues received from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception services in the Municipality. In the event applicable law hereinafter permits a larger franchise fee to be collected, but does not fix the amount thereof, the Borough and the Company shall negotiate in good faith with respect to the amount thereof; provided, however, that nothing herein shall be construed to permit the Borough to require payment of a franchise fee by the Company that is higher than the fee paid by all other cable television service providers offering service in the Municipality.

The Company may use electronic funds transfer to make any payments to the Borough required under this Ordinance.

SECTION 10. FREE SERVICE

Subject to applicable FCC regulations, the Company shall, upon written request, provide free of charge, standard installation and monthly cable television reception service to all State or locally accredited public schools and all municipal public libraries, as well as municipal buildings located within the Municipality, as follows:

[TO BE COMPLETED]

SECTION 11. CONSTRUCTION/SYSTEM REQUIREMENTS

The Company shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. The Company shall be subject to the following additional construction requirements with respect to the installation of its cable plant and facilities in the Municipality:

(a) In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces, the Company shall at its sole expense restore and replace such disturbances in as good a condition as existed prior to the commencement of said work.

(b) If at any time during the period of this consent, the Borough shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Borough shall remove or relocate its equipment, at its own expense.

(c) Upon request of a person holding a building or moving permit issued by the Borough, the Company shall temporarily move or remove appropriate parts of its facilities so as to permit the moving or erection of buildings or for the performance of other work. The expense of any such temporary removal or relocation shall be paid in advance to the Company by the person requesting the same. In such cases, the Company shall be given not less than fourteen (14) days prior written notice in order to arrange for the changes required.

(d) During the exercise of its rights and privileges under this consent, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires, cables, conduits and fixtures of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

SECTION 12. TECHNICAL AND CUSTOMER SERVICE STANDARDS

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The Company shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

SECTION 13. LOCAL OFFICE OR AGENT

The Company shall establish and maintain during the entire term of this consent a local area business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

SECTION 14. DESIGNATION OF COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the complaint officer for the Borough pursuant to the provisions of N.J.S.A. 48:5A-26. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

SECTION 15. LIABILITY INSURANCE

The Company agrees to maintain and keep in force and effect at its sole cost at all times during the term of this consent, sufficient liability insurance naming the Borough as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of five-hundred thousand dollars (\$500,000) for bodily injury or death to one person, and one million dollars (\$1,000,000) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of the Company's exercise of its rights hereunder.

SECTION 16. PERFORMANCE BOND

The Company shall obtain and maintain, at its sole cost and expense, during the entire term of this Agreement, a bond to the Borough in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this Franchise.

SECTION 17. RATES

The rates of the Company for cable television service shall be subject to regulation to the extent permitted by federal and State law.

SECTION 18. EMERGENCY USES

The Company shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Borough pursuant to state and federal requirements. The Company shall in no way be held liable for any injury suffered by the Borough or any other person, during an emergency, if for any reason the Borough is unable to make full use of the cable television system as contemplated herein. The Borough shall utilize the state-approved procedures for such emergency uses.

SECTION 19. EQUITABLE TERMS

In the event that the service of another multi-channel video program provider not subject to the Borough's regulatory authority within the Municipality creates a significant competitive disadvantage to the Company, the Company shall have the right to request from the Borough lawful amendments to its Franchise that relieve it of burdens which create the unfair competitive situation. Should the Company seek such amendments to its Franchise, the parties agree to negotiate in good-faith appropriate changes to the Franchise in order to relieve the Company of such competitive disadvantages. If the parties can reach an agreement on such terms, the Borough agrees to support the Company's petition to the Board for modification of the consent in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

If the parties are unable to reach an agreement on appropriate amendments to the franchise, the Borough acknowledges that the Company shall have the right to petition the Board directly for such amendments in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7; provided, however, the Borough shall be under no obligation to support the Company's request for such relief from the Board.

In any subsequent municipal consent, Borough shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Borough's regulatory authority as those contained in the instant consent. In the event such subsequent consent does not contain the same terms and conditions as the instant consent, Borough agrees to support the Company's petition to the Board for modification of the consent in accordance with NJSA 48:5A-47 and NJAC 14:17-6.7 to relieve the Company of competitive disadvantages identified in the Company's petition.

SECTION 20. REMOVAL OF FACILITIES

Upon expiration, termination or revocation of this Ordinance, the Company at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices constructed or maintained in connection with the cable services authorized herein, unless the Company, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from

the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

SECTION 21. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS

The Company shall continue to make available non-commercial public, educational and governmental (PEG) access services available to the residents of the Municipality as described in the Application for municipal consent. All the Company support for PEG access shall be for the exclusive benefit of the Company's subscribers.

SECTION 22. EMPLOYEE IDENTIFICATION

A. Each employee of the Company who routinely comes into contact with members of the public at their places of residence must wear a picture identification card clearly indicating his or her employment with the Company. The photograph on the identification card shall prominently show the employee's name and/or identification number. Such employee shall prominently display such identification card and shall show it to all such members of the public. Each employee of any contractor or subcontractor of the Company who routinely comes into contact with members of the public at their places of residence must wear a picture identification card clearly indicating his or her name, the name of such contractor or subcontractor and the name of the Company.

B. Notwithstanding any other provision of law regulating door-to-door solicitation or other sales activities undertaken on public or private property within the Municipality, including any licensing or permit obligations required for such activities, the obligations set forth in this Section 22 of this ordinance shall be the sole conditions governing the authorization and identification required for the entrance onto public or private property imposed upon Company or its employees, agents, contractors or subcontractors for the purpose of selling, marketing or promoting services offered by the Company to residents of the Municipality.

SECTION 23. INCORPORATION OF APPLICATION

All of the commitments contained in the Application and any amendment thereto submitted in writing to the Borough by the Company except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and any other written amendments thereto submitted by the Company in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

SECTION 24. CONSISTENCY WITH APPLICABLE LAWS

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This consent shall be construed in a manner consistent with all applicable federal, State and local laws; as such laws, rules and regulations may be amended from time to time.

SECTION 25. SEPARABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 26. NOTICE

Notices required under this Ordinance shall in writing and shall be mailed, first class, postage prepaid, to the addresses below. Either party may change the place where notice is to be given by providing such change in writing at least thirty (30) days prior to the time such change becomes effective. The time to respond to notices under this Ordinance shall run from receipt of such written notice.

Notices to the Company shall be mailed to:

Altice USA
1 Court Square West, 49th Floor
Long island City, NY 11101
Attention: Senior Vice President for Government Affairs
With a copy to:

CSC TKR, LLC
c/o Altice USA
1 Court Square West
Long island City, NY 11101
Attention: Legal Department

Notices to the Borough shall be mailed to:

Borough of Branchville
34 Wantage Avenue
Branchville, NJ 07826
Attention: Borough Manager

Notwithstanding anything herein to the contrary, regulatory notices from Cablevision to the Borough which are required pursuant to State and federal rules and regulations may be served electronically upon the Borough, instead of by first class mail as described above, to an email address provided by the Borough.

SECTION 27. EFFECTIVE DATE AND BOARD OF PUBLIC UTILITY APPROVAL

This Ordinance shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities that incorporates the material terms of this Ordinance. Nothing herein shall alter the right of the Company to seek modification of this Ordinance in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7. In accordance with N.J.S.A. 48:5A-25.1, the terms of this Ordinance will no longer be in effect upon The Company converting the municipal consent (and any certificate of approval) into a system-wide franchise.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon the passage, and publication as required by law.

Signed this ____ day of _____, 20__.

Mayor

Attest: _____
Clerk

**BOROUGH OF BRANCHVILLE
SUSSEX COUNTY, NEW JERSEY
ORDINANCE # 03-2022**

**CALENDAR YEAR 2022
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Committee of the Borough of Branchville in the County of Sussex finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$35,707.70 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Committee of the Borough of Branchville, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Branchville shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$35,707.70 and that the CY 2022 municipal budget for the Borough of Branchville be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

TAKE NOTICE that the above ordinance was passed on the first reading at a regular meeting of the Borough Council of the Borough of Branchville held on March 2, 2022 and that a public hearing on said Ordinance will be held at a regular meeting beginning at 7:00 p.m. on April 6, 2022 at the Branchville Borough Municipal Office, 34 Wantage Avenue, Branchville, NJ at which time and place all interested parties may appear and be heard.

Kathryn Leissler, CMR CTC RMC
Branchville Borough Clerk

Report Printed 2022-03-02 15:35:34

Borough of Branchville

Check Register - (0110101001000) Cash Checking

| DATE | CHECK # | PAID TO | AMOUNT | VOID AMOUNT | VOID DATE | REASON |
|-----------|---------|--|------------|-------------|-----------|--------|
| 3/02/2022 | 3695 | 11 Allied OIL, LLC | 1,527.55 | | | |
| 3/02/2022 | 3696 | 550 American Rock Salt Co. LLC | 2,775.48 | | | |
| 3/02/2022 | 3697 | 15 Century LINK | 1,856.22 | | | |
| 3/02/2022 | 3698 | 468 Cintas | 233.58 | | | |
| 3/02/2022 | 3699 | 18 Cooper Electric | 104.56 | | | |
| 3/02/2022 | 3700 | 238 DANFORTH'S INC. | 293.48 | | | |
| 3/02/2022 | 3701 | 425 Elizabethtown Gas | 1,391.88 | | | |
| 3/02/2022 | 3702 | 101 FRANKFORD BOARD OF EDUCATION | 103,527.08 | | | |
| 3/02/2022 | 3703 | 502 HBCBS of NJ | 132.84 | | | |
| 3/02/2022 | 3704 | 62 HIGH POINT REGIONAL HIGH SCHOOL | 211,588.50 | | | |
| 3/02/2022 | 3705 | 51 JCP&L | 2,172.35 | | | |
| 3/02/2022 | 3706 | 400 JPMonzo Municipal Consulting | 50.00 | | | |
| 3/02/2022 | 3707 | 116 LAFAYETTE AUTO PARTS SUPPLY | 130.36 | | | |
| 3/02/2022 | 3708 | 553 LCB Services | 90.00 | | | |
| 3/02/2022 | 3709 | 543 Legion Fireworks Co., Inc. | 5,000.00 | | | |
| 3/02/2022 | 3710 | 205 Lowe's | 56.76 | | | |
| 3/02/2022 | 3711 | 64 MONTAGUE TOOL & SUPPLY CO. | 49.68 | | | |
| 3/02/2022 | 3712 | 449 NIELSEN FORD | 724.21 | | | |
| 3/02/2022 | 3713 | 200 Optimum | 9.95 | | | |
| 3/02/2022 | 3714 | 67 PETTY CASH | 31.49 | | | |
| 3/02/2022 | 3715 | 320 R&L Data Centers Inc | 984.00 | | | |
| 3/02/2022 | 3716 | 69 STAPLES ADVANTAGE | 318.46 | | | |
| 3/02/2022 | 3717 | 149 STATEWIDE INSURANCE FUND | 15,968.00 | | | |
| 3/02/2022 | 3718 | 492 SUSSEX COUNTY ASSESSORS ASSOC. | 100.00 | | | |
| 3/02/2022 | 3719 | 94 SUSSEX COUNTY MUN. CLERKS ASSOC. | 75.00 | | | |
| 3/02/2022 | 3720 | 86 SUSSEX COUNTY MUNICIPAL | 3,004.80 | | | |
| 3/02/2022 | 3721 | 120 T & R ALARM SYSTEMS, INC. | 88.50 | | | |
| 3/02/2022 | 3722 | 239 TCTASW | 30.00 | | | |
| 3/02/2022 | 3723 | 1 Times Herald-Record | 532.50 | | | |
| 3/02/2022 | 3724 | 260 TNT FENCE | 2,870.00 | | | |
| 3/02/2022 | 3725 | 75 VERIZON WIRELESS | 60.63 | | | |
| 3/02/2022 | 3726 | 418 Viking Termite & Pest Control, Inc | 50.43 | | | |
| 3/02/2022 | 3727 | 6 WASTE MANAGEMENT OF NJ, INC. | 9,726.16 | | | |
| 3/02/2022 | 3728 | 23 Wielkotz & Co. | 175.00 | | | |
| 3/02/2022 | 3729 | 78 WILLCO AIR/CON/REF/HEAT INC. | 50.00 | | | |
| | | | ----- | | | |
| | | | 365,779.45 | | | |
| | | | ----- | | | |
| | | | 365,779.45 | | | |

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Borough of Branchville

Check Register - (0710101001000) Cash Checking

| DATE | CHECK # | PAID TO | AMOUNT | VOID AMOUNT | VOID DATE | REASON |
|-----------|---------|---------------------------------------|----------|-------------|-----------|--------|
| 3/02/2022 | 1236 | 51 JCP&L | 232.70 | | | |
| 3/02/2022 | 1237 | 526 North Jersey Pump & Controls, LLC | 625.30 | | | |
| 3/02/2022 | 1238 | 552 Rapid Pump & Meter Service | 825.00 | | | |
| | | | ----- | | | |
| | | | 1,683.00 | | | |
| | | | ===== | | | |
| | | | 1,683.00 | | | |

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Borough of Branchville

Check Register - (0910101001000) CASH CHECKING

| DATE | CHECK # | PAID TO | AMOUNT | VOID AMOUNT | VOID DATE | REASON |
|-----------|---------|---------------------------|-----------|-------------|-----------|--------|
| 3/02/2022 | 1925 | 7 Coyne CHEMICAL COMPANY | 1,170.40 | | | |
| 3/02/2022 | 1926 | 31 GARDEN STATE LABS INC. | 1,300.00 | | | |
| 3/02/2022 | 1927 | 51 JCP&L | 7,423.92 | | | |
| 3/02/2022 | 1928 | 273 NJ Water Association | 430.00 | | | |
| 3/02/2022 | 1929 | 66 ONE CALL CONCEPTS | 25.74 | | | |
| 3/02/2022 | 1930 | 72 Sussex Rural Electric | 70.65 | | | |
| | | | ----- | | | |
| | | | 10,420.71 | | | |
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BRANCHVILLE BOROUGH
Special Meeting
March 16, 2022

The Special Meeting of the Branchville Borough Council was held on Wednesday, March 16, 2022 at 7:00 p.m. at the Branchville Municipal Office, 34 Wantage Ave, Branchville, New Jersey.

Mayor Frato opened the meeting with the flag salute and the reading of the New Jersey Open Public Meetings Act.

The New Jersey Open Public Meetings Act was enacted to ensure the right of the public to have advance notice of and to attend meetings of public bodies at which any business affecting their interest is discussed or acted upon. In accordance with the provisions of this Act, the Branchville Borough Council has caused notice of this meeting to be published by having the date, time and place thereof sent to the New Jersey Herald.

The roll was called. Those present were Mayor Frato, Council Members Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Also present were Christine Rolef, Michelle Shelton, John Mooney, Andrew Kucinski and Attorney Valenti.

Motion was made by Councilwoman Whitesell, seconded by Councilman Bellis to pass Resolution No. 13-2022, Resolution authorizing retention of new auditing firm. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

Motion was made by Councilwoman Bathgate, seconded by Councilman Doremus to authorize preparation of a letter to Nisivoccia by Attorney Valenti. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

On motion of Councilman Bellis, seconded by Councilman Van Stone, the meeting was adjourned. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.


Kathryn Leissler - CMR CTC RMC

BRANCHVILLE BOROUGH
RESOLUTION NO. 13-2022

RESOLUTION AUTHORIZING RETENTION OF NEW AUDITING FIRM

WHEREAS, the Mayor and Council of the Borough of Branchville have received notice from Thomas M. Ferry that he will no longer be working with the Borough's current auditing firm, Wielkocz & Company, LLC; and

WHEREAS, Mr. Ferry has personally served as the auditor for the Borough for several decades, and his departure from Wielkocz & Company, LLC has caused the Borough to reconsider the appointment of Wielkocz & Company, LLC as auditor for the Borough of Branchville; and

WHEREAS, Wielkocz & Company, LLC and the Borough previously entered into a retainer agreement, dated November 29, 2021, for the auditing service to be provided to the Borough for the year ending December 31, 2022; and

WHEREAS, the Mayor and Council have reviewed the qualifications of Nisivoccia, LLP as an auditing firm and are satisfied that Nisivoccia, LLP is an auditing firm with substantial expertise and experience in municipal audits; and

WHEREAS, Nisivoccia, LLP has presented to the Mayor and Council a proposed Retainer Agreement, dated March 8, 2022, for the provision of auditing services for the year ending December 31, 2022; and

WHEREAS, the Mayor and Council have determined that the Borough's best interests will be served by the retention of Nisivoccia, LLP for auditing services for the year ending December 31, 2022, provided that Wielkocz & Company, LLC will allow the Borough to terminate the Retainer Agreement with Wielkocz & Company, LLC without any penalty, charges, or assessments;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Branchville, Sussex County, New Jersey, as follows:

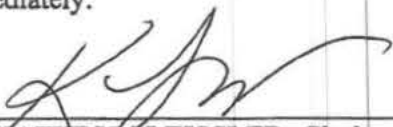
1. Provided that Wielkocz & Company, LLC will allow the Borough of Branchville to terminate the Retainer Agreement between Wielkocz & Company, LLC and the Borough without any termination fee or assessment, the Borough shall retain Nisivoccia, LLP as the Borough's auditors, pursuant to the March 8, 2022 Retention Agreement provided to the Borough, a copy of which is attached to this Resolution.

2. It is further provided that, if before March 31, 2022, Wielkocz & Company, LLC does not provide a written confirmation that Wielkocz & Company, LLC will allow the Borough to terminate the Retainer Agreement, the retention of Nisivoccia, LLP for auditing services for the year ending December 31, 2022 pursuant to this Resolution and the Retainer Agreement dated March 8, 2022, shall be null and void. Should Wielkocz & Company, LLC provide

written confirmation that the Borough may terminate the Borough's Retainer Agreement with Wielkotz & Company, LLC on or before March 31, 2022, the Mayor and Municipal Clerk are authorized to execute the Retainer Agreement with Nisivoccia, LLP attached hereto.


3. The Mayor and/or Administrator are also authorized to take such actions and sign such documents as necessary to meet the requirements of this Resolution.

This Resolution shall take effect immediately.



KATHRYN LEISSLER, Clerk

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of the Resolution adopted by the Council of the Borough of Branchville in the County of Sussex, New Jersey, at a regular meeting held on March 16, 2022



KATHRYN LEISSLER, Clerk

BRANCHVILLE BOROUGH
Special Meeting
March 16, 2022

The Special Meeting of the Branchville Borough Council was held on Wednesday, March 16, 2022 at 7:00 p.m. at the Branchville Municipal Office, 34 Wantage Ave, Branchville, New Jersey.

Mayor Frato opened the meeting with the flag salute and the reading of the New Jersey Open Public Meetings Act.

The New Jersey Open Public Meetings Act was enacted to ensure the right of the public to have advance notice of and to attend meetings of public bodies at which any business affecting their interest is discussed or acted upon. In accordance with the provisions of this Act, the Branchville Borough Council has caused notice of this meeting to be published by having the date, time and place thereof sent to the New Jersey Herald.

The roll was called. Those present were Mayor Frato, Council Members Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Also present were Christine Rolef, Michelle Shelton, John Mooney, Andrew Kucinski and Attorney Valenti.

Motion was made by Councilwoman Whitesell, seconded by Councilman Bellis to pass Resolution No. 13-2022, Resolution authorizing retention of new auditing firm. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

Motion was made by Councilwoman Bathgate, seconded by Councilman Doremus to authorize preparation of a letter to Nisivoccia by Attorney Valenti. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

On motion of Councilman Bellis, seconded by Councilman Van Stone, the meeting was adjourned. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.


Kathryn Leissler - CMR CTC RMC

BRANCHVILLE BOROUGH
RESOLUTION NO. 13-2022

RESOLUTION AUTHORIZING RETENTION OF NEW AUDITING FIRM

WHEREAS, the Mayor and Council of the Borough of Branchville have received notice from Thomas M. Ferry that he will no longer be working with the Borough's current auditing firm, Wielkocz & Company, LLC; and

WHEREAS, Mr. Ferry has personally served as the auditor for the Borough for several decades, and his departure from Wielkocz & Company, LLC has caused the Borough to reconsider the appointment of Wielkocz & Company, LLC as auditor for the Borough of Branchville; and

WHEREAS, Wielkocz & Company, LLC and the Borough previously entered into a retainer agreement, dated November 29, 2021, for the auditing service to be provided to the Borough for the year ending December 31, 2022; and

WHEREAS, the Mayor and Council have reviewed the qualifications of Nisivoccia, LLP as an auditing firm and are satisfied that Nisivoccia, LLP is an auditing firm with substantial expertise and experience in municipal audits; and

WHEREAS, Nisivoccia, LLP has presented to the Mayor and Council a proposed Retainer Agreement, dated March 8, 2022, for the provision of auditing services for the year ending December 31, 2022; and

WHEREAS, the Mayor and Council have determined that the Borough's best interests will be served by the retention of Nisivoccia, LLP for auditing services for the year ending December 31, 2022, provided that Wielkocz & Company, LLC will allow the Borough to terminate the Retainer Agreement with Wielkocz & Company, LLC without any penalty, charges, or assessments;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Branchville, Sussex County, New Jersey, as follows:


1. Provided that Wielkocz & Company, LLC will allow the Borough of Branchville to terminate the Retainer Agreement between Wielkocz & Company, LLC and the Borough without any termination fee or assessment, the Borough shall retain Nisivoccia, LLP as the Borough's auditors, pursuant to the March 8, 2022 Retention Agreement provided to the Borough, a copy of which is attached to this Resolution.

2. It is further provided that, if before March 31, 2022, Wielkocz & Company, LLC does not provide a written confirmation that Wielkocz & Company, LLC will allow the Borough to terminate the Retainer Agreement, the retention of Nisivoccia, LLP for auditing services for the year ending December 31, 2022 pursuant to this Resolution and the Retainer Agreement dated March 8, 2022, shall be null and void. Should Wielkocz & Company, LLC provide

written confirmation that the Borough may terminate the Borough's Retainer Agreement with Wielkocz & Company, LLC on or before March 31, 2022, the Mayor and Municipal Clerk are authorized to execute the Retainer Agreement with Nisivoccia, LLP attached hereto.


3. The Mayor and/or Administrator are also authorized to take such actions and sign such documents as necessary to meet the requirements of this Resolution.

This Resolution shall take effect immediately.



KATHRYN LEISSLER, Clerk

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of the Resolution adopted by the Council of the Borough of Branchville in the County of Sussex, New Jersey, at a regular meeting held on March 16, 2022



KATHRYN LEISSLER, Clerk