

**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  
JANUARY 20, 2015**

Mayor Rose 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. Robert Holowach, Mrs. Katherine Little, Mrs. Linda Masson, Mrs. Annette Stendor, Mrs. Georgeanna Stoll and Mayor Jonathan Rose

Absent: None

Also present: Borough Attorney Mr. Frank McGovern, Esq. of McGovern and Roseman, P.A. and Mr. Mark Zschack, Municipal Administrator/Clerk

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

Mayor Rose 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."

**APPOINTMENT OF COUNCIL MEMBER**

Mayor Rose requested that the Borough Clerk read, for the record, a letter received January 15, 2015 from Marina Krynicky, Sussex Municipal Republican Committee Chairperson, submitting three nominees to fill the vacancy for interim Council Member.

Mr. Mark Zschack stated: "The Republican Committee of Sussex Borough brings forward the following candidates to fill the vacant council seat: Edward Meyer, Mario Poggi and John Titka, signed Marina Krynicky, Republican Committee Chair and Robert Holowach, Vice-chair."

Mrs. Little made a motion to appoint Mario Poggi to fill the vacancy created by the resignation of Mr. Bruce LaBar. The interim Council Member term of office shall end when the votes are certified after the November 2015 general election. Motion seconded by Mrs. Masson.

Upon roll call vote:

Ayes: Holowach, Little, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: None

Mr. Mark Zschack performed the swearing in ceremony of Mr. Mario Poggi after which Mr. Poggi signed the oath of office and joined the Mayor and Council on the dais.

Mayor Rose requested the clerk to call the roll. Upon roll call, the following members of the Governing Body were present: Mr. Robert Holowach, Mr. Mario Poggi, Mrs. Katherine Little, Mrs. Linda Masson, Mrs. Annette Stendor, Mrs. Georgeanna Stoll and Mayor Jonathan Rose

**APPROVAL OF AGENDA**

Mrs. Masson made a motion to approve the agenda for January 20, 2015 as submitted. Motion seconded by Mr. Holowach

Upon roll call vote:

Ayes: Holowach, Poggi, Little, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: None

**PRESENTATIONS:**

No presentations were scheduled for tonight's meeting.

**DISCUSSION**

A discussion took place concerning the establishment of a Water/Sewer Utility Manager. Mr. Gerry Gardner, P.E., newly appointed Water/Sewer Engineer introduced himself and presented a brief history of his experience. A lengthy discussion ensued concerning the job functions of a manager as opposed to the professionals already contracted by the Borough. The idea to return DPW services in house to the Borough was discussed. The possibility to create a combined position of Utility Manager/ DPW Supervisor was contemplated. The consensus of the Council is more time and information is needed to consider this proposal.

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

Mrs. Stoll reported that the Recreation Committee held their reorganization meeting and Stephanie McKay is the chairperson. Mrs. Stoll stated that she attended both the High Point Board of Education meeting and the Sussex County League of Municipalities reorganization meetings.

Mr. Holowach reported that the Finance Subcommittee met Friday afternoon and signed the bills. There were a few questions but those questions were answered by Mark and Colleen. The School Board has a workshop meeting tomorrow night.

Mr. Poggi offered no report at this time.

Mrs. Masson reported that she attended a SCMUA meeting on December 17<sup>th</sup> and on the agenda were the breaks that have occurred on the Sussex Borough Force main along Route 23. The problem of adding more users to the force main was a concern to SCMUA. Mrs. Masson reported that she also attended a SCMUA meeting on December 7<sup>th</sup> topic of discussions included the new development in Frankford. Mrs. Masson reported that the personnel committee had several meetings interviewing potential CFO candidates and interviewed a grant writer.

Mrs. Little reported that on January 20<sup>th</sup> the Board of Health held its rabies clinic 115 dogs and 4 cats received vaccinations. Besides Mrs. Little the following people helped with the clinic Karen Vander Veer, Carolyn McGovern, Patricia Jacobs and Jim Vander Veer. A DPW Committee meeting will be scheduled for next week.

Mrs. Stendor offered no report at this time.

**CONSENT AGENDA**

Mayor Rose requested that the Governing Body review the consent agenda. If any member of the Council desires an item to be removed, the Municipal Clerk shall remove said item, which will then be considered separately.

Mrs. Stendor requested that item number 8 under correspondence, a memo dated December 10, 2014 from Harold Pellow to the Mayor and Council regarding the engineer's end of year report, be removed and considered separately.

Mrs. Masson made a motion to accept the consent agenda of January 20, 2015 with the removal of item number 8 under correspondence. Motion seconded by Mr. Holowach

Upon roll call vote:  
Ayes: Holowach, Poggi, Little, Masson, Stendor, Stoll  
Nays: None  
Abstentions: None  
Absent: None

Mrs. Stendor made a motion to accept item number 8 under correspondence of the consent agenda of January 20, 2015 Motion seconded by Mr. Holowach.

Mrs. Stendor requested that her name be added to the Councilmembers names in the cc on page two.

Upon roll call vote:

Ayes: Holowach, Poggi, Little, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: None

### **OPEN PUBLIC SESSION #1**

Mrs. Stoll 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. Little  
All were in favor.

Mr. Barry Fitzpatrick 49 Bank Street, Sussex asked a question concerning something that is not on the agenda.

Mayor Rose informed Mr. Fitzpatrick that the second open session is the forum to discuss issues that are not on the agenda.

There being no one else present who wished to address the Governing Body, Mrs. Little made a motion to close the meeting to the public. Motion seconded by Mrs. Stoll  
All were in favor.

### **ADMINISTRATORS REPORT**

Mr. Mark Zschack the Administrator/Clerk offered the following report;

#### Water/Sewer Utility

The Technical, Managerial and Financial Evaluation (TMF) that was mandated by the DEP is almost complete. John McGowan of McGowan Well Water Compliance Management is completing the evaluation this week and will forward it to the Borough and DEP when completed.

The relocation and removal of a fire hydrant at the intersection of Route 23 and Brookside was completed last week. Hamburg Ave properties were without water service for approximately 2-1/2 hours on Thursday with no problems reported.

There is a meeting tomorrow afternoon with DOT and the contractor to discuss the relocation of the water main at the intersection of Route 23 and Loomis Ave. Representing Sussex Borough will be CP Engineers, Mike Furrey and DPW.

Over the past two weeks we have had discussions with the Lake Rutherford Dam Engineer Chris Adams. DEP Dam Safety is awaiting the first part of the study approved last year by the Council. Mr. Adams is working with Gerry Gardner of Houser Engineering and Dam Safety to satisfy all of their concerns.

#### Financial

If the interlocal agreement for CFO is approved tonight there will be a meeting tomorrow with the new CFO, Elke Yetter and myself to discuss financial issues in the Borough. After this meeting we will have a better idea when the first draft of the budget can be reviewed by the Mayor and Council.

Mayor Rose, Councilwoman Masson and I have met with one grant writer to evaluate how their services could assist the Borough in obtaining grants. Other companies will be interviewed in the near future.

Misc.

The system that records the Council and Land Use Board meetings will be replaced tomorrow. The current computer is failing and the cost to upgrade the computer with new software makes the purchase of a new system practical. Total cost of the new system, which is portable, is \$3,200.00

An outside company Rullo & Juillet Associates will perform the Right to Know survey at a cost of \$2,050.00. This includes physical inventory of Municipal owned buildings, filing of State Surveys for each building on the new State website and CD's of the Material Safety Data Sheets and Hazardous Communications Plans for each building.

**OLD BUSINESS**

There was no old business discussed at this time.

**NEW BUSINESS**

**Approval of Meeting Minutes**

Mrs. Masson made a motion to approve the Executive Session minutes of the Regular Meeting held on December 2, 2014. (Eligible: Masson, Stendor, Stoll, Rose)  
Motion seconded by Mrs. Stoll

Upon roll call vote:  
Ayes: Masson, Stendor, Stoll  
Nays: None  
Abstentions: None  
Absent: None

Mrs. Stoll made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on December 16, 2014. (Eligible: Masson, Stendor, Stoll, Rose)  
Motion seconded by Mrs. Stendor

Upon roll call vote:  
Ayes: Masson, Stendor, Stoll  
Nays: None  
Abstentions: None  
Absent: None

Mrs. Masson made a motion to approve the meeting minutes of the Special Meeting held on December 30, 2014. (Eligible: Masson, Stendor, Stoll, Rose)  
Motion seconded by Mrs. Stendor

Upon roll call vote:  
Ayes: Masson, Stendor, Stoll  
Nays: None  
Abstentions: None  
Absent: None

Mrs. Stoll made a motion to approve the meeting minutes of the Reorganization Meeting held on January 6, 2015. (Eligible: Holowach, Little, Masson, Stendor, Stoll, Rose)  
Motion seconded by Mrs. Masson

Upon roll call vote:  
Ayes: Holowach, Little, Masson, Stendor, Stoll  
Nays: None  
Abstentions: None  
Absent: None

**Resolution 2015-19R – Appointment of CFO**

Mrs. Masson made a motion to adopt Resolution 2015-19R appointing Gail Magura, CMFO as the Chief Financial Officer for the Borough of Sussex and authorize the Mayor to execute an Interlocal agreement with Lafayette Township in the amount of \$20,000.00 for the year 2015. Motion seconded by Mrs. Stoll

Upon roll call vote:  
Ayes: Holowach, Poggi, Little, Masson, Stendor, Stoll  
Nays: None  
Abstentions: None  
Absent: None

**Resolution 2015-05R - Designating Official Depositories**

Mrs. Little made a motion to adopt Resolution 2015-05R designating the official depositories for the Borough of Sussex. Motion seconded by Mrs. Masson

Upon roll call vote:  
Ayes: Holowach, Little, Masson, Stendor, Stoll  
Nays: None  
Abstentions: Poggi  
Absent: None

**Resolution #2015-22R – Appointments to Borough Government**

Mrs. Masson made a motion to adopt Resolution 2015-22R approving the Mayor's appointments to positions of Borough Government for the year 2015. Motion seconded by Mrs. Stoll

Upon roll call vote:  
Ayes: Holowach, Poggi, Little, Masson, Stendor, Stoll  
Nays: None  
Abstentions: None  
Absent: None

**Resolution #2015-30R – Clove Lake Maintenance Committee**

Mrs. Stoll made a motion to adopt Resolution 2015-30R approving the Mayor's appointments to the Clove Lake Maintenance Committee for the year 2015. Motion seconded by Mrs. Little

Upon roll call vote:  
Ayes: Holowach, Poggi, Little, Masson, Stendor, Stoll  
Nays: None  
Abstentions: None  
Absent: None

**Resolution 2015-31R – First Quarter 2015 Water/Sewer Adjustments**

Mrs. Masson made a motion to adopt Resolution 2015-31R approving water/sewer adjustment for the first quarter 2015. Motion seconded by Mr. Holowach

Upon roll call vote:  
Ayes: Holowach, Poggi, Little, Masson, Stendor, Stoll  
Nays: None  
Abstentions: None  
Absent: None

**Resolution 2015-32R – Issuance of \$131,458 Bond Anticipation Notes**

Mrs. Stoll made a motion to adopt Resolution 2015-32R authorizing the issuance of not exceeding \$131,458 bond anticipation notes of the Borough of Sussex, County of Sussex, New Jersey. Motion seconded by Mr. Holowach

Upon roll call vote:

Ayes: Holowach, Poggi, Little, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: None

**Resolution 2015-33R – Special Council Meeting**

Mrs. Stoll made a motion to adopt Resolution 2015-33R scheduling a Special Meeting of the Governing Body of the Borough of Sussex, on January 28, 2015.

NO FORMAL ACTION WILL BE TAKEN. Motion seconded by Mrs. Masson

Mrs. Little made a motion for a five minute recess. Motion seconded by Mrs. Masson.

All were in favor.

After a five minute recess Mayor Rose stated that the recess is concluded and returned to the regular order of business.

Mrs. Masson made a motion to table Resolution 2015-33R scheduling a Special Meeting of the Governing Body of the Borough of Sussex, on January 28, 2015 to the regular scheduled meeting to be held on February 3, 2015. Motion seconded by Mr. Holowach

Upon roll call vote:

Ayes: Holowach, Poggi, Little, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: None

**Resolution 2015-34R – Payment for Emergent Repairs**

Mr. Holowach made a motion to adopt Resolution 2015-34R authorizing the payment to Ferraro Construction Corp., 5 Park Drive, Franklin, N.J. 07416 In the amount of \$24,344.00.

Motion seconded by Mrs. Stendor

Upon roll call vote:

Ayes: Holowach, Poggi, Little, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: None

**Comprehensive Technical Assistance (CTA)**

Mrs. Masson made a motion to authorize the Clerk to enter into a contract with Houser Engineering, LLC, to perform a Comprehensive Technical Assistance (CTA) as mandated by the NJDEP in the amount of \$8,500.00. Motion seconded by Mr. Holowach

Upon roll call vote:

Ayes: Holowach, Poggi, Little, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: None

**Cartridge Filter Permanent Permit Application**

Mr. Holowach made a motion to authorize the Clerk to enter into a contract with Houser Engineering, LLC, to submit an application to the NJDEP for the permanent use of the cartridge filter system at the Sussex Water Treatment Plant in the amount of \$4,500.00.

Motion seconded by Mrs. Stoll

Upon roll call vote:

Ayes: Holowach, Poggi, Little, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: None

**Elevator Maintenance Agreement**

Mrs. Stoll made a motion to authorize the Clerk to enter into a contract with USA Hoist Co., Inc. 75 Mill Street, Newton NJ 07860 for elevator maintenance services at 2 Main Street for the period of February 1, 2015 through January 31, 2016 in the amount of \$210.00 per month.

Motion seconded by Mr. Holowach

Upon roll call vote:

Ayes: Holowach, Poggi, Little, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: None

**Approval of Social Affair Permits for Sussex Fire Department**

Mrs. Stoll made a motion to approve social affair permit for the Sussex Fire Department on February 21, 2015. Motion seconded by Mrs. Little

Upon roll call vote:

Ayes: Holowach, Poggi, Little, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: None

**OPEN PUBLIC SESSION #2**

Mrs. Little 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. Stoll

All were in favor.

Mr. Barry Fitzpatrick 49 Bank Street, Sussex, stated that on Saturday his neighbor's dog was barking for 4½ hours and that when he called the State Police they told him they were not able to do anything and Vernon Police said that they were not contacting animal control on the weekend. Mr. Fitzpatrick asked why we are paying animal control if there is a nuisance complaint that they are not handling. If there isn't an ordinance on the books for any length of time that a dog is barking perhaps one can be put on the books.

Mrs. Despina Eptamenitis, 53 Bank Street, Sussex, we had this problem last year. When I came in to pay my taxes I asked about an ordinance for barking dogs. The Vernon Animal Control was contacted and they went to this person and told the person that a complaint was filed and you have to comply with this. The Animal Officer came to my house and said that he has warned the party about the dogs barking and if he doesn't comply it's up to you to file a complaint and go to court.

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 Mrs. Little

All were in favor.

**EXECUTIVE SESSION**

In accordance with the provisions of the Open Public Meetings Act, Mrs. Stoll made a motion to adjourn into closed executive session to discuss negotiations of the possible purchase of real property and possible negotiations of an unresolved Water/Sewer account.

Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Holowach, Poggi, Little, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: None

After meeting in closed session, the Governing Body returned to their seats at 10:07 p.m. and Mrs. Little 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.

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mrs. Stoll made a motion to adjourn the meeting. Motion seconded by Mrs. Little  
All were in favor.

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Jonathan Rose, Mayor

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Mark Zschack, Municipal Clerk