

**MINUTES OF THE REGULAR MEETING OF THE
MAYOR AND COUNCIL
OF THE BOROUGH OF SUSSEX
HELD AT THE SUSSEX MUNICIPAL BUILDING
2 MAIN STREET, SUSSEX, NJ
MARCH 3, 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, Mr. Mario Poggi, and Mayor Jonathan Rose

Mrs. Georgeanna Stoll arrived at 7:43 pm

Absent: Mrs. Annette Stendor

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."

APPROVAL OF AGENDA

Mrs. Little made a motion to approve the agenda for March 3, 2015 as submitted.
Motion seconded by Mr. Holowach

Mrs. Masson made a motion to amend the agenda for March 3, 2015 by adding a discussion item concerning the Water/Sewer budget process and the budget meeting scheduled for next week.
Motion seconded by Mr. Holowach

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

Upon roll call vote of original motion as amended:
Ayes: Holowach, Little, Masson, Poggi
Nays: None
Abstentions: None
Absent: Stendor, Stoll

PRESENTATIONS:

Harrison Thompson, First Assistant Foreman and Richard Crowell, Ex-Chief of the Sussex Fire Department presented a letter from Chief Jake Little regarding a commitment from the Council on the purchase of a new fire truck.

Mrs. Georgeanna Stoll arrived at 7:43 pm.

The Sussex Borough Merchants Group addressed the governing body regarding vacant buildings and property maintenance in town. The Merchants Group would like to set up a meeting with Kevin Kervatt, Zoning Official and Steve Danner, Property Maintenance Official. The Merchants Group would also like to replace the flags on Main Street

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

Mrs. Little commented that on February 22, 2015 at the request of the Mayor she attended the Boy Scout Blue and Gold Dinner at the Sussex Fire House. The Boy Scouts provided a

very interesting program on animals and critters. She congratulated the Boy Scouts for providing a good background for our future leaders. On February 24th she attended the special meeting that was held at the Borough Hall regarding Open Public Meetings Act and rules and regulations. On February 27th the DPW Committee held their monthly meeting and discussed the plowing of the snow on Main Street, the DPW has had no salt delivery for five weeks, repaving of Linden Street, a number of breaks and leaks were discussed, Loomis Avenue pipe replacement, pot holes repaired, master meters need to be checked and water meters will be obsolete in five years and the DPW garage needs to be stocked and Bob Schultz was asked to attend Council Meetings on a quarterly basis. The finance committee met on March 2nd and signed the vouchers and all questions were answered.

Mrs. Masson commented that on February 18th she attended a SCMUA meeting and SCMUA received a Statewide Insurance Fund Safety Award because they have had no major claims for the year and also discussed was a particular business in Vernon that was looking for a hardship fee connection and this particular business they counted as 11.5 edu's and the connection fee is \$65,619.00. SCMUA has said that we are not charging enough for our connection fees we need to discuss this further. Personnel Committee met today and interviewed another grant writer and we will be looking for some others as well and we will be getting some feed back from this grant writer within the next week. On February 20th Mrs. Masson and Mr. Rose met with Mrs. Jackie Esponiza with JCP&L. JCP&L will be moving forward with improvements to the substation to hopefully avoid flooding in the future. JCP&L will have a pump generator that will be kept in Newton and will be designated specifically for Sussex Borough.

Mr. Poggi commented that he attended the DPW meeting on February 27th.

Mr. Holowach offered no report at this time.

Mrs. Stoll commented that she attended the Sussex Wantage Board of Education meeting and parents were complaining about the school lunches. She commented that pocket books were being stolen from vehicles of parents who were picking up their children from the Sussex Middle School.

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.

Mr. Holowach made a motion to accept the consent agenda of March 3, 2015. Motion seconded by Mrs. Little

Upon roll call vote:

Ayes: Holowach, Little, Masson, Poggi, Stoll

Nays: None

Abstentions: None

Absent: Stendor

OPEN PUBLIC SESSION #1

Mrs. Little 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 Mr. Holowach
All were in favor.

Mrs. Karen VanderVeer, 41 Clove Avenue, addressed the Governing Body in regards to the appointment of Glenn Gavan as Municipal Judge.

Mr. Rich Klein, 35 Clove Avenue, addressed the Governing Body in regards to the appointment of Glenn Gavan as Municipal Judge.

A discussion took place between Rich Klein and Mrs. Masson.

Mr. Ron Bassani, 6 Roberts Way Wantage and Deputy Mayor of Wantage, addressed the Governing Body in regards to the appointment of Glenn Gavan as Municipal Judge.

Mr. Bill DeBoer, Wantage Township, addressed the Governing Body in regards to the letter sent on behalf of the Wantage Township First Aid squad water bill. Mr. DeBoer offered his comments regarding the appointment of Glenn Gavan as Municipal Judge.

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 no report at this time.

OLD BUSINESS

Resolution 2015-47R – Water/Sewer Installment Plan

Mr. Holowach made a motion to adopt Resolution 2015-47R approving a water/sewer installment plan for account number 970. Motion seconded by Mr. Poggi

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

NEW BUSINESS

Resolution 2015-51R – Authorizing Refund

Mr. Holowach made a motion to adopt Resolution 2015-51R authorizing the refund of \$2,177.24 for tax sale certificate #14-05 and \$900.00 for return of premium paid at the tax sale to US Bank Cust For PC4 Firstrust Bank and \$2,927.91 for tax sale certificate #14-07. Motion seconded by Mrs. Little

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

Resolution 2015-52R – Turbidity Meters at Water Treatment Plant

Mr. Holowach made a motion to adopt Resolution 2015-52R authorizing the replacement of the turbidity meters at the water treatment plant at a cost not to exceed \$50,000 by HACH Corporation. Motion seconded by Mr. Poggi

Mr. Holowach made a motion to amend Resolution 2015-52R to read:

SUSSEX BOROUGH

RESOLUTION #2015-52R

AUTHORIZING THE REPLACEMENT OF THE TURBIDITY METERS AT THE WATER TREATMENT PLANT

WHEREAS, there is a need to replace turbidity meters at the water treatment plant; and

WHEREAS, *Agra Environmental and Laboratory Services submitted a proposal and the Water/Sewer Engineer recommends that a contract be awarded to Agra Environmental and Laboratory Services 90 ½ West Blackwell Street, Dover, NJ 07801 to replace and purchase said meters, at a price not to exceed \$37,500.00.*

NOW, THEREFORE BE IT RESOLVED *by the Governing Body of the Borough of Sussex, County of Sussex, State of New Jersey, to award a contract to Agra Environmental and Laboratory Services to purchase and replace the turbidity meters at the water treatment plant, according to the February 27, 2015 Agra proposal.*

This Resolution shall take effect immediately according to law.

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 March 3, 2015.*

Certification of Funds

Account: To be Determined

Amount up to \$37,500.00

Motion seconded by Mrs. Masson

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

Upon roll call vote on original motion as amended:
Ayes: Holowach, Little, Masson, Poggi, Stoll
Nays: None
Abstentions: None
Absent: Stendor

Resolution 2015-53R – Investigative Report

Mr. Holowach made a motion to adopt Resolution 2015-53R directing the borough attorney to perform an investigation and generate a report into whether ethics laws were violated by Mr. Gavan during his tenure on Sussex County Community College's board.
Motion seconded by Mr. Poggi

A discussion ensued concerning the fact that the County College already paid for a report concerning the same issue and if it is prudent for Sussex Borough to also spend money to authorize a report.

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

Resolution 2015-54R – Request Open Meeting for Shared Court System

Mr. Holowach made a motion to adopt Resolution 2015-54R directing the Borough Clerk to send a letter to Wantage and Stillwater Townships asking for a joint meeting between the councils to discuss the judicial appointment and judicial appointment process for our shared court system. Motion seconded by Mr. Poggi

Upon roll call vote:
Ayes: Holowach, Little, Poggi, Stoll
Nays: Masson

Abstentions: None
Absent: Stendor

Resolution 2015-55R – Water/Sewer Adjustments to Acct. #2079

Mrs. Little made a motion to adopt Resolution 2015-55R approving a water/sewer adjustment in the amount of \$18.01 for account number 2079.
Motion seconded by Mr. Holowach

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

Resolution 2015-56R – Protesting Acting Municipal Court Judge Selection

Mr. Holowach made a motion to adopt Resolution 2015-56R protesting Wantage Township's selection of acting municipal court judge and requesting action.
Motion seconded by Mr. Poggi

Mr. McGovern presented an overview of the resolution. Various section of the Saiber Report were reviewed and discussed.

Mr. Holowach made a motion to call for a vote. Motion seconded by Mrs. Stoll

Upon roll call vote, to call for a vote:
Ayes: Holowach, Little, Masson, Poggi, Stoll
Nays: None
Abstentions: None
Absent: Stendor
Upon roll call vote of original motion:
Ayes: Masson,
Nays: Holowach, Little, Poggi, Stoll
Abstentions: None
Absent: Stendor

Resolution 2015-57R – Display Shelves and Cases for Historical Items

Mrs. Little made a motion to adopt Resolution 2015-57R authorizing the installation of display cases and shelves at the Borough Hall for the purpose of displaying historical items from Deckertown and Sussex. Motion seconded by Mr. Holowach

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

Introduction Ordinance 2015-01 – Amend Chapter V Entitled Animals

Mrs. Little made a motion to introduce an ordinance entitled "AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AMEND CHAPTER V, ENTITLED "ANIMALS", OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF SUSSEX Motion seconded by Mr. Holowach

Mrs. Little made a motion to amend the previous motion deleting the heading titled "Animal surrendered" in section 15. Motion seconded by Mrs. Stoll

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

Upon roll call vote of original motion as amended:

Ayes: Holowach, Little, Masson, Poggi, Stoll

Nays: None

Abstentions: None

Absent: Stendor

Mayor Rose stated that the Final Reading of Ordinance 2015-01 will be held on March 17, 2015

Sussex Fire Department Raffle License

Mrs. Little made a motion to approve Raffle License RA 2015-04 for the Sussex Borough Fire Department and to waive the Borough fees associated with the license.

Motion seconded by Mr. Poggi

Upon roll call vote:

Ayes: Holowach, Little, Masson, Poggi, Stoll

Nays: None

Abstentions: None

Absent: Stendor

Planning Services – Potential Redevelopment Area

Mrs. Little made a motion to approve a contract with Kenneth Nelson, Nelson Consulting Group, to provide planning related services involving a potential redevelopment area at a cost not to exceed \$4,500. Motion seconded by Mrs. Stoll

Upon roll call vote:

Ayes: Holowach, Little, Masson, Poggi, Stoll

Nays: None

Abstentions: None

Absent: Stendor

Discussion – Parking Issues and Enforcement on Main Street

At this time a discussion took place regarding parking issues and enforcement on Main Street. It was the consensus of the Council to place on the website about parking on Main Street and to have the Borough Attorney advise the council if the DPW can call a tow company to have a vehicle towed during a snow event.

Discussion – Budget Process

At this time a discussion took place regarding the Water/Sewer budget process and the budget meeting scheduled for next week. After a lengthy discussion it was the consensus of the Governing Body to have Gerry Gardner, Utility Manager make a priority list for improvements and repairs to our water sewer system, the hook up fees need to be looked at, we need to look at current payment plans for the water sewer accounts that are on a payment plan, have Mr. Gardner attend a meeting to discuss the priority list and set up separate meetings for the discussion of each of the budgets. It was the consensus of the governing body to hold special meetings on March 9th to discuss the priority list with Mr. Gardner, March 10th to discuss the current fund budget, March 11th to discuss the water sewer budget and March 31st to adopt an ordinance for the rate increase.

Mr. Poggi left the dais at 9:59PM.

Mr. Poggi returned the dais at 10:02pm.

OPEN PUBLIC SESSION #2

Mrs. Stoll made a motion to open the meeting to the public for any questions or comments concerning the good and welfare of the Borough. All comments should be directed to the

Mayor and are limited to 5 minutes with a total of 10 minutes for the Council to discuss.
Motion seconded by Mrs. Little
All were in favor.

Mr. Ron Bassani, 6 Roberts Way Wantage, thanked the Council for their vote tonight.

Mrs. Karen VanderVeer, 41 Clove Avenue, asked if "Board of Health members needed" could be posted on the front sign.

Mr. Mike Gurski, Franklin, asked the Governing Body the status of his bill for doing work to repair a water line break.

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.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mrs. Little made a motion to adjourn into closed executive session to discuss contract negotiation over possible purchase of real property. Motion seconded by Mrs. Stoll

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

After meeting in closed session, the Governing Body returned to their seats at 10:22 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. Masson

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

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. Masson
All were in favor.

Jonathan Rose, Mayor

Mark Zschack, Municipal Clerk