

**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  
JULY 21, 2015**

Mayor Rose stated that the addendum for tonight's meeting will be considered after number four on the agenda and a discussion concerning potential litigation will be added to Executive Session.

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: Mrs. Katherine Little, Mrs. Linda Masson, Mr. Mario Poggi, Mrs. Annette Stendor, Mrs. Georgeanna Stoll and Mayor Jonathan Rose

Absent: Mr. Robert Holowach

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. Masson made a motion to approve the agenda for July 21, 2015 as submitted.  
Motion seconded by Mr. Poggi

Mrs. Stoll made a motion to amend the previous motion to add a discussion concerning the lights on the poles for Christmas on Main Street. Motion seconded by Mrs. Masson  
All were in favor.

Upon roll call vote of original motion as amended:

Ayes: Little, Masson, Poggi, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Holowach

**PRESENTATIONS:**

Summary of Audit Report - At this time Municipal Auditor, Tom Ferry presented an overview of the 2014 Sussex Borough Audit Report. Mr. Ferry went over the revenue and expenditures for the Current Fund and Water Sewer Fund and reviewed the comments and recommendations in the audit.

**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.

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

**NEW BUSINESS:**

Resolution 2015-108R – Certification of the 2014 Annual Audit

Mr. Poggi made a motion to adopt Resolution 2015-108R certifying the Sussex Borough Mayor and Council has reviewed the 2014 Audit Comments and Recommendations as required by N.J.A.C. 5:30-6.5 Motion seconded by Mrs. Stendor

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

Resolution 2015-109R – Corrective Action Plan 2014 Audit

Mrs. Masson made a motion to adopt Resolution 2015-109R approving the Corrective Action Plan for the 2014 Audit. Motion seconded by Mrs. Little

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

Adoption Ordinance 2015-06 - \$1,200,000 Bond Ordinance

Mrs. Masson made a motion to adopt Ordinance 2015-06 "BOND ORDINANCE APPROPRIATING \$1,200,000, AND AUTHORIZING THE ISSUANCE OF \$1,200,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, FOR THE WATER SUPPLY AND DISTRIBUTION SYSTEM AND THE SANITARY SEWERAGE SYSTEM OF THE BOROUGH."  
Motion seconded by Mr. Poggi

Mayor Rose opened the meeting to the public for any questions or concerns regarding Ordinance #2015-06. There being no one present who wished to address the governing body Mayor Rose closed the meeting to the public.

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

Continuing Disclosure Agent & Independent Registered Municipal Advisor

Mr. Poggi made a motion to authorize the Clerk to execute a contract with Phoenix Advisors, LLC to provide Continuing Disclosure Agent and Independent Registered Municipal Advisor of Record services at a cost of \$650.00. Motion seconded by Mrs. Masson

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

Resolution 2015-119R – Establish a Procurement Card Program

Mrs. Masson made a motion to adopt Resolution 2015-119R approving the establishment of a procurement card program for certain borough purchases. Motion seconded by Mrs. Stendor

Upon roll call vote:

Ayes: Little, Masson, Poggi, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Holowach

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

Mrs. Stoll stated “that at the last recreation committee meeting we basically based that around our playground. What we decided to do is set up a subcommittee of 3 people to come up with a plan and present that plan to recreation and the recreation committee will then present it to the council. We had one member who had a relative come in who is an engineer and presented what he wanted to do. However, I was against that because his main whole budget thing to do everything complete was between \$70,000 and \$90,000 that included 8 picnic tables, 4-5 benches, the stuff you need to put around the playground, handicapped parking and having swings etc. I thought that was too expensive and didn’t vote for it asked him to come back with something a little bit less than that, give us his plan, show us what he planned on doing for the next meeting. The Recreation Committee discussed holding fundraisers to raise money for the playground. There was no meeting for the schools.”

Mr. Poggi offered no report at this time.

Mrs. Masson stated “that on June 17<sup>th</sup> she attended a SCMUA meeting and Tom Varro said he will be reaching out to the Borough, I mentioned this to the Mayor, regarding when we’re going to be fixing the force main that keeps breaking, he said the commissioners want to know. I spoke with John Hatzelis prior to the meeting regarding the hookup fee for the Wantage Plaza and he told me that they have not received anything in writing any kind of application from Wantage Plaza. He told me their hookup fees are per square foot, .1 gallon per square foot, 250 gallons equals one edu which equals \$5,200 to SCMUA. They were also talking about their revenues. Their tonnage is down 6.2% from December 1<sup>st</sup> to May 31<sup>st</sup>, their ID 13C Bulky waste is down 42% while Grinnell and Cavalier are up 1,394.5% for a total ID13 of 43.8% increase. The Grant writer is currently working on water sewer grants and he is working with Mark to get the pre application in to the USDA. He’s dealing there with Ken Drews. They’re going to be awarding these grants by the end of September. We’re looking, for the Borough, for water meter replacement which is \$400,000, water line at Double S Diner Bridge which is \$150,000 and sewer force main repairs at three different locations which is \$400,000.”

Mrs. Stendor stated “that on June 23<sup>rd</sup> there was a Board of Health meeting and a new member was sworn in. I attended the court session in Wantage on July 20, 2015 and most of the cases were traffic tickets.”

Mrs. Little stated “that on June 22<sup>nd</sup> I attended the planning board meeting and there has been much discussion about our designation for the redevelopment area. On June 26<sup>th</sup> there was a DPW meeting and the discussion was about the location of the salt shed. ON July 9<sup>th</sup> I didn’t attend the Sussex County Water Resources meeting due the fact there was supposed to be violent storms. On July 11<sup>th</sup> Clove Lake maintenance committee held a clean-up for the water chestnut invasive weed. Twelve bags were gathered and we had numerous volunteers that helped with the clean-up. This is something that is going to be needed every year. On July 13<sup>th</sup> there was a workshop for the Borough Planning board which I did not attend. On July 17<sup>th</sup> there was a DPW meeting and the discussion was who was responsible for making small purchases and it was decided that Bob Schultz would approve the purchases and Jeff VanAcker would make the purchases. We are a year behind on scheduling for upgrading the roads due to lack of funding. Linden and Holley Streets are next on the list. We are working on advertising for our DPW Director of Public Works and would like to have that done as soon as possible. July 20<sup>th</sup> we had the finance meeting and all questions were answered satisfactorily.

Mr. Mark Zschack read the following report on behalf of Mr. Holowach

- Sussex Fire Department was awarded a Forest Fire Service Grant that will cover three air packs and 12 spare air bottles for the air packs that the FD utilizes. Both

air packs and the air packs have a limited lifetime and most of the inventory is coming up for replacement in the next 12-24 months.

- The USDA grant is still being anticipated, though in speaking to the USDA they have scaled back funding this year for all programs this year including the Rural Fire Service Grant program that Sussex FD has been very successful at over the last few years.
- Last evening, Monday July 20<sup>th</sup> the Sussex FD had a tour/drill at the Sussex Borough water plant. As we are well aware there are many hazards there notably the amount of chemicals stored onsite that Sussex as well as both Wantage FD's should be well aware of. We have about 30 firefighters tour the facility, they had an opportunity to ask questions and understand more about what they may encounter should there ever be an emergency there. I will be working with the Wantage Fire Chief to offer that same tour, as well as the Sussex County Hazard Materials Team. I certainly extend my thanks to Mike Furrey, Paul and Carmine for the guided tour.

### **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. Masson made a motion to accept the consent agenda of July 21, 2015 with the removal of items numbered 2, 3, and 6 under correspondence and items numbered 1 and 4 under reports. Motion seconded by Mrs. Stendor.

Upon roll call vote:

Ayes: Little, Masson, Poggi, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Holowach

Mrs. Masson made a motion to accept correspondence item number 2 on the consent agenda dated July 21, 2015. Motion seconded by Mr. Poggi.

Upon roll call vote:

Ayes: Little, Masson, Poggi, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Holowach

Mrs. Masson made a motion to accept correspondence item number 3 on the consent agenda dated July 21, 2015. Motion seconded by Mr. Poggi.

Upon roll call vote:

Ayes: Little, Masson, Poggi, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Holowach

Mrs. Masson made a motion to accept correspondence item number 6 on the consent agenda dated July 21, 2015. Motion seconded by Mrs. Stendor.

Upon roll call vote:

Ayes: Little, Masson, Poggi, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Holowach

Mrs. Masson made a motion to accept report item number 1 on the consent agenda dated July 21, 2015. Motion seconded by Mrs. Stoll.

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

Mrs. Masson made a motion to accept report item number 4 on the consent agenda dated July 21, 2015. Motion seconded by Mrs. Stendor.

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

**NEW BUSINESS:**

Approval of Meeting Minutes

Mrs. Masson made a motion to approve the meeting minutes of the Special Meeting held on June 9, 2015. Motion seconded by Mr. Poggi.

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

Approval of Meeting Minutes

Mr. Poggi made a motion to approve the meeting minutes and executive session minutes of the Regular Meeting held on June 16, 2015. Motion seconded by Mrs. Stoll

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

Resolution 2015-107R – Liquor License Renewal

Mr. Poggi made a motion to adopt Resolution 2015-107R approving the renewal of the following liquor licenses for the license period of July 1, 2015 – June 30, 2016. Motion seconded by Mrs. Stoll

ZIGGY KPZ INC, T/A THE GREEN RESTAURANT AND PUB  
14 Newton Ave, Sussex, NJ 07461  
License #1921-33-003-005

EMERALD CONSTRUCTION SERVICES, LLC, T/A ALLENS BAR & LIQUOR  
31 Loomis Avenue, Sussex, NJ 07461  
License #1921-33-001-003

TEACH PADRAIG, LLC, T/A PATRICKS WINE BARN  
38 Hamburg Avenue, Sussex, NJ 07461  
License #1921-44-005-002

SUSSEX INN INC., T/A SUSSEX INN  
9 Main Street, Sussex, NJ 07461  
License #1921-33-004-004

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

Resolution 2015-110R - \$40,000 Bond Anticipation Note

Mrs. Masson made a motion to adopt Resolution 2015-110R authorizing the issuance of not exceeding \$40,000 bond anticipation notes of the Borough of Sussex.  
Motion seconded by Mrs. Little

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

Resolution 2015-111R – Third Quarter Water/Sewer Adjustment

Mrs. Masson made a motion to adopt Resolution 2015-111R approving water/sewer adjustment for the third quarter 2015. Motion seconded by Mrs. Stendor

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

Resolution 2015-112R – Water/Sewer Customer Payment Plan Extension Request

Mrs. Masson made a motion to adopt Resolution 2015-112R approving the customer's request for a payment plan. Motion seconded by Mr. Poggi

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

Resolution 2015-113R – Water/Sewer Customers Request for Reimbursement

**No action was taken** to adopt Resolution 2015-113R approving the customer's request for a \$1,000.00 credit to be applied to their water/sewer account.

Resolution 2015-114R - Water Customers Request for Reimbursement

**No action was taken** to adopt Resolution 2015-114R approving the customer's request for a \$300.00 credit be applied to their water account.

Resolution 2015-115R – Water/Sewer Customers Request

**No action was taken** adopt Resolution 2015-115R approving the customer's request for a \$381.90 credit be applied to their water/sewer account.

Resolution 2015-116R – Reimbursement of Tax Sale Certificate

Mrs. Masson made a motion to adopt Resolution 2015-116R authorizing the refund of \$3,838.97 to US Bank Cust for PC4 Firstrust Bank for redemption of tax sale certificate # 14-06 and \$1,000.00 to US Bank Cust for PC4 Firstrust Bank for return of premium for tax sale certificate #14-06 Motion seconded by Mrs. Little

Upon roll call vote:

Ayes: Little, Masson, Poggi, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Holowach

Resolution 2015-117R – Commending NORWESCAP 50<sup>th</sup> Anniversary

Mrs. Masson made a motion to adopt Resolution 2015-117R commending Northwest NJ Community Action Partnership, Inc. (NORWESCAP) upon the occasion of celebrating the 50th anniversary of community action. Motion seconded by Mrs. Stendor

Upon roll call vote:

Ayes: Little, Masson, Poggi, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Holowach

Approval of Social Affair Permits for Sussex Fire Department

Mrs. Little made a motion to approve a social affair permit for the Sussex Fire Department on August 15, 2015. Motion seconded by Mrs. Stoll

Upon roll call vote:

Ayes: Little, Masson, Poggi, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Holowach

Planning Services – Addendum to the Route 23 Redevelopment Plan

Mrs. Little made a motion to authorize the Clerk to execute a contract with Kenneth Nelson, Nelson Consulting Group, to prepare an addendum to the Redevelopment Plan for the designated Route 23 Redevelopment Area at a cost not to exceed \$2,000.00  
Motion seconded by Mrs. Stoll

Upon roll call vote:

Ayes: Little, Masson, Poggi, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Holowach

Discussion

At this time a discussion took place concerning the replacement of brick pavers on Main Street with concrete. After a brief discussion, Mayor Rose offered the following three options to the Borough Council 1) to do nothing and enforce the ordinance as it currently exists and make the people replace the pavers, 2) pass a resolution of some sort or perhaps rescind the ordinance and not require the repair of the pavers leave them in the current condition that they are in 3) move forward with doing a project up on Main Street which would be replace the pavers with either more pavers or poured concrete. Unfortunately, does not look like we can go for much grant money as half of the sidewalks is owned by the building owners and half is on public property. 4) do a special assessment for the property owners along Main Street. After further discussion, it was the consensus of the Governing Body to schedule a special meeting with the business owners from Main Street to discuss the sidewalks.

Discussion

At this time a discussion took place concerning the lights on the poles on Main Street. Mrs. Stoll commented that she was been working for a while trying to get lights in Main Street for Christmas. The electrician for the town can't do it for us, for Wantage School that we have together shared can't do it for us because their insurance won't allow him to anything on the outside. I contacted Jackie Espinoza and worked with her. There is something that we can do to have electric on the poles. I would suggest, if we do decide to do it, that we just do maybe four (4) beginning of town and end of town so we have lighting because there are

special receptacles that you put on the poles. The receptacles we put there they are \$100 a piece and they would stay there and be turned off until we tell them to turn them on. When they are turned on there is a monthly charge of \$3 per day per pole so that would be the electric we would be using and we pay only during the time they are on. The other option that she offered was purchasing solar lights to put on our poles on Main Street.

### **OPEN PUBLIC SESSION #2**

Mrs. Masson 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 Mr. Poggi  
All were in favor.

Mr. Bill Gettler, 98 Gemmer Road, Wantage, addressed the Governing Body regarding the Sussex Wantage School System.

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 Mr. Poggi  
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 and potential litigation**. Motion seconded by Mrs. Masson

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

After meeting in closed session, the Governing Body returned to their seats at 10:11p.m. and Mrs. Stoll made a motion to adjourn out of closed executive session and to be reconvened into open public session. Motion seconded by Mrs. Stendor  
All were in favor.

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

### **OLD BUSINESS**

#### **Adoption Ordinance 2015-04 - \$100,000.00 Bond Ordinance**

Mrs. Little made a motion to adopt Ordinance 2015-04 entitled "BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF LANDS IN AND BY THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND THE CONSTRUCTION OF A PARKING LOT THEREON, APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION. Motion seconded by Mrs. Masson

Mrs. Masson made a motion to table Ordinance 2015-04 to the August 18, 2015 meeting. Motion to table seconded by Mrs. Little

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

**ADJOURNMENT**

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

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Jonathan Rose, Mayor

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Mark Zschack, Municipal Clerk