

**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  
SEPTEMBER 1, 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, 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."

**APPROVAL OF AGENDA**

Mr. Holowach made a motion to approve the agenda for September 1, 2015 as submitted. Motion seconded by Mrs. Stoll

Mrs. Masson made a motion to amend the agenda of September 1, 2015 to include, at the end of new business, the elimination of the time limit for the public to speak at the end of the meetings. I would like to eliminate the rent being charged to 4 Main Street. I would like to add a discussion of unfinished legal business. A discussion of the status of the administrative code. The status of the liquor license as it relates to outdoor seating. The status of the resolution stating that future councils wishing to sell the water sewer system must go to the public for referendum regardless of the current law. Motion seconded by Mrs. Stoll

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

Mrs. Stoll made a motion to amend the agenda of September 1, 2015 to add, at the end of new business, a discussion about handicap parking on Main Street. Motion seconded by Mrs. Masson.

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

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

**PRESENTATIONS:**

No presentations were scheduled for tonight's meeting.

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

Mrs. Little stated “on August 24<sup>th</sup> I attended our Sussex Borough Planning Board meeting and there were changes made on one of the projects that are ongoing and a discussion on the Area C. On August 25<sup>th</sup> there was a meeting at the Colesville Reservoir with Mike Furrey, the engineers (Gerry and James), Mayor Rose, DPW Committee Members Bob Holowach and myself to tour the area to get background information that will be needed for planning and compiling the work to be done required by the DEP. On August 28<sup>th</sup> we held a DPW meeting to continue the work to organize the DPW and many items were discussed that are necessary to make decisions before January 1, 2016. Some items need to be decided now and some items can wait. On August 31<sup>st</sup> the finance committee reviewed the vouchers. On August 31<sup>st</sup> I sat in on the meeting with Bob Schultz and Mark to discuss who will be doing what for our DPW. Our new supervisor, Mike, will be taking his position as of tomorrow. Hardyston will be providing assistance where needed and providing manpower through December 31<sup>st</sup> as per the inter-local agreement with them. Clove Lake Maintenance committee will have a meeting on Thursday at 6pm. The DPW Committee will meet on September 11<sup>th</sup> unless there is a need to meet before then.”

Mrs. Stendor offered no report at this time.

Mrs. Masson stated “I attended a SCMUA meeting on August 19<sup>th</sup> and they discussed connection hardship agreements in Vernon, which basically is a five year payment plan. The Branchville service contract is being amended. They have downsized their original plan and gallonage and they are not putting in a pumping station at the school. The Lafayette Fire Department took a tour of SCMUA and they spoke about hydrant labeling and SCMUA is pushing for this to be an annual event and encouraging them to have onsite drills at SCMUA. The Environmental Attorney discussed an appellate court decision on OPMA (Open Public Meetings Act), if an agenda references other documents those documents do not have to be posted with the agenda for the public. They were talking about the 2016 budget and that has to be presented by October 1<sup>st</sup> to the Department of Community Affairs so September 16<sup>th</sup> they will have their budget presentation at SCMUA. During open public session I asked John Hatzils if SCMUA has ever forgiven any hook-up fees and the answer was no and I asked if they have ever forgiven part of a hook-up fee and they said no. The only thing they have done recently is payment plans.”

Mr. Poggi stated “the school year for High Point starts tomorrow for freshmen and Thursday for everyone else.”

Mr. Holowach stated “the fire department is still in play for the balance of the grants. The fire department is still in the process of working with the borough QPA on the Fire Apparatus. When we were up at Colesville, one of things we talked about were the Pitot Meter and out service rings for the fire hydrants.”

Mrs. Stoll stated “the Recreation Committee is working on two things, one of which is the playground. I have a person who gave me a nice printout of what it would look like within our budget completely done and installed and it is guaranteed for 15 years on the equipment and 5 years on the service. We have a couple other people who are presenting plans. I have an estimate from an electrician who will do the work for the lights on the poles on Main Street for Christmas. The electrician will do a minimum of ten poles at \$200 each.”

### **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 requested that item numbered 2 under correspondence be removed and considered separately.

Mr. Poggi made a motion to accept the consent agenda of September 1, 2015 with the removal of item numbered 2 under correspondence.  
Motion seconded by Mr. Holowach.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Resolution from Sandyston Township supporting the establishment of an U.S. Department of Veterans Affairs Community Based Outpatient Clinic in Sussex County.
2. Letter dated August 16, 2015 from Jake Little, Fire Chief to the Mayor and Council concerning one way streets in Clove Lake.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Sussex County Water Quality Management PAC minutes of May 14, 2015
2. Delinquent Utility Properties Report as of August 28, 2015.
3. Unpaid Utility Properties Report as of August 28, 2015.
4. Water Shut Off Report as of August 28, 2015

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

Payment of bills for the meeting of September 1, 2015.

Upon roll call vote to accept the Consent Agenda as amended:

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

Nays: None

Abstentions: None

Absent: None

Mrs. Masson made a motion to accept correspondence item number 2 on the Consent Agenda of September 1, 2015 "Letter dated August 16, 2015 from Jake Little, Fire Chief to the Mayor and Council concerning one way streets in Clove Lake."

Motion seconded by Mrs. Stoll.

**Mrs. Masson made a request to invite Mr. Jake Little to the next Mayor and Council meeting to discuss this letter.**

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**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.

Connie Stevens, 25 Hamburg Avenue started to discuss the slate sidewalk in front of her property.

Mayor Rose stated that this open public session is for items on the agenda. The second open public session would be the proper time to discuss these topics.

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.

**OLD BUSINESS**

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

Mrs. Masson 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 Mr. Holowach

Mrs. Masson made a motion to table the adoption of Ordinance 2015-04 until the October 6, 2015 Mayor and Council meeting.  
Motion seconded by Mr. Holowach.

Upon roll call vote to table.

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

Nays: None

Abstentions: None

Absent: None

**NEW BUSINESS**

**Approval of Meeting Minutes**

Mrs. Masson made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on August 18, 2015. Motion seconded by Mr. Holowach.

Mrs. Masson made a motion to amend the previous motion changing under Committee Reports, Mrs. Masson, the sentence that reads:

"The rate structure committee has been discussing the issues of restaurants with outdoor seating and the need for their EDU count to be **modify** also prior to doing so it was expressed that the need to verify the current count, in some cases, for accuracy."

To read:

"The rate structure committee has been discussing the issues of restaurants with outdoor seating and the need for their EDU count to be **modified** also prior to doing so it was expressed that the need to verify the current count, in some cases, for accuracy." Motion seconded by Mrs. Stoll

All were in favor to amend.

Upon roll call vote of original motion as amended:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2015-118R – Liquor License Renewal**

Mrs. Stoll made a motion to adopt Resolution 2015-118R approving the renewal of the following liquor license for the license period of July 1, 2015 – June 30, 2016.

Motion seconded by Mr. Holowach

FOUNTAIN SQUARE INN  
82 Fountain Square Inn, Sussex, NJ 07461  
License #1921-33-002-001

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2015-128R – Veterans Affairs Community Outpatient Clinic**

Mrs. Little made a motion to adopt Resolution 2015-128R supporting the establishment of a U.S. Department of Veterans Affairs Community Based Outpatient Clinic in Sussex County. Motion seconded by Mrs. Masson

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2015-129R – Third Quarter Water/Sewer Adjustments**

Mrs. Masson made a motion to adopt Resolution 2015-129R approving water/sewer adjustment for the third quarter 2015. Motion seconded by Mrs. Stoll

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2015-130R – Water EDU Adjustment**

Mr. Holowach made a motion to adopt Resolution 2015-130R approving Water/Sewer account number 6771 shall be considered for the purpose of EDU determination as a deed restricted community. Motion seconded by Mr. Poggi

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2015-131R – Water/Sewer Customer Payment Plan Extension Request**

Mrs. Masson made a motion to adopt Resolution 2015-131R approving the customer's request for a payment plan. Motion seconded by Mr. Holowach

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2015-132R – Eliminate Rent 4 Main Street**

Mrs. Masson made a motion to eliminate rent for number four Main Street. Motion seconded by Mrs. Stendor

A brief discussion ensued concerning an agreement between Sussex Borough and the owner of number four Main Street that allows the use of Borough owned property for a private driveway.

Upon roll call vote:

Ayes: None

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

Abstentions: None

Absent: None

**Resolution 2015-133R – Eliminate Time Limit on the Second Open Public Session**

Mrs. Masson made a motion to eliminate the time limit on the second Open Public Session. Motion seconded by Mrs. Stoll

A brief discussion ensued concerning the pros and cons of limiting the amount of time the public could speak during the second Open Public Session.

Upon roll call vote:

Ayes: Little, Masson, Stoll

Nays: Holowach, Poggi, Stendor, Mayor Rose

Abstentions: None

Absent: None

### **Discussion**

- Administrative Code  
Mr. McGovern stated that the draft is not completed but he will try to provide a draft by the next regular scheduled meeting.
- Outdoor seating concerning liquor licenses  
Mr. McGovern stated that the application for license must indicate if there are additional areas covered by the license. Discussion continued concerning laws that govern liquor licenses.
- Handicap spaces on Main Street  
A brief discussion ensued concerning Sussex Borough providing handicap parking for tenants of the rental units on Main Street.

### **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.

Mrs. Connie Stevens and Mr. Dan Stevens, 25 Hamburg Avenue presented concerns of a tax payment mailed to the Borough. The taxes were received by the Borough a day late and interest was charged. There was concern by Mr. and Mrs. Stevens because they stated that the taxes were mailed on August 7<sup>th</sup> but was not received until August 11<sup>th</sup>. Mrs. Stevens recommended that a policy is put in place to have the envelopes saved to confirm the date the letter was postmarked.

There being no one else present who wished to address the Governing Body, Mrs. Masson 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. Stendor made a motion to adjourn into closed executive session to discuss **contract negotiations**.

Motion seconded by Mrs. Masson

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

After meeting in closed session, the Governing Body returned to their seats at 9:15 p.m. and Mrs. Masson made a motion to adjourn out of closed executive session and to be reconvened into open public session. Motion seconded by Mrs. Little

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**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 Mr. Poggi. All were in favor.

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Jonathan Rose, Mayor

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Mark Zschack, Municipal Clerk