

**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 15, 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., Mr. Gerry Gardner & Mr. James Schappell of Houser Engineering, 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. Stoll made a motion to approve the agenda for September 15, 2015 as submitted. Motion seconded by Mrs. Little

Mrs. Masson made a motion to amend the previous motion to move item J. (Open Public Session) to between item D. and E. Motion seconded by Mr. Holowach
All were in favor.

Mrs. Stendor made a motion to amend the original motion to add a short discussion concerning the sidewalks on Main Street. Motion seconded by Mrs. Masson
All were in favor.

Mr. Poggi made a motion to amend the original motion to remove Resolution 2015-138R from the agenda. Motion seconded by Mr. Holowach
All were in favor.

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

OPEN PUBLIC SESSION #1

Mrs. Masson 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. Poggi
All were in favor.

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

DISCUSSION:

Mr. Jake Little, Sussex Fire Chief answered questions concerning an August 16, 2015 letter in reference to one way streets in Clove Lake. Mrs. Masson stated that she has a concern for the safety of the school children walking up and down the street in this area because there are no sidewalks and roads are too narrow and should never have been two way. A

discussion ensued concerning the flow of emergency vehicles around Spruce and Larch Avenues and the possibility of constructing sidewalks. Mrs. Masson stated that more research is needed and this topic should be discussed at a future time.

NEW BUSINESS:

Raw Water Source Improvements Engineering and Consulting Services

Mrs. Stoll made a motion to authorize the Clerk to execute an agreement with Houser Engineering, LLC to provide raw water source improvements engineering and consulting services at a cost not to exceed \$40,000.00. Motion seconded by Mr. Holowach

Mr. Gerry Gardner, Houser Engineering presented an overview of the proposal to provide raw water source improvements engineering and consulting services.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2015-141R–Water/Sewer Connection Approval

Mr. Holowach made a motion to adopt Resolution 2015-141R approving the new water/sewer connection for Block 202 Lot 21 also known as 1A Valley Road pending review and approval of the Borough's Water/Sewer Engineer and payment of all fees.

Motion seconded by Mrs. Masson

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

DISCUSSION:

Mr. Gerry Gardner & Mr. James Schappell of Houser Engineering updated the Mayor and Council on possible water and sewer connections along the Route 23 corridor south of Sussex Borough.

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

Mrs. Stoll stated "we have our Recreation Committee meeting tomorrow night. But I have some questions that I wanted to find out to take it back to maybe get some things settled. At the last meeting I had brought up about the electric to the poles and possibly doing 10 poles this year for a total cost of \$2,000. Would this money come out the Recreation budget or would the council be splitting the cost and is this something the council wants to do? We are working on the playground and I have two complete designs that I will be distributing to the Recreation members tomorrow and another member of the Recreation has one. I wanted to bring both to the council to get council approval on them. But we have a problem on where we can put it.

Mr. Holowach stated "the fire department is still working with the QPA on effectively the discussion we had around Houston Galvaston versus State Contract there is some slowness with the vendor providing the price for state contract. Fire Department will be attending the NJ State Fireman's Convention in the latter end of the week."

Mr. Poggi stated "I will defer the DPW report to the chairperson. Montague School District is currently suing High Point School District for send receive contract."

Mrs. Masson stated "I attended a SCMUA meeting on September 2nd and apparently SCMUA has a lien against the Stop and Shop in Sparta. Sparta did a re-designation of lot and block numbers there so SCMUA is going to have to do another title search and re-file

the lien. The household waste is holding steady it's up .6%, bulky waste is down 27.3 %, C&D waste is down 48.2% and overall is down 6.6% or \$460,337.00. During the open public session I asked when a new town comes on to SCMUA are they paying hook-up fees individually as well as a big lump sum to SCMUA as we had done years back and I was told by John Hatzelis that every town is different. The rate structure committee met September 10th and we were discussing outdoor seating at the restaurants and our final conclusion was that the borough should develop a form and any restaurants who want outside seating need to fill out this form and we should be charging them for these seats every year. The question came up about penalties. If we find somebody is doing this and not reporting it would we be able to levy any fines. The discussion that we had about Wantage Plaza and the question about if one store owner took over two stores and how do we charge for that. There were more questions than answers so I had suggested that we meet with Frank McGovern, Mayor Rose and Mark Zschack to go over some of this."

Mrs. Stendor stated "the Board of Health will hold a meeting at the end of the month. The Sussex Wantage Court mostly handles traffic violations during the court sessions. When court is held those things are taken care and there is no way to know who is from what town."

Mrs. Little stated "the Clove Lake Maintenance committee met and discussed the use of land around the beach area and up to the northern end of the lake. There is someone interested in some of the property however the Clove Lake Maintenance would like to discuss three options and make a decision. On September 8th there was a special meeting held to discuss brick pavers or concrete for Main Street. September 10th I attended the Sussex County 208 Water Resources and they are still working on the County Wastewater Management Plan for the State. September 11th the DPW Committee held a meeting. Our new DPW Supervisor is working on a list of items that are needed. The Committee made a decision to purchase some of the items that are inexpensive. Our DPW Supervisor, Mike, has also been busy getting quotes for some of the more expensive items. I have to say that he has jumped in and taking hold of getting things accomplished. I have to commend him for doing a good job. We are starting our own DPW and with that there will start up costs and there will be no way to compare with what we were paying for the inter-local and the cost of the DPW for a couple years. The Finance Committee met and signed the bills After we reviewed the vouchers we had a meeting with the CFO, Gail, and Mark to have an update on some of the line items and where we are as far as funds to make purchases for some of the items needed for DPW. A meeting was held with Darren, Purchasing Agent, in the afternoon to clarify what procedures need to be followed to purchase some of the major items for DPW. Rich Klein, Planning/Zoning Board Chairman, and myself interviewed two individuals for the Secretary position."

Mrs. Masson stated "SCMUA will be presenting their 2016 budget tomorrow afternoon should anyone want to attend."

Mrs. Little stated "we were informed that the White Dodge pickup (1999), is not going to be usable so we do have to buy a new dump truck and our DPW supervisor has looked into prices."

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. Poggi made a motion to accept the consent agenda of September 15, 2015.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated September 8, 2015 from Bruno Associates to Mark Zschack informing that the Pre-Applications for the water meter replacement, water line at Double S diner and repair to sewer force main were submitted.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Clerk's report for the month of August 2015.

2. Construction Department report for the month of August 2015.
3. Water Sewer Collector report for the month of August 2015.
4. Tax Collector report for the month of August 2015.
5. Houser Engineering progress report as of August 31, 2015.
6. Delinquent Utility Properties Report as of September 10, 2015.
7. Unpaid Utility Properties Report as of September 10, 2015.
8. Water Shut Off Report as of September 10, 2015

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of September 15, 2015.

Motion seconded by Mr. Holowach

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

OLD BUSINESS

There was no old business discussed at this time.

NEW BUSINESS (Continued)

Approval of Meeting Minutes

Mrs. Stoll made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on September 1, 2015. Motion seconded by Mrs. Stendor

Mrs. Masson made a motion to amend the previous motion changing the following:

Page one of seven under Approval of Agenda, Mrs. Masson, the sentence that reads:

‘I would like to eliminate the rent being charged to 4 Main Street.’

To read:

“I would like to eliminate the rent being charged **for a portion of the driveway owned by the Borough** to 4 Main Street.”

Page three of seven under Consent Agenda, Mrs. Masson, the sentence that reads:

“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.”

To Read:

“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 **and requested Mr. Little to attend the next meeting for a discussion on the matter.**”

Page five of seven under Resolution 2015-132R Eliminate Rent 4 Main Street, the sentence that reads:

“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.”

To read:

“A brief discussion ensued concerning **charging four Main Street rent for a portion of the driveway**”

Motion seconded by Mrs. Stoll.

Upon roll call vote to amend:

Ayes: None

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

Abstentions: None

Absent: None

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To read:

"A brief discussion ensued concerning **charging four Main Street rent for a portion of the driveway**

Motion seconded by Mr. Holowach.

Upon roll call vote to amend:

Ayes: None

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

Abstentions: None

Absent: None

Upon roll call vote of original motion:

Ayes: Holowach

Nays: Little, Masson, Poggi, Stendor, Stoll

Abstentions: None

Absent: None

Resolution 2015-134R – Environmental Review Record

Mrs. Masson made a motion to adopt Resolution 2015-134R authorizing Civil Dynamics, Inc. to submit an Environmental Review Record (ERR) and Environmental Assessment (EA) at a cost not to exceed \$14,500.00. Motion seconded by Mrs. Little

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2014-135R – Approval of Grant Application

Mr. Poggi made a motion to adopt Resolution 2014-135R to submit a grant application to the New Jersey Department of Transportation for improvements to Main Street within the Borough of Sussex. Motion seconded by Mrs. Masson

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

Resolution 2015-136R – Fourth Quarter Final Water/Sewer Adjustments

Mrs. Little made a motion to adopt Resolution 2015-136R approving water/sewer adjustment for the fourth 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 2015-137R – Recommendation of Award State Aid Project

Mr. Holowach made a motion to adopt Resolution 2015-137R recommending to the New Jersey Department of Transportation that Bob Viersma & Sons, Inc., P.O. Box 224, Allamuchy, New Jersey, 07820 is awarded the bid in the amount of \$298,479.00 for the improvements to Overlook Drive including water main improvements. Motion seconded by Mr. Poggi

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

Resolution 2015-139R – CDBG Grant Management Plan Endorsement

Mrs. Masson made a motion to adopt Resolution 2015-139R endorsing the Grant Management Plan prepared as a requirement of the SFY 2016 Small Cities CDBG Grant Application. Motion seconded by Mr. Poggi

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

Resolution 2015-140R–Water/Sewer Customer Payment Plan Extension Request

Mr. Holowach made a motion to adopt Resolution 2015-140R approving the customer's request for a payment plan. Motion seconded by Mrs. Masson

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

Resolution 2015-142R – Morris County Cooperative Pricing Council

Mrs. Little made a motion to adopt Resolution 2015-142R authorizing the Clerk to execute an agreement with the Morris County Cooperative Pricing Council at a yearly cost of \$1,250.00 Motion seconded by Mr. Poggi

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

Resolution 2015-143R– Recommendation of Award State Aid Project

Mrs. Stoll made a motion to adopt Resolution 2015-143R recommending to the New Jersey Department of Transportation that Bob Viersma & Sons, Inc., P.O. Box 224, Allamuchy, New Jersey, 07820 is awarded the bid in the amount of \$202,240.00 for the roadway improvements to Overlook Drive.
No second was offered.

Introduction Ordinance 2015-08 – Amend Chapter IX, Entitled ‘Traffic’

Mr. Holowach made a motion to introduce Ordinance 2015-08 entitled “AN ORDINANCE TO AMEND CHAPTER IX, ENTITLED “TRAFFIC”, OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF SUSSEX.” Motion seconded by Mr. Poggi

A brief discussion ensued concerning the benefits and detriments to raising the parking violation fine to \$50.00.

Mayor Rose stated that Mrs. Stoll has left the dais at 9:07 pm.
Mayor Rose stated that Mrs. Stoll has returned to the dais at 9:09 pm.

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

Introduction Ordinance 2015-09 – Land Use Board Membership

Mrs. Little made a motion to introduce Ordinance 2015-09 entitled “AN ORDINANCE TO AMEND SUBSECTION 20-1.1, ENTITLED “ESTABLISHMENT; MEMBERSHIP”, OF SECTION 20-1, ENTITLED “PLANNING BOARD”, OF CHAPTER XX, ENTITLED “LAND USE PROCEDURES” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SUSSEX” Motion seconded by Mr. Poggi

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

Approval of Expenditures for the State League of Municipalities Convention

Mrs. Masson made a motion to approve the expenditure of up to \$500.00 per person to attend the New Jersey State League of Municipalities Convention to be held in Atlantic City November 17, 18, 19, 2015. Eligible to attend are the Mayor, Councilmembers, and full time employees. Motion seconded by Mrs. Stendor

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

Request to Hang Pink Ribbons

Mrs. Stoll made a motion to approve a request from the Sussex County Chronic Disease Coalition to hang pink ribbons on Main Street for the month of October 2015 in observance of Breast Cancer Awareness Month. Motion seconded by Mr. Poggi

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Discussion

Ordinance:

Mr. McGovern stated that he was directed to draft an ordinance that would require that future councils, wishing to sell the water sewer system, must go to the public for referendum regardless of the current law. After research was completed it is clear to Mr. McGovern that the statute that was in effect last year is still in effect. In most cases a referendum is still required to sell a utility with two exceptions. The first was already in existence last year. This is where a municipality sells its system to another municipality, authority or public body. The second exception is new and just enacted earlier this year. This exception is if there is an emergent circumstance in existence. There is a very intricate detailed process under this exception that must be followed. The emergency must be defined and receive NJDEP approval.

Mayor Rose stated that Mr. Poggi has left the dais at 9:20 pm.

Mr. McGovern stated that there is a public advertisement requirement indicating that the public has the right to bring a petition to require a referendum to take place. The statute states that if that petition is not successfully filed then there will be no public referendum. Mr. McGovern's interpretation, with this provision in the statute, is that the Borough cannot require a referendum as a mandatory procedure when the statute states that there will be no public referendum except in the situation were a petition is filed.

A brief discussion ensued about a public referendum to define the emergency.

Mayor Rose stated that Mr. Poggi has returned to the dais at 9:23 pm.

Mrs. Masson brought up concerns that the Borough currently fits into many of the categories to declare an emergency and can see a way that would force a sale without a referendum

Mr. Holowach asked if the Borough can create an ordinance that trumps a state statute.

Mr. McGovern stated "as far as a referendum goes I don't think you can. As far as the emergency conditions it defines what they are."

Mrs. Masson stated that she reached out to Jim Walsh of Food and Water Watch for his input. Mr. Walsh's response was if the Borough tries to enact an ordinance that circumvented the provisions they would be in conflict and preempted but if Sussex wants to add to them there is nothing in conflict.

Mrs. Masson stated that more research is need on this topic.

Main Street Sidewalks:

A discussion ensued concerning the brick pavers and concrete walkways on Main Street, Newton Avenue and Fountain Square. A change of the ordinance was discussed to make the Borough responsible to maintain the walkways. The particulars of the Special Assessment Ordinance was also discussed.

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 Mrs. Stoll

All were in favor.

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

EXECUTIVE SESSION

No Executive Session was requested.

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

Date Approved: October 20, 2015