

**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
OCTOBER 6, 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. Linda Masson, Mr. Mario Poggi, Mrs. Georgeanna Stoll and Mayor Jonathan Rose

Absent: Mrs. Katherine Little and Mrs. Annette Stendor

Mrs. Katherine Little joined the dais at 8:01 pm

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. Stoll made a motion to approve the agenda for October 6, 2015 as submitted.

Motion seconded by Mr. Holowach

Mrs. Masson made a motion to amend the agenda of October 6, 2015 to remove item number 10 "Resolution 2015-151R – Eliminate Open Session Time Limit"

Motion seconded by Mr. Holowach

Upon roll call vote to amend original motion:

Ayes: Holowach, Masson, Poggi, Stoll

Nays: None

Abstentions: None

Absent: Little, Stendor

Upon roll call vote of original motion as amended:

Ayes: Holowach, Masson, Poggi, Stoll

Nays: None

Abstentions: None

Absent: Little, Stendor

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. Stoll stated "I attended the workshop meeting for the Sussex Wantage School and the main concern that was discussed was school bus safety. Recreation meeting will be held next Tuesday and we will pick what playground is best suited for the Borough. We will hopefully bring this back to the next council meeting and then we will decide on a location for the playground."

Mr. Holowach stated "the fire truck purchase is still with Darren, the Borough's QPA. Working on whether to purchase the truck through state contract or another alternative source. There is an item on the agenda tonight to purchase a new vehicle for the DPW as one of the current vehicles is down."

Mr. Poggi stated "There was repair work done on the backhoe. The DPW will use a uniform company."

Mrs. Masson stated "I attended the SCMUA meeting on September 16th and they presented their budget for 2016 and I know, Mark that you got a copy of this and distributed this to the council. Sussex Borough is going up 1.2% for their SCMUA charges for sewage. Some towns get billed based on usage and others get their charges based on minimums and we get charged based on our minimums. The rate structure committee met on September 29th and we had a number of issues that were discussed. We were discussing outdoor seating at restaurants and the car wash and the EDU count of warehouses and just a variety of issues with the EDU count. The personnel committee met on September 29th and it was just the Mayor and I. We discussed employee evaluations and the Mayor and I did not agree whether there should be evaluations of employees or not. There was reference in the personnel manual to the fact that the Clerk is supposed to do performance evaluations on the employees but it looks like some of this information was deleted from the handbook but there were a few things remaining. I suggested to the Mayor that the entire council discuss this topic. The grant committee met on September 28th and we went over all the grants, the applications and pre applications that are in process, and everyone got a report from the grant preparer and we also discussed additional grants. There was one specific grant that was for I&I. There is a problem since the I&I project was never completed and the engineer never signed off on the project. We do not know if there is still money there or not. This situation could prohibit the current council from applying for grant money to finish the project. I attended a hearing on September 29th, Aqua New Jersey had a hearing regarding their sewer charge for Hardyston. They were looking to increase PSTAC rate charge. This represents an increase from SCUMA."

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. Stoll made a motion to accept the consent agenda of October 6, 2015.
Motion seconded by Mr. Poggi

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

OPEN PUBLIC SESSION #1

Mr. Holowach 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. Stoll
All were in favor.

Mrs. Bonnie Berthold, 13 Roy Court, Sussex started to address the Governing Body concerning a topic not on the agenda.

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 this topic.

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

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 September 1, 2015. Motion seconded by Mr. Poggi.

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

Approval of Meeting Minutes

Mr. Holowach made a motion to approve the meeting minutes of the Special Meeting held on September 8, 2015. Motion seconded by Mrs. Stoll.

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

Resolution 2015-144R—Requesting Approval of Items of Revenue and Appropriation

Mr. Poggi made a motion to adopt Resolution 2015-144R requesting approval of Items of Revenue and Appropriation which is now available from the NJ Department of Transportation Trust Fund Authority Municipal Aid Program in the amount of \$140,057.00 for improvements to Overlook Drive. Motion seconded by Mrs. Masson.

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

Resolution 2015-145R— Cancellation of General Capital Improvement Appropriations

Mr. Holowach made a motion to adopt Resolution 2015-145R authorizing the cancellation of General Capital Improvement Appropriations in the amount of \$22,448.01. Motion seconded by Mrs. Stoll.

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

Resolution 2015-146R – Fourth Quarter Water/Sewer Adjustments

Mrs. Masson made a motion to adopt Resolution 2015-146R approving water/sewer adjustments for the fourth quarter 2015. Motion seconded by Mr. Holowach.

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

Resolution 2015-147R – Bulky Waste Collection

Mrs. Stoll made a motion to adopt Resolution 2015-147R establishing a Bulky Waste Collection for October 29 & 30, 2015 as outlined in the Bulky Waste Collection Registration Application. Motion seconded by Mrs. Masson.

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

Resolution 2015-148R – Ad Hoc Contract Review Committee

Mr. Holowach made a motion to adopt Resolution 2015-148R approving the Mayor's appointments for the Ad Hoc Contract Review Committee. Motion seconded by Mr. Poggi.

After a brief discussion Mrs. Masson made a motion to table Resolution 2015-148R "Ad Hoc Contract Review Committee". Motion seconded by Mr. Holowach.

Upon roll call vote to table:

Ayes: Holowach, Masson

Nays: Poggi, Stoll, Rose

Abstentions: None

Absent: Little, Stendor

Upon roll call vote of original motion:

Ayes: Holowach, Poggi, Stoll

Nays: Masson

Abstentions: None

Absent: Little, Stendor

Resolution 2015-149R – Walling Avenue Parking Lot Agreement

Mr. Holowach made a motion to adopt Resolution 2015-149R authorizing the Mayor and Clerk to enter into an agreement with Franklin Sussex Reality, LLC for the rental of fourteen (14) parking spaces at \$250 per space, per year for a total of \$3,500. Motion seconded by Mrs. Stoll.

Upon roll call vote:

Ayes: Holowach, Masson, Poggi, Stoll

Nays: None

Abstentions: None

Absent: Little, Stendor

Resolution 2015-150R – Request for Water/Sewer Shut Off Extension

Mr. Holowach made a motion to adopt Resolution 2015-150R approving the request for a water/sewer shut off extension for account # 1491. Motion seconded by Mrs. Masson.

Upon roll call vote:

Ayes: Holowach, Masson, Poggi, Stoll

Nays: None

Abstentions: None

Absent: Little, Stendor

Resolution 2015-152R – Street Lamp Receptacles on Main Street

Mr. Holowach made a motion to adopt Resolution 2015-152R awarding a contract to install street lamp receptacles on Main Street at a cost not to exceed \$2,000.00. Motion seconded by Mr. Poggi.

Upon roll call vote:

Ayes: Holowach, Masson, Poggi, Stoll

Nays: None

Abstentions: None

Absent: Little, Stendor

2015 Best Practice Worksheet

Mr. Holowach made a motion to accept the Best Practice Worksheet prepared by the CFO and Administrator and have the Clerk certify said document for transmittal to Trenton. Motion seconded by Mrs. Masson.

Upon roll call vote:

Ayes: Holowach, Masson, Poggi, Stoll

Nays: None

Abstentions: None

Absent: Little, Stendor

Mrs. Little joined the dais at 8:01 pm

Interlocal Fuel Dispensing Agreement

Mr. Holowach made a motion to authorize the Mayor and/or Clerk to execute an interlocal agreement with Township of Wantage to provide Public Works Department fuel dispensing services. Motion seconded by Mr. Poggi.

Upon roll call vote:

Ayes: Holowach, Little, Masson, Poggi, Stoll

Nays: None

Abstentions: None

Absent: Stendor

Adoption Ordinance 2015-09 – Land Use Board Membership

Mr. Holowach made a motion to adopt 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 Mrs. Stoll.

Mayor Rose opened the meeting to the public for any questions or concerns regarding Ordinance #2015-09. 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: Holowach, Little, Masson, Poggi, Stoll

Nays: None

Abstentions: None

Absent: Stendor

Introduction Ordinance 2015-10 – Pressure Relief Valve

Mrs. Masson made a motion to introduce Ordinance 2015-10 entitled "AN ORDINANCE AMENDING SUBSECTION 13-2.1, ENTITLED "SERVICE CONNECTIONS", OF SECTION 13-2, ENTITLED "WATER REGULATIONS", OF CHAPTER XIII, ENTITLED "WATER AND SEWER", OF THE CODE OF THE BOROUGH OF SUSSEX BY ADDING NEW SUBPARAGRAPH ENTITLED "PRESSURE RELIEF VALVE" Motion seconded by Mr. Holowach.

Upon roll call vote:

Ayes: None

Nays: Holowach, Little, Masson, Poggi, Stoll

Abstentions: None

Absent: Stendor

Introduction Ordinance 2015-11 – \$80,000.00 from Capital Improvement Fund

Mrs. Little made a motion to introduce Ordinance 2015-11 entitled "AN ORDINANCE OF THE BOROUGH OF SUSSEX, SUSSEX COUNTY, NEW JERSEY, PROVIDING FOR THE PURCHASE OF DPW TRUCK APPROPRIATING \$80,000.00 FROM THE CAPITAL IMPROVEMENT FUND" Motion seconded by Mr. Poggi.

Upon roll call vote:

Ayes: Holowach, Little, Masson, Poggi, Stoll

Nays: None

Abstentions: None

Absent: Stendor

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. Masson
All were in favor.

Mrs. Bonnie Berthold, 13 Roy Court, Sussex, addressed the governing body regarding their water issues and gave the council a brief history of what has been going on over the past year regarding their water concerns.

Ms. Nancy Bookbinder, 86 Main Street, Sussex, addressed the council regarding receiving an apology in regards to a comment that was made at the June 2, 2015 regarding her business.

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, Mr. Holowach made a motion to adjourn into closed executive session to discuss personnel and attorney client privilege matters. 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 9:13 p.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. Little

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

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 20, 2015 Mayor and Council meeting. Motion seconded by Mr. Holowach.

Upon roll call vote to table:
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, Mr. Poggi made a motion to adjourn the meeting. Motion seconded by Mrs. Stoll
All were in favor.

Jonathan Rose, Mayor

Mark Zschack, Municipal Clerk

Date Approved: October 20, 2015