

**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 20, 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. Darren Maloney, QPA 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 October 20, 2015 as submitted. Motion seconded by Mrs. Little

Mrs. Masson made a motion to amend the agenda for October 20, 2015 as follows:

Remove under section E Presentations Mr. Gerry Gardner, Utility Manager and add a presentation by the Sussex Fire Department concerning the purchase of a fire truck and remove section F Executive Session.

Include a vote to change the five minute time limit on the public during the open public session.

Include a vote to do away with the rent being charged to number four Main Street for the driveway.

Add a discussion about performance evaluations for Borough employees.

Add a discussion regarding offering the State Police use of part of the Borough Hall as a satellite office.

Add to Executive Session a discussion of the water operator contract.

Motion seconded by Mrs. Stendor

Upon roll call vote to amend:

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

Nays: None

Abstentions: None

Absent: None

Upon roll call vote of original motion as amended:

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

Nays: None

Abstentions: None

Absent: None

PRESENTATIONS:

Mr. Jake Little Sussex Fire Department Chief and Mr. Sam Rome presented an update of the purchase of new fire apparatus. The price quote for the rescue pumper that the fire

department has been working on for five years is \$457,009.00. Mr. Little thanked the Borough's QPA for his help over the past few months. Mr. Rome presented a brief financial report on how this purchase could affect the Borough's budget. Mr. Little brought forth the idea of purchasing two apparatus at the same time at a cost savings of \$200,000.00 to \$250,000.00 but the main focus is the rescue pumper. Mr. Little asked the Council to move forward with the purchase of either one or two vehicles. There was a brief discussion concerning the availability of grants. Mr. Darren Maloney presented a brief overview of the process if the Council wishes to move forward with a purchase.

Mr. Larry Kovar President Aquatic Analysts, Inc. presented a report of three surveys conducted on Clove Lake. Mr. Kovar presented an overview as to the importance of conducting these surveys. The overall condition of the lake is good, including fish species, and two invasive plant species were also discovered during these surveys. A proposal for Aquatic Analysts to continue monitoring and managing the lake was sent to the committee. Mr. Kovar presented a brief synopsis of this proposal. Mayor Rose introduced Mr. David Mitchell, Chair of the Clove Lake Maintenance Committee. Mr. Kovar stated that a proposed budget of around \$10,000.00 would be required for 2016. A brief discussion ensued concerning the ownership of the lake.

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

Mrs. Little stated "On October 8th we had our Clove Lake Maintenance Committee meeting and as you heard Mr. Larry Kovar gave us a review of the condition of the lake. We have been searching for the Clove Lake Maintenance manual and found it upstairs. On October 8th I attended the Sussex County Water Resources Meeting and the state is now proposing an unfunded mandate for some municipalities, it probably won't affect us as we do not have many septic's in town however some municipalities it will affect. They want to have the municipalities take the project of monitoring the septic systems and every three (3) years notify them that they have to be cleaned out. On October 9th and 16th we had DPW Committee meetings and hold meetings every week. On October 12th we had an AD- HOC contract review committee and the results are on the agenda tonight."

Mrs. Stendor offered no report at this time.

Mrs. Masson offered no report at this time.

Mr. Poggi offered no report at this time.

Mr. Holowach stated "Councilwoman Little and myself will be meeting tomorrow with Gerry Gardner from Houser Engineering to try to pare many solutions to the Colesville Settling Pond issue down to a few that we can bring to the council."

Mrs. Stoll stated "the Recreation Committee will have a Halloween Party on October 25th at the Boggs Field. Still working on the playground situation and found out that we can possibly apply for a grant but we can't use the equipment that we have chosen. We did come up with a plan that everyone voted on. I will take that plan and look at the equipment that is specified in the grant. I attended the Sussex Wantage Board of Education Meeting and they have these, not sure of the exact name, chromes or chromians little computers that the kids will have. They also discussed bus driver training and student management and discipline. There is another meeting tomorrow night.

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 October 20, 2015.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated October 1, 2015 from the Township of Montville in reference to the Whippany 230 kv Transmission Project.

2. Letter dated September 30, 2015 from Saint Clare's Health System in reference to Prime Healthcare Services becoming new owner.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Clerk's report for the month of September 2015.
2. Construction Department report for the month of September 2015.
3. Water Sewer Collector report for the month of September 2015.
4. Tax Collector report for the month of September 2015.
5. Property Maintenance report for the month of September, 2015.
6. Zoning Department report for the months of August and September, 2015.
7. Rate Structure Committee Report dated September 29, 2015.
8. Delinquent Utility Properties Report as of October 16, 2015.
9. Unpaid Utility Properties Report as of October 16, 2015.
10. Water Shut Off Report as of October 16, 2015

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of October 20, 2015.

Motion seconded by Mrs. Little

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

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, Mr. Poggi made a motion to close the meeting to the public. Motion seconded by Mrs. Stoll
All were in favor.

OLD BUSINESS

There was no old business discussed at this time.

NEW BUSINESS

Approval of Meeting Minutes

Mrs. Masson made a motion to approve the meeting minutes of the Regular Meeting held on September 15, 2015. Motion seconded by Mr. Poggi

Mrs. Stoll made a motion to amend the previous motion changing on page one under Discussion the sentences that reads:

"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. A discussion ensued concerning the flow of emergency vehicles around Spruce and Larch Avenues and the possibility of constructing sidewalks."

To read:

"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 or making the streets one way”

And on page three under Committee Reports, Mrs. Masson the sentence that reads:

“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 my John Hatzelis that every town is different.”

To read:

And on page three under Committee Reports, Mrs. Masson the sentence that reads:

“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.”

Motion seconded by Mrs. Masson

Upon roll call vote to amend the original motion:

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

Nays: None

Abstentions: None

Absent: None

Mrs. Stoll made a motion to amend the previous motion changing on page three under Committee Reports, Mrs. Little, the sentence that reads: “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 DOPW.”

To read:

“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.”

Motion seconded by Mr. Holowach

Upon roll call vote to amend the amended motion:

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

Nays: None

Abstentions: None

Absent: None

Upon roll call vote on original motion as amended twice:

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

Nays: None

Abstentions: None

Absent: None

Approval of Meeting Minutes

Mr. Holowach made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on October 6, 2015. Motion seconded by Mr. Poggi

Mrs. Masson made a motion to amend the previous motion changing on page two of six under the sentences that reads:

“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. There was one specific grant that mentioned I&I so we started discussing that.”

To read:

“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 SCMUA.”

Motion seconded by Mr. Poggi

Upon roll call vote to amend:

Ayes: Holowach, Little, Masson, Poggi, Stoll

Nays: None

Abstentions: Stendor,

Absent: None

Mrs. Little stated that she should have abstained because she was not in attendance during this part of the (October 6, 2015) meeting.

Upon roll call vote of original motion as amended:

Ayes: Holowach, Masson, Poggi, Stoll

Nays: None

Abstentions: Little, Stendor

Absent: None

Resolution 2015-153R – 96th Annual Inspection Day Parade

Mr. Poggi made a motion to adopt Resolution 2015-153R approving and supporting the Sussex Fire Department hosting the Sussex County's Fireman's Association 96th Annual Inspection Day Parade on Saturday October 1, 2016. (Rain date October 2, 2016)

Motion seconded by Mrs. Little

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2015-155R – Small Cities CDBG Citizen Participation Plan

Mrs. Masson made a motion to adopt Resolution 2015-155R adopting the Citizen Participation Plan developed by the New Jersey Department of Community Affairs, Small Cities CDBG Program. Motion seconded by Mrs. Stoll

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2015-156R – Fair Housing - Statement of Actions

Mr. Holowach made a motion to adopt Resolution 2015-156R appointing Mark Zschack as the Fair Housing Officer and make assurances that Sussex Borough will comply with the Housing and Community Development Act of 1974, Civil Rights Act of 1964, Fair Housing Act of 1968, Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973. Motion seconded by Mrs. Masson

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

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

Mr. Holowach made a motion to adopt 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.

Mayor Rose opened the meeting to the public for any questions or concerns regarding Ordinance #2015-11. 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, Stendor, Stoll

Nays: None

Abstentions: None

Absent: None

Introduction Ordinance 2015-12 – Pressure Relief Valve Section 12

Mr. Holowach made a motion to introduce Ordinance 2015-12 entitled “AN ORDINANCE AMENDING SUBSECTION 12-1.6, ENTITLED “CERTIFICATE OF OCCUPANCY”, OF SECTION 12-1, ENTITLED “BUILDING CODE”, OF CHAPTER XII, ENTITLED “BUILDINGS AND HOUSING”, OF THE CODE OF THE BOROUGH OF SUSSEX BY ADDING NEW SUBPARAGRAPH ENTITLED “PRESSURE RELIEF VALVE COMPLIANCE AS CONDITION FOR ISSUANCE OF CERTIFICATE OF OCCUPANCY”.” Motion seconded by Mrs. Stoll

Upon roll call vote:

Ayes: Holowach, Little, Masson, Poggi, Stoll

Nays: Stendor

Abstentions: None

Absent: None

Mayor Rose stated that the Final Reading of Ordinance 2015-12 will be held on November 4, 2015

Introduction Ordinance 2015-13 – Pressure Relief Valve Section 13

Mr. Poggi made a motion to introduce Ordinance 2015-13 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: Holowach, Little, Masson, Poggi, Stoll

Nays: Stendor

Abstentions: None

Absent: None

Mayor Rose stated that the Final Reading of Ordinance 2015-13 will be held on November 4, 2015

Introduction Ordinance 2015-14 – Amending Chapter XIII, Entitled “Water and Sewer”

No action was taken.

Introduction Ordinance 2015-15– Amending Chapter II, Entitled Administration

No action was taken.

Resolution 2015-157R – Eliminate Time Limit on the Second Open Public Session

Mrs. Masson made a motion BE IT RESOLVED by the Governing Body of the Borough of Sussex, County of Sussex, State of New Jersey, that henceforth there will be no time limit on comments from member of the public during the second open public session portion of meetings of the Sussex Mayor and Council.

No second was offered.

Resolution 2015-158R – Eliminate Rent 4 Main Street

Mrs. Masson made a motion BE IT RESOLVED by the Governing Body of the Borough of Sussex, County of Sussex, State of New Jersey, that the rent charged by the Borough of Sussex, under lease, with the owner of number four Main Street, Sussex for use for a portion of the Borough's two Main Street property shall hereafter be waived.

Motion seconded by Mrs. Stendor

Upon roll call vote:

Ayes: None

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

Abstentions: None

Absent: None

DISCUSSION

A brief discussion ensued concerning performance evaluations for borough employees. The advantages and disadvantages of conducting evaluations were considered. It was the consensus of the Council to discuss this topic in the future.

There was a brief discussion regarding offering the State Police use of part of the Borough Hall as a satellite office. Mayor Rose stated that he has not contacted the State Police concerning this matter.

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, Mr. Poggi 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. Masson made a motion to adjourn into closed executive session to discuss contract negotiation over possible purchase of real property, personnel matters, and contract negotiations for water operator contract.

Motion seconded by Mrs. Stoll

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 10:37 p.m. and Mrs. Stendor 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

Resolution 2015-154R – Contract for Position of Administrator/Clerk

Mr. Holowach made a motion to adopt Resolution 2015-154R approving a one year employee agreement for the position of Administrator/Clerk with Mr. Mark Zschack starting July 1, 2015 in the amount of \$ 68,000.00 per annum. Motion seconded by Mr. Poggi

Mr. Holowach made a motion to amend the previous motion changing the amount per annum to \$70,000.00. Motion seconded by Mr. Poggi
All were in favor

Upon roll call vote of original motion as amended:

Ayes: Holowach, Little, Poggi

Nays: Masson, Stendor

Abstentions: Stoll

Absent: None

Mayor Rose recused himself from the next two items and left the dais at 10:40 pm.

Appointment of DPW Laborer

Mr. Holowach made a motion to enter into an agreement with Brian Demarest as a DPW Laborer in the amount of \$ 16.00 per hour. Motion seconded by Mrs. Little

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Appointment of DPW Laborer

Mrs. Little made a motion to enter into an agreement with Jacob Kinney as the DPW Laborer in the amount of \$ 17.00 per hour. Motion seconded by Mr. Poggi

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Mayor Rose returned to the dais at 10:41 pm.

OLD BUSINESS:

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

Mr. Holowach 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. Poggi

Mrs. Masson made a motion to table Ordinance 2014-04.

Motion seconded by Mr. Holowach.

Upon roll call vote:

Ayes: None

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

Abstentions: None

Absent: None

Mr. Holowach made a motion to table Ordinance 2015-04 to the next regular scheduled meeting. Motion seconded by Mrs. Masson

Upon roll call vote to table:

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. Little made a motion to adjourn the meeting. Motion seconded by Mrs. Stoll
All were in favor.

Mark Zschack, Municipal Clerk

Date Approved: December 1, 2015