

**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
NOVEMBER 4, 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. Georgeanna Stoll and Mayor Jonathan Rose

Absent: Mrs. Annette Stendor

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 November 4, 2015 as submitted. Motion seconded by Mrs. Little

Upon roll call vote:

Ayes: Holowach, Little, Masson, Poggi, Stoll

Nays: None

Abstentions: None

Absent: Stendor

PRESENTATIONS:

Jackie Espinosa, Area Manager from JCP&L, thanked the council for passing the resolution for the transmission project. The tree trimming is wrapping up in the Borough however if anyone sees any trees that need to be trimmed let her know within the next few weeks. The thermal vision scan was just completed. We are opening up our power systems institute again. Ms. Espinosa is working with Georgeanna on the holiday lighting for Main Street.

Mrs. Little asked if anything was said about the light poles on the beach area where the trees are.

Mr. Zschack will get the information to Ms. Espinosa.

COMMITTEE REPORTS:

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

Mrs. Little stated that a meeting was held with Gerry Gardener, Houser Engineering, concerning our water/sewer projects on October 21st. She attended the Recreation Committee's Halloween Program on October 24th. The DPW Committee met on October 23rd and 30th. We were updated on the inspection by OSHA and the men had taken care of the small items that needed to be addressed. On October 21st myself, Mr. Poggi and Mr. Holowach were at the sewer break on Route 23 south and stood around until we were informed by our professionals what they were planning to do about the break. On October 26th the Planning/Zoning Board met. On October 29th I went with Jake from the DPW to look at the truck that we are voting on tonight. November 3rd there was a meeting with the USDA concerning loans and grants for some of our water/sewer projects.

Mrs. Masson stated that on October 27th I attended the business owners meeting and they had been in touch with the State Police to get some police presence in the town and they

also mentioned the event the Recreation Committee put on and would the Recreation Committee to work with the business owners.

Mr. Poggi offered no report at this time.

Mr. Holowach offered no report at this time.

Mrs. Stoll stated that the Recreation Committee held a Halloween Party at Boggs Field October 24th. Mrs. Stoll presented an update of the playground and light receptacles on Main Street.

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 3 under correspondence be removed and considered separately.

Mr. Holowach made a motion to accept the consent agenda of November 4, 2015 with the removal of item number 3 under correspondence. Motion seconded by Mrs. Little

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated October 22, 2015 from the First Baptist Church to the Sussex Borough Council concerning the Route 23 project.
2. Flyer from SCMUA regarding SCMUA's Household Hazardous Waste Disposal Day on Saturday, November 7th from 7am-2pm.
3. Letter dated October 12, 2015 from Saint Clare's Health System in reference to the purchase by Prime Healthcare Services.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Sussex County Water Quality Management PAC Minutes from September 10, 2015.
2. Delinquent Utility Properties Report as of October 30, 2015.
3. Unpaid Utility Properties Report as of October 30, 2015.
4. Water Shut Off Report as of October 30, 2015.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Blue Light permit application from Maryellen Glanville.
2. Blue Light permit application from Jennifer Brecciano.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

Payment of bills for the meeting of November 4, 2015.

Upon roll call vote of consent agenda as amended:

Ayes: Holowach, Little, Masson, Poggi, Stoll

Nays: None

Abstentions: None

Absent: Stendor

Mrs. Masson made a motion to accept correspondence item number 3 on the Consent Agenda of November 4, 2015 "Letter dated October 12, 2015 from Saint Clare's Health System in reference to the purchase by Prime Healthcare Services."

Motion seconded by Mr. Holowach.

It was the consensus of the Council to invite representatives from Prime Healthcare Services to a Mayor and Council meeting.

Upon roll call vote:

Ayes: Holowach, Little, Masson, Poggi, Stoll

Nays: None

Abstentions: None

Absent: Stendor

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.

Mr. Jake Little, Sussex Fire Chief, 27 Harrison Street addressed the Governing Body regarding the purchase of the fire truck and asked if the Governing Body looked into the purchase of two vehicles

Mr. Howard Snow, Eagle Fire Apparatus, stated that the average increase is 5-8% per year.

Mrs. Little asked what the fire department was going to do with the trucks that were going to be replaced.

Mr. Jake Little stated that the old trucks would be sold to purchase equipment for the new apparatus.

There being no one else present who wished to address the Governing Body,
Mr. Poggi made a motion to close the meeting to the public.

Motion seconded by Mrs. Masson

All were in favor.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Poggi made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on October 20, 2015. Motion seconded by Mrs. Little

Mrs. Masson stated that she has some changes for the Executive Session minutes.

Mr. McGovern stated that those corrections need to be done in Executive Session.

Mrs. Stoll made a motion to table the meeting minutes of the Regular Meeting and Executive Session held on October 20, 2015. Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: None

Nays: Holowach, Little, Masson, Poggi, Stoll

Abstentions: None

Absent: Stendor

Mrs. Stoll made a motion to table the meeting minutes of the Regular Meeting and Executive Session held on October 20, 2015 until after Executive Session.

Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Holowach, Little, Masson, Poggi, Stoll

Nays: None

Abstentions: None

Absent: Stendor

Resolution 2015-159R – Schedule Special Meeting

Mr. Holowach made a motion to adopt Resolution 2015-159R scheduling a Special Meeting on Tuesday, November 10, 2015, at 7:00 pm at the Sussex Municipal Building, 2 Main

Street, Sussex, NJ 07461 to discuss a proposed Administrative Code Ordinance. NO FORMAL ACTION WILL BE TAKEN. Motion seconded by Mrs. Little

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

Resolution 2015-160R - Purchase Used Dump Truck

Mrs. Little made a motion to adopt Resolution 2015-160R authorizing the purchase of one 1998, International, S2500 dump truck with plow and salter/sander in the amount of \$7,500.00. Motion seconded by Mr. Holowach

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

Resolution 2015-161R - Houston-Galveston Cooperative

Mr. Poggi made a motion to adopt Resolution 2015-161R authorizing the Administrator/Clerk to execute an agreement with the Houston-Galveston Council Cooperative Purchasing Program for cooperative purchasing. Motion seconded by Mr. Holowach

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

Resolution 2015-162R - Purchase of New Fire Apparatus

Mr. Poggi made a motion to adopt Resolution 2015-162R authorizing the purchase of a new fire apparatus (Rescue/Pumper) for the Borough of Sussex based on the HGACBuy contract #FS12-13, in the amount of \$457,009 Motion seconded by Mrs. Masson

Mrs. Masson asked how much money has the borough put away so far for this purchase. Mr. Zschack stated that he doesn't have the exact number that is put away for this purchase.

A lengthy discussion ensued regarding the purchase of the one or two fire apparatus.

Mr. Holowach made a motion to open the meeting to the public. Motion seconded by Mr. Poggi
All were in favor.

Mr. Jake Little, Sussex Fire Chief, 27 Harrison Street presented the costs for both fire trucks. Mr. Little stated that the second apparatus would cost \$409,914.00 making the total for apparatuses \$866,923.00.

Mr. Howard Snow, Eagle Fire Apparatus, stated that there is pricing that ends at the end of this year and the pricing will go up in 2016.

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

Mrs. Stoll made a motion to amend Resolution 2015-162R to read:

**SUSSEX BOROUGH
RESOLUTION #2015-162R**

**RESOLUTION APPROVING THE PURCHASE OF TWO BRAND NEW FIRE
APPARATUS THROUGH THE HOUSTON-GALVESTON AREA COUNCIL (HGAC)
COOPERATIVE PURCHASING PROGRAM**

WHEREAS, in an effort to save money for the purchase a certain items, the Borough Council of the Borough of Sussex has approved entering into an agreement with the Houston-Galveston Area Council cooperative purchasing program; and

WHEREAS, Rosenbauer America, LLC, 100 Third Street, Lyons South Dakota 57041, provided a price for a new fire apparatus (Rescue/Pumper) for the Borough of Sussex based on the HGACBuy contract #FS12-13, in the amount of \$457,009; and

WHEREAS, Rosenbauer America, LLC, 100 Third Street, Lyons South Dakota 57041, provided a price for a new fire apparatus (Pumper) for the Borough of Sussex based on the HGACBuy contract #FS12-13, in the amount of \$409,914; and

WHEREAS, the total combined cost for the purchase of said new fire apparatus is the sum of \$866,923; and

WHEREAS, the Purchasing Agent and Fire Chief have recommended the purchase of the foresaid Rescue/Pumper and Pumper in the total sum of \$866,923

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Sussex that one brand new fire apparatus be purchased from Rosenbauer America, LLC through the HGACBuy program under contract #FS12-13 in the amount of \$457,009; and

BE IT FURTHER RESOLVED, , by the Borough Council of the Borough of Sussex that one brand new fire apparatus be purchased from Rosenbauer America, LLC through the HGACBuy program under contract #FS12-13 in the amount of \$409,914.

NOW, BE IT FURTHER RESOLVED, that these purchases are contingent upon the adoption of a sufficient funding ordinance(s) by the Borough Council.

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Borough of Sussex, in the County of Sussex, New Jersey, at a meeting held on November 4, 2015.

Motion seconded by Mr. Poggi

Upon roll call vote to amend the original motion:

Ayes: Little, Poggi, Stoll

Nays: Masson

Abstentions: Holowach

Absent: Stendor

Upon roll call vote of original motion as amended:

Ayes: Little, Poggi, Stoll

Nays: Masson

Abstentions: Holowach

Absent: Stendor

Resolution 2015-163R – Fourth Quarter Water/Sewer Adjustments

Mr. Poggi made a motion to adopt Resolution 2015-163R approving water/sewer adjustments for the fourth quarter 2015. Motion seconded by Mrs. Little

Upon roll call vote:

Ayes: Holowach, Little, Masson, Poggi, Stoll

Nays: None

Abstentions: None

Absent: Stendor

Adoption Ordinance 2015-12 – Pressure Relief Valve Section 12

Mr. Holowach made a motion to adopt 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

Mrs. Masson stated that she is still uncomfortable with making people put something in their homes and now we are making it a requirement to get their certificate of occupancy and having lived here for so many years and not ever having one of these valves until recently I'm just wondering what's going on up at the water treatment plant, the pressure has definitely increased from what it used to be and am wondering why we are making everyone put these valves in. Are we anticipating increasing that pressure even more so and if we do we are going to have more major problems with our infrastructure. So I don't know why we are not dealing with this issue up at the water treatment plant.

Mr. McGovern stated that this proposed ordinance does not require you to put the pressure relief valve in.

Mayor Rose opened the meeting to the public for any questions or concerns regarding Ordinance #2015-12. 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, Poggi, Stoll

Nays: Masson

Abstentions: None

Absent: Stendor

Adoption Ordinance 2015-13 – Pressure Relief Valve Section 13

Mr. Poggi made a motion to adopt 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

Mayor Rose opened the meeting to the public for any questions or concerns regarding Ordinance #2015-13. 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, Poggi, Stoll

Nays: Masson

Abstentions: None

Absent: Stendor

Introduction Ordinance 2015-16 – \$500,000.00 Bond Ordinance

Mr. Poggi made a motion to introduce Ordinance 2015-16 entitled "BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A FIRE TRUCK BY THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$475,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION." Motion seconded by Mrs. Stoll

Councilman Holowach left the dais at 8:59pm and returned a short time later.

Upon roll call vote:

Ayes: Little, Masson, Poggi, Stoll
Nays: None
Abstentions: Holowach
Absent: Stendor

Mayor Rose stated that the Final Reading of Ordinance 2015-16 will be held on November 17, 2015

Introduction Ordinance 2015-18 – Amending Chapter XXIV, Section 24-1.4

Mrs. Masson made a motion to introduce Ordinance 2015-18 entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AMEND CHAPTER XXIV, SECTION 24-1.4, ENTITLED “WATER/SEWER SYSTEM FEES,” OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF SUSSEX”
Motion seconded by Mrs. Little

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

Mayor Rose stated that the Final Reading of Ordinance 2015-18 will be held on November 17, 2015

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 Mr. Holowach
All were in favor.

Mr. Jake Little, Sussex Fire Chief, 27 Harrison Street, stated that since there is a potential for trucks being purchase, Rosenbauer has agreed to put an extension to hold the price until the end of the year.

Mr. Al Decker, 7 Harrison Street, congratulated Mayor Rose, Councilwoman Masson and Little and Edward Meyer for their election win and stated that he wanted to address the behavior of the council over the last month. You guys have to learn to put your personal feelings aside because you are supposed to be here for the best interest of the town. I have been following it in the newspaper.

There being no one else present who wished to address the Governing Body, Mr. Poggi 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. Masson made a motion to adjourn into closed executive session to discuss contract negotiation over possible purchase of real property and Four Main Street driveway agreement. Motion seconded by Mr. Poggi

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 9:33 p.m. and Mrs. Little made a motion to adjourn out of closed executive session and to be reconvened into open public session. Motion seconded by Mrs. Masson

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

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 Mrs. Masson

Mr. Holowach made a motion to table Ordinance 2015-04 until the November 17, 2015 meeting. Motion seconded by Mr. Poggi

Upon roll call vote to table:

Ayes: Holowach, Little, Masson, Poggi, Stoll

Nays: None

Abstentions: None

Absent: Stendor

Approval of Meeting Minutes

Mr. Poggi made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on October 20, 2015. Motion seconded by Mr. Holowach

Mr. Holowach made a motion to table the meeting minutes of the Regular Meeting and Executive Session held on October 20, 2015 until the November 17, 2015. Motion seconded by Mrs. Masson

Upon roll call vote to table:

Ayes: None

Nays: Holowach, Little, Masson, Poggi, Stoll

Abstentions: None

Absent: Stendor

Upon roll call vote of original motion:

Ayes: Little

Nays: Holowach, Masson, Poggi, Stoll

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. Little
All were in favor.

Mark Zschack, Municipal Clerk

Date Approved: December 15, 2015