

**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 AT 7:00 P.M. ON
AUGUST 13, 2019**

Council President Meyer led the assembly in the flag salute and requested a moment of silence.

Council President Meyer 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."

Council President Meyer 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. Walter Cleary, III, Mr. Robert Holowach, Mr. Charles H. Fronheiser, Jr., Mr. Edward Meyer and Mr. Mario Poggi.

Absent: Mr. Michael Brennan and Mayor Katherine Little

Also present: Borough Attorney Mr. Frank McGovern, Esq. of McGovern and Roseman, P.A., Mrs. Antoinette Smith, Clerk/Admin and Melissa Morales, Deputy Clerk

Absent: None

APPROVAL OF AGENDA

Mr. Poggi made a motion to approve the agenda of August 13, 2019. Motion seconded by Mr. Holowach.

Mr. Fronheiser made a motion to amend the agenda of August 13, 2019, to phone in Mayor Little to make a statement. Motion seconded by Mr. Cleary.

Upon roll call vote the amended agenda of August 13, 2019:

Ayes: Cleary, Fronheiser, Holowach, Meyer, Poggi

Nays: None

Abstentions: None

Absent: Brennan

Mayor Little made the following statement via phone:

Mayor Little stated *Sussex Borough has received a grant for \$1,018,800.00 from the USDA. A letter of intent was signed on August 7, 2019 accepting the funds on behalf of Sussex Borough. This award will provide partial funding to install a waterline from Lake Rutherford directly to the water treatment facility. The source of the drinking water for Sussex Borough is Lake Rutherford. By installing this waterline, drinking water will be delivered directly to the treatment facility best reducing the impurities that the water could contain as it arrives for treatment at the plant. Treatment cost will be reduced as less chemicals are necessary. A major benefit for customers is the expected improved water quality that will be provided to them. The grant application was mailed on behalf of Sussex Borough and the grant writing consultant Bruno Associates of Clifton, New Jersey. In FY 2017, \$400,000.00 was granted for this waterline project from small cities block grant. When combined with the USDA grant funding of \$1,418,800.00 in grant money is available for the project. This is envisioned to other funds obtained for Sussex Borough and to date that amount is \$2.9 million and they have been receipts to do various improvements to Sussex Borough's utilities by Bruno Associates director, Steve Welch. That is the statement of \$1,018,400.00 that is being set aside, down in the state of New Jersey for our project.*

PUBLIC HEARING:

Steve Welch, from Bruno Associates, read the following statement:

The Borough of Sussex, New Jersey will hold a public hearing on August 13, 2019 at 7:00 p.m. in the Municipal Building, 2 Main Street in the Borough of Sussex, New Jersey.

The purpose of the hearing is: (1) to explain federal and state guidelines, (2) to review eligible and proposed program activities, (3) to consider proposals for an application under the Small Cities Community Development Block Grant Program, and (4) to receive citizen comments and recommendations.

This is a Federal program which has \$6,537,428 in funds to award in New Jersey as follows:

Public Facilities - \$4,517,428
Housing Rehabilitation - \$800,000
Innovative and Economic Development - \$1,200,000
Emergency Housing Repair - \$20,000

At least 70 percent of the funds available must be used for activities that primarily benefit people of low and moderate income. None of the funds requested will result in the displacement or relocation of people.

Eligible activities include:

- 1. Acquisition of real property;*
- 2. Acquisition, construction, or installation of public facilities;*
- 3. Code enforcement in deteriorated or deteriorating areas;*
- 4. Clearance, demolition, and rehabilitation of buildings;*
- 5. Special projects to remove architectural barriers which restrict accessibility of the elderly and handicapped;*
- 6. Provision of public services;*
- 7. Activities necessary to develop a comprehensive community development plan and policy planning management capacity to enable the recipient to more effectively administer the program;*
- 8. Payment of reasonable administrative costs; and*
- 9. Activities carried out by public or private non-profit organizations.*

The Borough of Sussex is proposing an application in the amount of \$400,000 for the Water Distribution Improvements Project to replace water lines under Main Street, install a new water line to the water storage tank, and install additional insertion valves.

All citizens are encouraged to offer comments at the public hearing or by writing to the Borough of Sussex, 2 Main Street, Sussex, NJ 07461-2305, ATTN: Ms. Antoinette Smith, Administrator. Within ten days following the public hearing, written comments may also be sent to the New Jersey Department of Community Affairs, NJ Small Cities CDBG Program. P.O. Box 811, Trenton, NJ 08625-0811, ATTN: Administrator.

Open Public Session

Kevin Cole, 9 Walnut St. and 30 Walnut St. Mr. Cole asked about the location of the waterlines on Main Street, as far as where they lay in the street. As well as will it involve the entire street or partial. Mr. Holowach replied involving the whole street is the overall plan of the Borough.

PUBLIC HEARING:

Steve Welch, from Bruno Associates, read the following statement:

The Borough of Sussex, New Jersey will hold a public hearing on August 13, 2019 at 7:00 p.m. in the Municipal Building, 2 Main Street, in Sussex, New Jersey 07461-2305.

The purpose of the hearing is to review the performance of and receive citizen comments and recommendations concerning the Small Cities Community Development Block Grant, awarded in 2018 for Public Facilities for the following:

- 1) Replacing the water line running under the Loomis Avenue bridge*
- 2) Installation of a pressure reducing valve at the water treatment plant*
- 3) Identification of dead-ends in the system*
- 4) Removal of the dead-ends*
- 5) Installation of ten new water valves*

The Borough of Sussex received a grant in the amount of \$400,000 for the Water Distribution System Improvements Project.

All citizens are encouraged to offer comments at the public hearing or by writing to the Borough of Sussex, 2 Main Street, Sussex, NJ 07461-2305, ATTN: Ms. Antoinette Smith, Administrator. Within ten days following the public hearing, written comments may also be sent to the New Jersey Department of Community Affairs, Small Cities Unit, PO Box 811, Trenton, New Jersey, 08625-0811, ATTN: Administrator.

Open Public Session

Council President Meyer opened the hearing to the public for comments.

Mr. Holowach asked for an update of what has been done on each of the jobs listed above and what remains to be done. Mrs. Smith stated the water line is done, the pressure reducing valve is still open for discussion on a plan since the engineer at the time is not recertifying it, the dead-ends have all been identified and Mr. McGovern is working on easements. We currently have permission from residents to go in and do surveys to make the meets and bonds of the easements. Upon completion the tech specs for the removal of the dead ends will be put in. Regarding, the installation of the valves, bid specs were submitted to Bruce Benton for review. Upon approval, it then can move forward. Mr. Holowach asks if the PRV and the water treatment plant are designed for when Lake Rutherford is completed. Mrs. Smith was unsure.

Mr. Brennan arrived at 7:30 pm.

Council President Meyer closed the hearing to the public.

PRESENTATIONS:

There were no presentations scheduled.

DISCUSSION:

Council President Meyer gave a brief overview on the preliminary discussion on the firewood boxes and clothing bins. The Planning/Zoning Board has requested Council look into all the firewood boxes and clothing bins in the Borough as they seem to be “popping up” all around town. The Board advises to mirror an Ordinance to only allow them on commercial property. Mr. Fronheiser stated there are only two clothing bins and one firewood box in town.

Mr. Holowach held a discussion regarding the sidewalks on Main Street and Newton Avenue. Mr. Welsh stated that they have tried once before for a grant for the sidewalks and it was denied. He stated they can apply for it again as there's no deadline using the same materials from the previous grant. Mr. Meyer discussed lighting as well on Main Street. Mr. Poggi discussed designing an amphitheater in Decker Town Commons.

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

Mr. Demarest, DPW Supervisor, gave an overview of projects they are working on and projects that need to be addressed.

Mr. Poggi stated he review and signed off on the vouchers Saturday, August 10, 2019. Mr. Poggi offered no report on personal. Mr. Poggi stated in next year's budget he would like to propose \$2,000.00 for a County sign to be put out for the Union House.

Mr. Holowach offered no additional report on DPW.

Mr. Fronheiser stated the Board of Health meeting was canceled. Mr. Fronheiser offered no report on property maintenance. Mr. Fronheiser asked if the public can advertise on the sign in front of the Municipal Building. Mr. McGovern stated will have to look into it and get back to Council.

Mr. Cleary offered no report.

Mr. Brennan stated the Recreation Committee is working on getting together “A Taste of Sussex”.

Mr. Meyer stated on July 31, 2019 he attended a meeting that was convened by Congressman Gottheimer, a tourism taskforce. He attended on behalf of the Mayor who was unable to attend. They are working on more tourism dollars in Sussex County. Mr. Meyer stated on August 5, 2019 he was notified the Mayor was in the hospital who has since been released. Mr. Meyer stated on August 9, 2019, he met with Brian and Joe Butto at the DPW garage. Mr. Meyer stated on August 12, 2019 there was an Economic Development Meeting. Mr. Meyer stated on August 12, 2019 there was a Planning/Zoning meeting with JCP&L application for a flood wall down by their substation.

CONSENT AGENDA:

Council President Meyer 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.

CORRESPONDENCE (ACCEPTANCE, FOR FILING ONLY, OF THE FOLLOWING):

1. Resolution from the Township of Hampton supporting the designation of "Franklinite" as the official mineral of the State of New Jersey.
2. Resolution from Franklin Borough supporting the Sussex County Board of Chosen Freeholders.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Planning/Zoning Board minutes for June 24, 2019.
2. Clerk's Report for the month of July 2019.
3. Construction Department Report for the month of July 2019.
4. Grant Writer's Report dated July 2019.
5. Property Maintenance Department Report for the month of July 2019.
6. Sussex DPW Report.
7. Tax Collector's Report for the month of July 2019.
8. Vernon Animal Control 2nd quarter report.
9. Water Sewer Collector Report for the month of July 2019.
10. Zoning Department Report July 2019.
11. Delinquent/Unpaid Utility Properties report as of August 9, 2019.
12. Water Shut Off report as of August 9, 2019.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. NJ State Firemen's Association Application from Dustin Morgan.
2. NJ State Firemen's Association Application from Nicholas S. Southard.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of August 13, 2019.

Mr. Holowach made a motion to pull Correspondence #1 and Reports #1 for discussion. Motion seconded by Mr. Fronheiser.

Upon roll call vote to accept the Consent Agenda:
Ayes: Brennan, Cleary, Fronheiser, Holowach, Meyer, Poggi
Nays: None
Abstentions: None
Absent: None

OPEN PUBLIC SESSION:

Mr. Fronheiser 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 Council President and are limited to 10 minutes. Motion seconded by Mr. Brennan.

All were in favor.

Linda Masson, 15 Spruce Ave., stated she would like to see advertised in the newspaper all of the progress that has been made and the grant monies the Borough has received so residents are aware of what's going on.

Chuck McKay, 34 Walnut St., stated he would like to know how to get the message out about the town center project moving forward. Mr. McKay also states his concern about an old building on 10-12 Main Street. Mr. McKay asked about the markings on Walnut Street. Mr. McKay asked if there have been any discussions regarding the old hospital.

Ann Cole, 9 Walnut St. and 33 Main St., asked about the status of the Fountain Square.

There being no one else present who wished to address the Governing Body, Mr. Fronheiser made a motion to close the meeting to the public. Motion seconded by Mr. Holowach.

All were in favor.

OLD BUSINESS:

NEW BUSINESS:

Approval of Meeting Minutes

Mr. Fronheiser made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on July 16, 2019. Motion seconded by Mr. Poggi. (Absent: None)

Upon roll call vote:

Ayes: Brennan, Cleary, Fronheiser, Holowach, Meyer, Poggi

Nays: None

Abstentions: None

Absent: None

Mr. Poggi made a motion to approve the Special meeting minutes and Executive Session of August 1, 2019. Motion seconded by Mr. Fronheiser. (Absent: Robert Holowach)

Mr. Cleary made a motion to table the Special meeting minutes and Executive Session of August 1, 2019 until after Executive Session. Motion seconded by Mr. Poggi. (Absent: Robert Holowach)

All were in favor.

Resolution 2019-125R through 2019-128R for CDBG Grant Application, Fair Housing Statement of Actions, Citizen Participation and Grant Management Plan

Mr. Cleary made a motion to adopt resolutions 2019-125R through 2019-128R for the CDBG grant application, fair housing statement of actions, citizen participation and grant management plan. Motion seconded by Mr. Brennan.

Upon roll call vote:

Ayes: Brennan, Cleary, Fronheiser, Holowach, Meyer, Poggi

Nays: None

Abstentions: None

Absent: None

Adoption of Ordinance 2019-07 amending Ordinance 2016-04.

Mr. Cleary made a motion to adopt Ordinance 2019-07 amending Ordinance 2016-04 entitled "ordinance fixing the salaries of certain officers and employees of the Borough of Sussex, County of Sussex and State of New Jersey". Motion seconded by Mr. Poggi.

Before final roll call Council President Meyer opened the meeting to the public for any questions or concerns regarding Ordinance 2019-07.

Upon roll call vote:

Ayes: Brennan, Cleary, Fronheiser, Holowach, Meyer, Poggi

Nays: None

Abstentions: None

Absent: None

Adoption of Ordinance 2019-08 for Easement

Mr. Fronheiser made a motion to adopt Ordinance 2019-08 for an easement in BL 104, L 1.01. Motion seconded by Mr. Cleary.

Before final roll call Council President Meyer opened the meeting to the public for any questions or concerns regarding Ordinance 2019-08.

Upon roll call vote:

Ayes: Brennan, Cleary, Fronheiser, Holowach, Meyer, Poggi

Nays: None
Abstentions: None
Absent: None

Adoption of Ordinance 2019-09 for Easement

Mr. Fronheiser made a motion to adopt Ordinance 2019-09 for an easement in BL 104, L 1.01. Motion seconded by Mr. Cleary.

Before final roll call Council President Meyer will open the meeting to the public for any questions or concerns regarding Ordinance 2019-09.

Upon roll call vote:
Ayes: Brennan, Cleary, Fronheiser, Holowach, Meyer, Poggi
Nays: None
Abstentions: None
Absent: None

Adoption of Ordinance 2019-10 for Easement

Mr. Fronheiser made a motion to adopt Ordinance 2019-10 for an easement in BL 104, L 16. Motion seconded by Mr. Cleary.

Before final roll call Council President Meyer will open the meeting to the public for any questions or concerns regarding Ordinance 2019-10.

Upon roll call vote:
Ayes: Brennan, Cleary, Fronheiser, Holowach, Meyer, Poggi
Nays: None
Abstentions: None
Absent: None

Resolution 2019-129R – To Rescind Resolution 2019-120R

Mr. Holowach made a motion to adopt Resolution 2019-129R to rescind resolution 2019-120R for the renewal of the liquor license for ZIGGY KPZ INC, T/A THE GREEN RESTAURANT AND PUB. Motion seconded by Mr. Cleary.

Upon roll call vote:
Ayes: Brennan, Cleary, Holowach, Meyer, Poggi
Nays: None
Abstentions: Fronheiser
Absent: None

Resolution 2019-130R – Approve Roadway Collection for Sussex Borough Fire Department

Mr. Cleary made a motion to adopt Resolution 2019-130R to approve roadway collection for Sussex Borough Fire Department. Motion seconded by Mr. Fronheiser.

Upon roll call vote:
Ayes: Brennan, Cleary, Fronheiser, Meyer, Poggi
Nays: None
Abstentions: Holowach
Absent: None

Resolution 2019-131R – Refund for Overpayment

Mr. Brennan made a motion to adopt Resolution 2019-131R for fund of an overpayment. Motion seconded by Mr. Poggi.

Upon roll call vote:
Ayes: Brennan, Cleary, Fronheiser, Holowach, Meyer, Poggi
Nays: None
Abstentions: None
Absent: None

OPEN PUBLIC SESSION:

Mr. Brennan 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 Council President and are limited to 10 minutes. Motion seconded by Mr. Poggi.

All were in favor.

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

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Fronheiser made a motion to adjourn into closed executive session to discuss **Personnel, Purchase of Real Property, Redevelopment Area, Contract Negotiations and Pending Litigation**. Motion seconded by Mr. Poggi.

All were in favor.

After meeting in closed session, the Governing Body returned to their seats at 10:04 p.m. and Mr. Poggi made a motion to adjourn out of closed executive session and to be reconvened into open public session. Motion seconded by Mr. Fronheiser.

All were in favor.

Approval of Meeting Minutes

Mr. Fronheiser made a motion to approve the Special meeting minutes and Executive Session of August 1, 2019 until after Executive Session. Motion seconded by Mr. Cleary. (Absent: Robert Holowach)

Upon roll call vote:

Ayes: Cleary, Fronheiser, Meyer, Poggi

Nays: None

Abstentions: Brennan, Holowach

Absent: None

Resolution 2019-132R – Customer Request for Water Bill Adjustment

No motion was made to adopt resolution 2019-132R approving the customer request for a water bill adjustment.

Motion failed.

Upon roll call vote:

Ayes: None

Nays: None

Abstentions: None

Absent: None

Resolution 2019-133R Salary Resolution

Mr. Fronheiser made a motion to approve Salary Resolution 2019-133R effective July 1, 2019. Motion seconded by Mr. Holowach.

Upon roll call vote:

Ayes: Cleary, Fronheiser, Holowach, Meyer, Poggi

Nays: None

Abstentions: Brennan

Absent: None

ADJOURNMENT

There being no further items for discussion by the Council, Mr. Fronheiser made a motion to adjourn the meeting. Motion seconded by Mr. Poggi.

All were in favor.

Edward Meyer, Council President

Antoinette Smith, Clerk

Approved: September 3, 2019