

**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  
SEPTEMBER 17, 2019**

Mayor Little led the assembly in the flag salute and requested a moment of silence.

Mayor Little 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."

Mayor Little 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. Michael Brennan, Mr. Walter Cleary, III, Mr. Edward Meyer, Mr. Charles H. Fronheiser, Jr., Mr. Mario Poggi and Mayor Katherine Little

Absent: Mr. Robert Holowach

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

Absent: None

**APPROVAL OF AGENDA**

Mr. Meyer made a motion to approve the agenda of September 17, 2019. Motion seconded by Mr. Poggi.

Upon roll call vote the agenda of September 17, 2019:

Ayes: Brennan, Cleary, Fronheiser, Meyer, Poggi

Nays: None

Abstentions: None

Absent: Holowach

**PRESENTATIONS:**

There were no presentations scheduled.

**DISCUSSION:**

Mr. Meyer held a discussion regarding the Route 23 Redevelopment Plan pertaining to Area B.

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

Mr. Fronheiser stated the Board of Health did not have a meeting. Mr. Fronheiser asked Mrs. Smith if anything has been established with the County regarding the salt shed. Mrs. Smith answered she has been in communication with the County. They are sending a proposal for the shared services for the salt. Mr. Fronheiser asked Mrs. Smith if the refund for the lake has been received. Mrs. Smith answered yes. Mr. Fronheiser asked Mrs. Smith about the wall at the DPW garage. Mrs. Smith stated so far two masons have come out to examine the garage, but no one has yet submitted an estimate for the work. Mr. Fronheiser asked Mr. McGovern about renting the sign in front of the Municipal building to the theater and local businesses. Mr. McGovern stated he still has to research it. Mr. Fronheiser stated Hill Street is still not done and the theater stairs still are not fixed. Mrs. Smith stated she will check with Brian from DPW. Mr. Fronheiser stated also the water issue behind Taco of the Town has not been resolved. Mr. Meyer stated to ask Mike Vreeland from the Planning Board to go out and look at it. Mr. Fronheiser asked what is the problem with the ladder truck. Mayor Little stated it was due to electrical issues. Mrs. Smith stated Floyd, from the Fire Department, reached out to her via text that the front brakes and calipers on the ambulance need to be replaced at a cost of \$2,000.00. Mr. Fronheiser asked about the fixing of the sidewalks on Main Street. Mr. McGovern held a discussion about the repairs of the public and private portions of the sidewalks. Mr. Fronheiser asked Mr. Poggi how many shows does the theater do a month and how often are they using the parking. Mr. Poggi stated rehearsals for a show is six weeks and the actors would need to utilize the parking. Mr. Fronheiser held a brief discussion about the parking spaces.

Mr. Cleary offered no report.

Mr. Brennan stated everything's coming together for Sussex Day on October 20, 2019. There are multiple bands booked. The street will close beginning at 10 am. Mr. Meyer stated there will be a petting zoo and at noon will be the parade. Recreation will hold their next meeting on Wednesday,

September 16, 2019. Mayor Little stated the Halloween parade is at noon. Mr. Meyer stated the petting zoo is at 1:30 pm.

Mr. Poggi stated he came in on Saturday, September 14, 2019 and signed off on the bills. Mr. Poggi had nothing to report on personnel. Mr. Poggi stated on Saturday, September 21, 2019, he will be running Sussex County History Day in Newton. There will be about 13 Historical Societies lined up along with a Civil War reenactment and bands. Also on Saturday, there will be the Old Newton Burial Tour. Sussex County History Day is free of charge, but the tour is \$10.00. They are narrated by characters in costumes.

Mr. Meyer stated for Sussex Day, Norwescap is allowing them to take one of their store fronts where they can put Sussex Borough "then, now and future" films to run. Mr. Meyer stated he did relay to the Planning Board that the Council is waiting for whatever the County and the State come up with regarding the dirty dirt. Mr. Meyer also relayed to the Planning Board that the Council had no interest in the fire box Ordinances. Mr. Meyer held a brief discussion on the Property Maintenance Committee. Mr. Meyer stated the developer for the bank property will be making an informal presentation to the Planning Board, tentative date is October 16, 2019. One of the key things is to have the right of way identified that is behind Main Street on the Mill Street side. Mr. Meyer held a discussion regarding temporary outdoor use permit requirements.

Mayor Little stated Monday, September 16, 2019 she spoke with Dave Pepe, from the NJDEP Permitting Department and he said as far as the State is concerned right now with the Lake Rutherford waterline coming down to Colesville, the State is satisfied with everything. We still do have to have the easement for the agricultural in condemnation process that we have to go to see about in getting this done. Mayor Little stated we also have to get our Engineer from Houser to do the construction schedule. Mayor Little stated even though she is unable to come down to the Borough Hall, she does keep in touch.

#### **CONSENT AGENDA:**

Mayor Little 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 condemning hate speech and encouraging citizens to be respectful when expressing their opinions.

#### **REPORTS** (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Planning/Zoning Board minutes for August 12, 2019.
2. Clerk's Report for the month of August 2019.
3. Construction Department Report for the month of August 2019.
4. Grant Writer's Report dated August, 2019.
5. Property Maintenance Department Report for the month of August 2019.
6. Sussex DPW Report
7. Tax Collector's Report for the month of August 2019.
8. Water Sewer Collector Report for the month of August 2019.
9. Zoning Department Report August, 2019.
10. Delinquent/Unpaid Utility Properties report as of September 13, 2019.
11. Water Shut Off report as of September 13, 2019.

#### **APPLICATIONS** (APPROVAL OF THE FOLLOWING):

1. Blue Light Permit Application for Patrick Vander Ploeg.

#### **RESOLUTIONS:** (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of September 17, 2019.

Mr. Fronheiser made a motion to approve the Consent Agenda. Motion seconded by Mr. Cleary.

Upon roll call vote to accept the Consent Agenda:

Ayes: Brennan, Cleary, Fronheiser, Meyer, Poggi

Nays: None

Abstentions: None

Absent: Holowach

**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 Mayor and are limited to 10 minutes. Motion seconded by Mr. Poggi.

All were in favor.

Linda McKee, 34 Willow St., held a discussion regarding the outdoor events at the proposed Shoprite. Ms. McKee held a discussion regarding the outdoor event ordinance for small businesses in the Borough as well. Ms. McKee asked who would enforce the towing at the theater. Mr. McGovern stated the Town has a towing company that they would use.

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 Mr. Fronheiser.

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 September 3, 2019. Motion seconded by Mr. Poggi. (Absent: Edward Meyer)

Upon roll call vote:

Ayes: Brennan, Cleary, Fronheiser, Poggi

Nays: None

Abstentions: Meyer

Absent: Holowach

**Adoption of Ordinance 2019-11 amending Ordinance 2019-01**

Mr. Fronheiser made a motion to adopt ordinance 2019-11 amending ordinance 2019-01. Motion seconded by Mr. Poggi.

**Before final roll call Mayor Little will open the meeting to the public for any questions or concerns regarding Ordinance 2019-11.**

Upon roll call vote:

Ayes: Brennan, Cleary, Fronheiser, Meyer, Poggi

Nays: None

Abstentions: None

Absent: Holowach

**Introduction of Ordinance 2019-13 Authorizing the Exercise of Eminent Domain to Acquire Easements**

Mr. Fronheiser made a motion to introduce Ordinance 2019-13 authorizing the exercise of eminent domain to acquire permanent easements and temporary construction easements in a portion of block 165, lot 12, along Brink Road, in the Township of Wantage, Sussex County, New Jersey. Motion seconded by Mr. Cleary.

**The final reading will be October 1, 2019.**

Upon roll call vote:

Ayes: Cleary, Fronheiser, Meyer, Poggi

Nays: Brennan

Abstentions: None

Absent: Holowach

**Resolution 2019-155R – Authorizing the Issuance of not exceeding \$2,026,500 Bond Anticipation Notes**

Mr. Poggi made a motion to adopt Resolution 2019-155R authorizing the issuance of not exceeding \$2,026,500 Bond Anticipation Notes. Motion seconded by Mr. Fronheiser. (Motion requested by Bond Counsel)

Upon roll call vote:

Ayes: Brennan, Cleary, Fronheiser, Meyer, Poggi

Nays: None

Abstentions: None

Absent: Holowach

**Resolution 2019-156R Cleaning Services**

Mr. Meyer made a motion to approve Resolution 2019-156R authorizing Opulent Commercial Cleaning Services for the Municipal Building 2 Main Street, Sussex, NJ. Motion seconded by Mr. Poggi.

Upon roll call vote:

Ayes: Brennan, Cleary, Fronheiser, Meyer, Poggi

Nays: None

Abstentions: None

Absent: Holowach

**Resolution 2019-157R – Agreement to Convey Easement for Transportation**

Mr. Meyer made a motion to adopt Resolution 2019-157R authorizing the proper entities of the Borough to sign an agreement to convey easement for transportation. Motion seconded by Mr. Fronheiser.

Upon roll call vote:

Ayes: Brennan, Cleary, Fronheiser, Meyer, Poggi

Nays: None

Abstentions: None

Absent: Holowach

**OPEN PUBLIC SESSION:**

Mr. Fronheiser 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 10 minutes. Motion seconded by Mr. Brennan.

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 Mr. Fronheiser.

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 9:43 p.m. and Mr. Fronheiser made a motion to adjourn out of closed executive session and to be reconvened into open public session. Motion seconded by Mr. Poggi.

All were in favor.

Mr. McGovern added an addendum to the agenda of September 17, 2019, adding Resolution 2019-158R after Executive Session.

Mr. Poggi made a motion to add Resolution 2019-158R to the agenda. Motion seconded by Mr. Fronheiser.

Upon roll call vote:

Ayes: Brennan, Cleary, Fronheiser, Meyer, Poggi

Nays: None

Abstentions: None

Absent: Holowach

**Resolution 2019-158R Authorizing Limited Repairs of Sidewalks along Main Street**

Mr. Poggi made a motion to adopt Resolution 2019-158R Authorizing Limited Repairs of Sidewalks along Main Street. Motion seconded by Mr. Fronheiser.

Upon roll call vote:

Ayes: Brennan, Cleary, Fronheiser, Meyer, Poggi

Nays: None

Abstentions: None

Absent: Holowach

**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.

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Mayor Little, Mayor

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Antoinette Smith, Clerk

Approved: October 1, 2019