

**MINUTES OF THE MEETING OF THE  
MAYOR AND COUNCIL OF THE BOROUGH OF SUSSEX  
HELD VIA THE INTERNET AT 7:00 P.M. ON  
SEPTEMBER 1, 2020**

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

Mayor 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."

Mayor 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. Michael Brennan, Mr. Charles H. Fronheiser, Mr. Robert Holowach, Mrs. Linda Masson, Mr. Mario Poggi and Mayor Edward Meyer.

Absent: Mr. Walter Cleary, III

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

Absent: None

Mayor Meyer stated moving forward the first Council meeting of the month will be business related only. The second Council meeting of the month will be a workshop.

**APPROVAL OF AGENDA**

Mr. Holowach made a motion to approve the agenda for September 1, 2020. Motion seconded by Mrs. Masson.

Upon roll call vote:

Ayes: Brennan, Fronheiser, Holowach, Masson, Poggi

Nays: None

Abstentions: None

Absent: Cleary

**CONSENT AGENDA:**

Mayor 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.

Mrs. Masson made a motion to approve the consent agenda of September 1, 2020. Motion seconded by Mr. Holowach.

Mrs. Masson pulled for discussion Correspondence #'s 2 and 3 and Application # 2.

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

1. Letter to Governor Phil Murphy from Township of Andover regarding Re-Opening of Restaurants.
2. Resolution from Township of Frankford opposing the exclusive use of mail-in ballots for the General Election in November, 2020.
3. Resolution from the Township of Fredon opposing the exclusive use of mail-in ballots for the General Election in November, 2020.
4. Mayor's notes

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

1. Delinquent/Unpaid Utility Properties report as of August 28, 2020.

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

1. Fire Fighter Application for John W. Hensz
2. Fire Fighter Application for Stephanie McPherson
3. Fire Fighter Application for Janine deHagara

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

1. Payment of bills for the meeting of September 1, 2020.

Upon roll call vote:

Ayes: Brennan, Fronheiser, Holowach (abstained on applications #1-3), Masson, Poggi

Nays: None

Abstentions: None

Absent: Cleary

**OLD BUSINESS:**

**NEW BUSINESS:**

**Approval of Meeting Minutes**

Mr. Fronheiser made a motion to approve the meeting minutes and Executive Session of the Meeting held on August 11, 2020. (Absent: None) Motion seconded by Mr. Poggi.

Upon roll call vote:

Ayes: Brennan, Fronheiser, Holowach, Poggi

Nays: None

Abstentions: Masson

Absent: Cleary

Mr. Cleary joined at 7:21pm

**Resolution 2020-130R – Authorizing the Issuance of not exceeding \$2,596,655 Bond Anticipation Notes of the Borough of Sussex, in the County of Sussex, New Jersey.**

Mr. Fronheiser made a motion to adopt Resolution 2020-130R authorizing the Issuance of not exceeding \$2,596,655 Bond Anticipation Notes of the Borough of Sussex, in the County of Sussex, New Jersey. Motion seconded by Mr. Holowach.

Mr. Marceau, CFO, held brief discussion.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2020-131R – CLOSURE OF MAIN STREET, NEWTON AVENUE FOR SUSSEX DAY OCTOBER 24, 2020**

Mr. Brennan made a motion to adopt Resolution 2020-131R for the Closure of Main Street, Newton Avenue for Sussex Day October 24, 2020. Motion seconded by Mrs. Masson.

Mr. Fronheiser held a discussion.

Mr. Fronheiser made a motion to table Resolution 2020-131R until the September 15, 2020 meeting. Motion seconded by Mr. Cleary.

Upon roll call vote:

Ayes: Cleary, Fronheiser, Holowach, Masson, Poggi

Nays: Brennan

Abstentions: None

Absent: None

**Resolution 2020-132R- Authorizing the Sussex Borough Administrator to Direct Action Necessary to Abate and/or Minimize Violations of the Sussex Borough Maintenance Code with regard to 9 Hamburg Avenue, Block 501, Lot 13, Sussex Borough (assessed owner RMJK, LLC)**

Mrs. Masson made a motion to adopt Resolution 2020-132R authorizing the Sussex Borough Administrator to Direct Action Necessary to Abate and/or Minimize Violations of

the Sussex Borough Maintenance Code with regard to 9 Hamburg Avenue, Block 501, Lot 13, Sussex Borough (assessed owner RMJK, LLC). Motion seconded by Mr. Poggi. Mr. Fronheiser held a discussion.

Mr. McGovern held a follow up discussion.

Upon roll call vote:

Ayes: Cleary, Fronheiser, Holowach, Masson, Poggi

Nays: Brennan

Abstentions: None

Absent: None

**Resolution 2020-133R - Maintenance ESTABLISHING SCHEDULE OF FEES IN ACCORDANCE WITH SECTION 12-4.5(E), ENTITLED “ENFORCEMENT PROCEDURE” OF THE SUSSEX BOROUGH PROPERTY MAINTENANCE CODE**

Mr. Fronheiser made a motion to adopt Resolution 2020-133R ESTABLISHING SCHEDULE OF FEES IN ACCORDANCE WITH SECTION 12-4.5(E), ENTITLED “ENFORCEMENT PROCEDURE” OF THE SUSSEX BOROUGH PROPERTY MAINTENANCE CODE. Motion seconded by Mr. Poggi.

Upon roll call vote:

Ayes: Cleary, Fronheiser, Holowach, Masson, Poggi

Nays: Brennan

Abstentions: None

Absent: None

**Adoption of Ordinance 2020-13 –AN ORDINANCE TO AMEND SECTION 2-5 “PRESIDENT OF THE COUNCIL” OF CHAPTER II, ENTITLED “ADMINISTRATION”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY**

Mr. Fronheiser made a motion to adopt Ordinance 2020-13 AN ORDINANCE TO AMEND SECTION 2-5 “PRESIDENT OF THE COUNCIL” OF CHAPTER II, ENTITLED “ADMINISTRATION”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY. Motion seconded by Mr. Holowach.

Mr. McGovern gave a brief description of the Ordinance.

Upon roll call vote:

Ayes: Cleary, Fronheiser, Holowach, Masson, Poggi

Nays: Brennan

Abstentions: None

Absent: None

**MAYOR MEYER OPENED THE MEETING TO THE PUBLIC FOR ANY QUESTIONS OR CONCERNS REGARDING ORDINANCE 2020-13.**

There were no comments made by the public.

Upon roll call vote:

Ayes: Cleary, Fronheiser, Holowach, Masson, Poggi

Nays: Brennan

Abstentions: None

Absent: None

**Introduction of Ordinance 2020-14 AMENDING PARAGRAPH J, ENTITLED “QUARTERLY CHARGES FOR USE OF WATER AND SEWER”, OF SECTION 24-1.4, ENTITLED “WATER/SEWER SYSTEM FEES”, OF CHAPTER XXIV, ENTITLED “FEES”, OF THE CODE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY**

Mr. Fronheiser made a motion to introduce Ordinance 2020-14 AMENDING PARAGRAPH J, ENTITLED “QUARTERLY CHARGES FOR USE OF WATER AND SEWER”, OF

SECTION 24-1.4, ENTITLED "WATER/SEWER SYSTEM FEES", OF CHAPTER XXIV, ENTITLED "FEES", OF THE CODE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY. Motion seconded by Mrs. Masson.

Mr. McGovern gave a brief description.

Mrs. Masson held a discussion.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

## **FINAL READING SEPTEMBER 15, 2020**

### **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 Mayor and are limited to 2 minutes. Motion seconded by Mr. Holowach.

All were in favor.

Anita Anthony, 37 E. Main St, held a brief discussion on recreation. Ms. Anthony asked if they will revisit and pass the Resolution for Sussex Day. Ms. Anthony proposed to have an ice cream social on Friday September 18, 2020. Mr. Fronheiser stated the event will be approved.

Nanette Fandino-Diaz, 47 Bank St., asked if Resolution 2020-132R, on the agenda, reflected Resolution 2020-133R. Mr. McGovern held a brief description on the two Resolutions. Ms. Fandino-Diaz asked why Councilman Brennan voted no on the adoption of Ordinance 2020-13. Mr. Brennan stated he voted no because he wasn't 100% sure on the Ordinance but if he could he would now vote differently.

Emanuele Intorrella, 15-17 Main St., asked in regards to Sussex Day, do restaurant owners have the right of way in front of their property prior to the vendors that set up? Mr. Intorrella asked who he can have a discussion with regarding the EDU's.

Damaris Lira, 12 Lakeview Terr., held a discussion regarding the EDU's. Mayor Meyer advised to reference the Ordinance for specifics.

Emanuele Intorrella, 15-17 Main St., suggested putting parking signs with arrows showing parking.

There being no one else who wished to address the Governing Body, Mrs. Masson 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, Mrs. Masson 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. Holowach.

All were in favor.

After meeting in closed session, the Governing Body returned to their seats at 8:42 p.m. and Mrs. Masson 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. Cleary and Mr. Brennan did not resume to the regular session at this time.

**Resolution 2020-134R APPROVING AMENDMENT 1 OF 2017 AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES FOR LAKE RUTHERFORD RAW WATER TRANSMISSION LINE PROJECT**

Mr. Poggi made a motion to adopt Resolution 2020-134R APPROVING AMENDMENT 1 OF 2017 AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES FOR LAKE RUTHERFORD RAW WATER TRANSMISSION LINE PROJECT. Motion seconded by Mr. Holowach.

Upon roll call vote:

Ayes: Fronheiser, Holowach, Masson, Poggi

Nays: None

Abstentions: None

Absent: Brennan, Cleary

Mr. Brennan returned at 8:44 pm.

**Resolution 2020-135R Amending resolution #2020-42R Pertaining to DPW Supervisor Salary**

Mr. Fronheiser made a motion to adopt Resolution 2020-135R amending Resolution #2020-42R pertaining to DPW Supervisor salary. Motion seconded by Mr. Holowach.

Mr. Fronheiser made a motion to amend Resolution 2020-135R. Motion seconded by Mr. Holowach.

Upon roll call vote to amend:

Ayes: Brennan, Fronheiser, Holowach, Masson, Poggi

Nays: None

Abstentions: None

Absent: Cleary

Upon roll call vote as amended:

Ayes: Brennan, Fronheiser, Holowach, Masson, Poggi

Nays: None

Abstentions: None

Absent: Cleary

**Resolution 2020-136R APPROVING JOINT MUNICIPAL AGREEMENT TO RETAIN PROFESSIONALS AND CONTRIBUTE TOWARD FEES AND COSTS IN CONNECTION WITH LITIGATION PERTAINING TO THE HIGH POINT REGIONAL HIGH SCHOOL DISTRICT**

Mrs. Masson made a motion to adopt Resolution 2020-136R approving joint Municipal agreement to retain professionals and contribute toward fees and costs in connection with litigation pertaining to the High Point Regional High School District. Motion seconded by Mr. Fronheiser.

Mr. Brennan requested further explanation on this Resolution.

Mr. McGovern gave a brief description.

Upon roll call vote:

Ayes: Brennan, Fronheiser, Holowach, Masson, Poggi

Nays: None

Abstentions: None

Absent: Cleary

**COUNCIL COMMENTS**

Mayor Meyer allowed for comments from each council member.

Mr. Brennan offered no comment.

Mr. Fronheiser offered no comment.

Mr. Holowach offered no comment.

Mrs. Masson offered no comment.

Mr. Poggi offered no comment.

Mayor Meyer stated this was a great meeting.

### **ADJOURNMENT**

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

All were in favor.

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Edward Meyer, Mayor

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Antoinette Smith, Municipal Clerk

Date Approved: