

BRANCHVILLE BOROUGH  
Regular Meeting  
September 7, 2022

MEETING MINUTES

STATEMENT OF PUBLIC NOTICE

Mayor Frato left the room as directed by Attorney Valenti due to BHC discussion.

The New Jersey Open Public Meetings Act was enacted to ensure the right of the public to have advance notice of and to attend meetings of public bodies at which any business affecting their interest is discussed or acted upon. In accordance with the provisions of this Act, the Branchville Borough Council has caused notice of this meeting to be published by having the date, time and place thereof sent to the New Jersey Herald.

FLAG SALUTE was led by Councilman Van Stone.

ROLL CALL was conducted by Clerk Leissler, Present were Council members Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Also present were Attorney Valenti, Tom Knutelsky, Jeff Lewis, Ali Trovillion, Jim Ayers, Brad and Jeanne Heinke and BHC members.

PROCLAMATION – None

APPROVAL OF PREVIOUS MEETING MINUTES

1. August 2022 minutes

Motion to approve August meeting minutes was made by Councilman Doremus, seconded by Councilwoman Whitesell. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

CONSENT AGENDA – None

## PUBLIC COMMENT

Motion to open to the public was made by Councilwoman Bathgate, seconded by Councilman Doremus. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

Motion was made by Councilman Bellis, seconded by Councilwoman Bathgate to approve the annual scarecrow contest as presented by BBHS and Jeanne Heinke. The facility use form was presented and the \$100 and insurance will be forwarded. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

Attorney Valenti discussed with BHC members his suggestion to serve as mediator between the governing body and BHC. Mr. Valenti will ask that both sides send one representative. The goal is to reach a mutual agreement. Attorney Valenti asked BHC to get a list of times to him that states when a child needs to be in a BHC vehicle. This request was also made at the August meeting. This needs to be turned in within a week. The goal is to share the results of the mediation in October. Motion was made by Councilwoman Bathgate, seconded by Councilman Bellis to approve the mediation. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

Motion was made by Councilwoman Bathgate, seconded by Councilman Bellis to ask Councilman Van Stone to represent the governing body in the mediation. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

Mayor Frato returned at this point.

Tom Knutelsky:

Motion was made by Councilman Orr, seconded by Councilman Doremus to approve the revised route for the 5K race to be held on October 25, 2022 as presented. The motion also includes that the alcohol being served is to remain at Third Base Pub and not on any Borough of Branchville property. The Borough of Branchville has zero responsibility with the alcohol being served. Road closure has been approved. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

Mike Clune:

Motion was made by Councilman Bellis, seconded by Councilman Doremus to approve the closure of Railroad Ave. on October 31, 2022 for the Halloween Parade. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

Motion was made by Councilman Van Stone, seconded by Councilwoman Bathgate to close Broad Street from Division to Mill St. on October 31, 2022. The Borough requests the County to approve the Closure too. The time frame is approx. 3 p.m. to 6 p.m. The clerk will contact the Sheriff's Department to hire 2 patrolmen to man each end of the closure. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None. Attorney Valenti stated that the group hosting the event needs to contact the insurance carrier to discuss the parade and coverage.

Trick or Treat will be held October 31, 2022 from 3:30 p.m. to 5:30 p.m.

Update was made that Selective Insurance has approved 19 EDUs for 2 Broad Street.

Tom Knutelsky:

Retention Basin:

Motion was made by Councilman Bellis, seconded by Councilman Doremus to approve submittal of application to the NJDOT for discretionary funds. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

Motion was made by Councilman Bellis, seconded by Councilwoman Bathgate to authorize preparation of a contract with Mr. Cerra contingent upon the following conditions are satisfied:

- 1) Discretionary Fund amount has been certified by NJDOT.
- 2) Cost Share of the buildout and maintenance of the property.

Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

The Mayor stated that Mr. Mc Mahon must still be required to place his basins as stated in his Frankford resolution.

Bridge D-38:

Motion was made by Councilman Doremus, seconded by Councilwoman Bathgate to cap the water line that runs with Bridge D-38 until funds become available. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

PFAS

Different design plans were presented for expansion of the well house to include PFAS treatment for the PFAS in the water.

Arsenic concern:

Motion was made by Councilman Doremus, seconded by Councilman Van Stone to declare an arsenic emergency to replace arsenic filtration medium. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

Motion to close the public portion of the meeting was made by Councilwoman Bathgate, seconded by Councilman Van Stone. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

RESOLUTIONS - None

ORDINANCES

SECOND READING – ADOPTION

The following ordinance was offered for second reading by Councilwoman Bathgate, seconded by Councilman Doremus with all council members present voting affirmatively:

Ordinance # 08-2022 AN ORDINANCE OF THE BOROUGH OF BRANCHVILLE, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AMEND CHAPTER 25 OF THE BOROUGH MUNICIPAL CODE, BEING THE LAND USE PROCUEURES CHAPTER TO INCLUDE AMENDMENTS TO THE ORDINANCE RELATING TO INFORMAL CONCEPT REVIEWS.

Advertisement has been made according to law.

Councilwoman Bathgate moved a public hearing be held on the ordinance, seconded by Councilman Doremus with all council members present voting affirmatively.

No comments.

On motion of Councilman Doremus, seconded by Councilman Bellis with all council members present voting affirmatively, the public hearing was closed.

Motion was made by Councilman Doremus, seconded by Councilman Bellis to approve this ordinance on second reading. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

CORRESPONDENCE

Motion was made by Councilman Orr, seconded by Councilman van Stone to approve Bkj productions to place a section for audio on the Branchville Borough webpage. The amount for this service is a range between \$990-

\$1,100.00. Roll Call Vote: Aye – Bathgate, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – Bellis.

Motion was made by Councilman Bellis, seconded by Councilwoman Whitesell to approve a road opening from Hill, 6 Morris Ave. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

Motion was made by Councilman Bellis, seconded by Councilwoman Whitesell to approve a water application from Hill, Morris Ave. (barn). Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

Motion was made by Councilman Bellis, seconded by Councilman Doremus to approve the recent correspondence (August 3, 2022) from Harold Pellow in regard to Bruce Jorritsma property B 203 L 10 on Mattison Ave. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

Motion was made by Councilman Doremus, seconded by Councilwoman Bathgate to approve the Elizabethtown Gas Road opening permit for 21 Mattison Ave. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

#### COMMENTS FROM COUNCIL

Mayor Frato asked Councilman Bellis if the insurance has been questioned about the status of the fuel holding tanks.

Councilwoman Bathgate –

Motion was made by Councilman Doremus, seconded by Councilwoman Bathgate to authorize the clerk to forward a letter to the Taylors about their sewer hook-up late payment. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

Councilman Doremus –

2 Broad Street will be billed as a one unit for water.

Motion was made by Councilman Orr, seconded by Councilwoman Bathgate to authorize Mayor Frato sign the RCAP agreement for water rate analysis. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

Motion was by Councilman Doremus, seconded by Councilman Van Stone to approve an invoice for John Newcomer reimbursing him \$300 for his cost with the fair display. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van

Stone, Whitesell. Nay – None. Absent – None. Abstain – None. John will be told that all future payments need to have approval first.

Motion was made by Councilman Doremus, seconded by Councilman Bellis to approve the purchase of a variable frequency drive for well #2 in the amount of \$8470.00. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

Councilman Orr-

Motion was made by Councilwoman Whitesell, seconded by Councilman Doremus that the Borough does not need to start providing sidewalk clean up in regard to snow-ice. Roll Call Vote: Aye – Bathgate, Doremus, Whitesell. Nay – Bellis, Orr, Van Stone. Absent – None. Abstain – None. Mayor Frato broke the tie vote and voted to not start providing sidewalk snow-ice cleanup.

Mayor Frato –

Would like the governing body to think about keeping the \$100 fee when an organization uses our field. Mayor Frato asked the council to think about amounts.

Attorney Valenti's –

DEP in regard to the reservoir approved the deed and closing document draft. Mayor Frato and the Clerk will sign off.

Discussion took place about the PFAS litigation that Attorney Valenti has been reviewing with Baron and Budd. Placement on the October 2022 agenda of a legal service agreement may happen.

T – Mobile – The Borough is waiting for final documentation before moving forward.

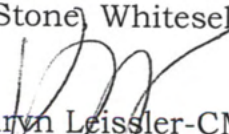
#### BILL APPROVAL

On motion of Councilman Doremus, seconded by Councilman Bellis bills were ordered paid after being properly audited, paid out of correct account and subject to the availability of funds. Roll Call Vote: Aye – Bathgate, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – Bellis.

(List of bills follows minutes)

#### ADJOURNMENT

On motion of Councilman Bellis, seconded by Councilman Doremus, the meeting was adjourned. Roll Call Vote: Aye – Bathgate, Bellis, Doremus, Orr, Van Stone, Whitesell. Nay – None. Absent – None. Abstain – None.

  
Kathryn Leissler-CMR CTC RMC









