

**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
March 6, 2012**

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, Mrs. Krynicky, Mr. LaBar, Mr. Lagattuta, Mr. Meyer, Mayor Rose.

Absent: Mr. Fransen, Mr. Dykstra

Also present Borough Attorney John Ursin Esq. of Courter, Kobert & Cohen, P.C

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."

CONSENT AGENDA

Mayor Rose requested that all persons present review the consent agenda and offer any comments they may have at this time regarding the consent agenda.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated February 10, 2012 from Colleen Little to Mayor and Council regarding the courses for Certified Municipal Finance Officer.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Department Report for the month of January 2012.
2. Water Sewer Collector Report for the month of February 2012.
3. Clerk's Report for the month of February 2012.
4. Construction Department Report for the month of February 2012.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for the use of Brookside Park from High Point Knights for the dates of March 4 through July 8, 2012.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of March 6, 2012.

Mr. Meyer made a motion to accept the consent agenda of March 6, 2012. Seconded by Mr. LaBar, All were in favor.

OPEN PUBLIC SESSION #1

Mr. Meyer 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. Seconded by Mr. Lagattuta, All were in favor.

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

ADMINISTRATORS REPORT

Mr. Mark Zschack the Administrator/Clerk offered the following report;

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Borough Sites and Street Issues

The County Health Department was notified of the discharge from a dwelling into the feeder stream to Colesville Reservoir. A sight visit was performed by the County and it was determined to be a sump pump from the Basement of the dwelling. There is nothing in the basement except the sump pump so the County determined it is only ground water being discharged into the stream. No further action was to be taken by the County. The inspector was notified that the Borough still has a concern due to the fact that material could be stored in the basement causing a health risk to the drinking water. The county will contact the NJDEP to determine if any further action can be taken.

John Ruschke has asked if the paving in conjunction with the I&I Project on Willow Street should be performed. A grant to do work on Willow Street was filled out this year by Harold Pellow and there has been no answer from the State if a grant will be awarded.

Mr. Dykstra joined the meeting at 7:39pm

Financial Controls/Legal Issues

The refinance of the bonds was completed today we has not received the payback schedule to know the exact saving per year but will range from \$30,000 to \$50,000 per year.

There will be a Budget Workshop this Thursday March 8th at 6:30pm at the Municipal Building

Intro of Budget is scheduled for March 20th

The following is a statement from Senator Steve Oroho's office:

"I am responding to your request to redirect the remaining loan money secured by Sussex Borough through the NJ Environmental Infrastructure Trust for the Clove Brook Watershed Manhole Rehabilitation Project. We have been told that the money cannot be transferred to another project because the authorization for such funding is legislative and any unused money must be returned to the state".

Helen Carew, Director of Constituent Services

24th Legislative District

Senator Steven V. Oroho

Operational/Personnel Matters

We are now receiving applications for the Water/Sewer Collectors position and we need to set up a Personal Committee meeting. (Mrs. Krynicky, Mr. LaBar, and Mr. Dykstra)

Ordinances & Resolutions

Water shut offs are scheduled to take place this quarter. Shut off notices will be mailed out tomorrow with shut off's to begin on April 11th

OLD BUSINESS

There was no old business discussed at this time.

NEW BUSINESS

Approval of Meeting Minutes

Mr. LaBar made a motion to approve the meeting minutes of the Regular Meeting held on February 21, 2012. Seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Meyer,

Nays: None Absent: Fransen Abstentions: Dykstra

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Interlocal Agreement for QPA Services

Mr. Meyer made a motion to direct the Mayor to enter onto an Interlocal agreement with Vernon Township for Qualified Purchasing Agent services for the year 2012. Seconded by Mr. Dykstra

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Lagattuta, Meyer,
Nays: None Absent: Fransen Abstentions: None

Resolution 2012-41R Water/Sewer Adjustments

Mr. Meyer made a motion to adopt a resolution authorizing first quarter 2012 water/sewer adjustments. Seconded by Mr. LaBar

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Lagattuta, Meyer,
Nays: None Absent: Fransen Abstentions: None

Resolution 2012-42R Opposing Fluoridation Act

Mr. Dykstra made a motion to adopt a resolution "OPPOSING THE PROPOSED LEGISLATION KNOWN AS THE NEW JERSEY PUBLIC WATER SUPPLY FLUORIDATION ACT (A1811/S959)" Seconded by Mr. Meyer

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Lagattuta, Meyer,
Nays: None Absent: Fransen Abstentions: None

Resolution #2012-43R Transfer Resolution – Fund Balance Transfer

Mr. LaBar made a motion to adopt a resolution authorizing transfers between budget appropriations. Seconded by Mr. Dykstra

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Lagattuta, Meyer,
Nays: None Absent: Fransen Abstentions: None

Resolution #2012-44R Fire Department Roadside Collection

Mr. LaBar made a motion to adopt a resolution approving a roadside collection for the Sussex Fire Department on NJSH Route 23 near the intersection of Brookside Avenue on May 26, 27, 28, 2012, June 30, 2012, July 1, 2012, and September 1, 2, 3, 2012. Seconded by Mr. Dykstra

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Lagattuta, Meyer,
Nays: None Absent: Fransen Abstentions: None

A motion was made by Mr. Lagattuta to amend the previous motion that approval of Resolution #2012-44R is contingent upon NJDOT approval. Seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Lagattuta, Meyer,
Nays: None Absent: Fransen Abstentions: None

Introduction Ordinance 2012-02 – Sale of Block 504 Lot 7

Mr. Meyer made a motion to introduce an ordinance entitled "AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE BOROUGH AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS BLOCK 504 LOT 7" "Seconded by Mr. LaBar.

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Mr. Rose stated that the big discussion here is the cost. If you recall this is the lot that had an approval but can now be sold to more than just the adjoining property owners.

Mr. Lagattuta asked how non-conforming the lot is.

Mr. Zschack stated that it doesn't have the proper square footage and lot frontage and does not meet the requirements in that zone.

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Lagattuta, Meyer,

Nays: None Absent: Fransen Abstentions: None

Mayor Rose stated that the final reading of this Ordinance will be on March 20, 2012

Introduction Ordinance 2012-03 – Rescind Ordinance 2011-13

Mr. Meyer made a motion to introduce an ordinance entitled "AN ORDINANCE TO RESCIND ORDINANCE 2011-13 WHICH WAS AN EMERGENCY APPROPRIATION TO FINANCE REVISION OF TAX MAPS" Seconded by Mr. LaBar

Mr. Zschack stated the monies came out of last year's budget for this service.

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Lagattuta, Meyer,

Nays: None Absent: Fransen Abstentions: None

Mayor Rose stated that the final reading of this Ordinance will be on March 20, 2012

Approval of Social Affair Permits for Sussex Fire Department

Mr. LaBar made a motion to approve social affair permits for the Sussex Fire Department on April 28, 2012 and May 12, 2012. Seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Lagattuta, Meyer,

Nays: None Absent: Fransen Abstentions: None

Resignation Water/Sewer Collector

Mr. Meyer made a motion to accept the resignation of Maria Mascuch as the Water/Sewer Collector for the Borough of Sussex effective March 15, 2012. Seconded by Mr. LaBar

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Lagattuta, Meyer,

Nays: None Absent: Fransen Abstentions: None

Discussion – Proposed Sign Ordinance

At this time a discussion took place regarding the first draft of the proposed sign ordinance.

Mayor Rose stated that he would like to discuss, with consent, sections 7.1, 7.2 and 7.8 on the proposed ordinance and will discuss the subsection as we move forward. Section 7.1 is, section 7.2 is portable signs and section 7.8 talks about permits.

Mayor Rose commented that the portable sign definition may cause issues with people who have their truck lettered not just with signs stuck to the truck.

Mr. Lagattuta commented that all commercial trucks need to have the business name on the truck itself.

Mr. Ursin stated that this definition was specifically expanded to address the situation that the Mayor is thinking of. Where the business doesn't buy a billboard but instead takes a truck and makes the whole side a billboard and parks it in conspicuous places.

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Mayor Rose asked do we want to regulate those types of signs.

Mr. Dykstra stated that we should just get rid of it as we do not have an issue with them.

Mayor Rose asked the Councilmember's to look at Section 7-2 – Portable Signs and stated that this section states what is not consider a portable sign.

A discussion took place concerning political signs and the consensus was that 7-2. 7. should state “political signs” with the remainder of the paragraph to be removed.

A discussion took place concerning customary holiday decorations and the consensus was that 7-2. 1. should state “customary holiday decorations” with the remainder of the paragraph to be removed.

A discussion took place concerning signs for official, governmental or quasi-governmental business and the consensus was that 7-2. 5. should state “signs for official, governmental or quasi-governmental business, including signs or banners advertising public or quasi-public events.” with the remainder of the sentence to be removed.

A discussion took place concerning signs for community associations and the consensus was that 7-2. 6. should state “Signs for community associations, places of worship, nonprofit, charitable, institutional and similar noncommercial uses, provided that no freestanding or ground sign for such use shall exceed 24 square feet and it is located on the property occupied by the organization displaying it.”

The consensus is to remove 7-2. 13. “Signs displayed by places of worship” in its entirety.

A discussion took place concerning customary flags of the United States and the consensus was that 7-2. 9. should state “Flags of the United States, State of New Jersey, Borough of Sussex, foreign nations” with the remainder of the paragraph to be removed.

A discussion took place concerning 7-8. Sign Permits in reference to the need of permits and the amount to charge for permit fees. The consensus is to have a permit process. The idea of limiting the amount and duration of temporary signs was discussed. Signs that would be displayed for more than three consecutive days would need to be regulated. Sandwich board signs would be a yearly fee of \$10.00 and banner signs a \$5.00 free per banner.

Discussion – DEP Letter

At this time a discussion took place regarding a letter to DEP regarding the long term plan to reduce the high turbidity levels at the water treatment plant. The DEP is concerned with two main issues at this time. The first is the procedure of shutting the plant down during heavy rain events. Second is the plant is not designed to reduce turbidity to current standards. The proposed letter explains methods to correct these two issues. The consensus of the Council is to allow Mayor Rose to alter the language to include that proposals will be solicited from the water engineer to correct these problems.

Discussion – Grove Street Improvements

At this time a discussion took place regarding funding for the proposed improvements to Grove Street.

The Ordinances that will fund the engineering portion of this project were discussed and approved by the Council.

The idea of drilling wells was discussed and Mayor Rose appointed Mr. LaBar, Mr. Dykstra, and Mrs. Krynicky to a committee to investigate the viability of wells.

OPEN PUBLIC SESSION #2

Mr. Meyer 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. Seconded by Mr. LaBar, All were in favor.

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Ann Cole 9 Walnut Street stated that their business on Main Street is only open on the weekends and when a sign is placed on Route 23 they witness a 50% increase in business.

Kevin Cole 9 Walnut Street stated that he agrees with Mr. Dykstra. Sussex Borough is a very small Borough and witness businesses abiding by the current sign ordinance. To start adding cost to the few businesses left in the Borough is not a good idea. The council should be focused on the water issue not on revising a sign ordinance.

Rick McCarthy Sussex Gulf Station stated that he agrees with the Cole's that no fees should be connected to temporary signs. He feels that it should be up to the individual business to register signs with the Borough and fine people that do not follow procedure.

Terry-Ann Zander Advertiser News verified the amount of the contract for the Qualified Purchasing Agent was \$3,333 for the remainder of the year.

Mrs. Zander requested a copy of the ordinance for the sale of the property on Harrison Street.

Mrs. Zander verified the amount of the tax map revision was about \$8,300.

Mrs. Zander asked why the CFO and DPW Supervisor were not attending meetings.

Mayor Rose stated that they have not been requested to attend.

Mrs. Zander asked if there was any resolution to the sewer issue with the Flynn's.

Mr. Ursin stated that they have not responded to the Boroughs offer as of this time.

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

COUNCIL DISCUSSION OF OPEN SESSION ITEMS

There was no discussion at this time.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Lagattuta made a motion at 9:43 pm to adjourn into closed executive session for attorney client privilege to discuss the contract with United Water, Seconded by Mr. LaBar.

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Lagattuta, Meyer,

Nays: None Absent: Fransen Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 10:23 pm and Mr. Meyer made a motion to adjourn out of closed executive session and to be reconvened into open public session. Motion seconded by Mr. LaBar

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Lagattuta, Meyer,

Nays: None Absent: Fransen Abstentions: None

Mr. Lagattuta stated that to have a permit process without fees and fine anyone who did not follow the process is a good idea that was mentioned during the open session.

Mr. Meyer agrees with this statement.

Mrs. Krynicki stated that would like to have a fee attached to the permit process.

Mayor Rose stated that more discussion is warranted on this topic and the sign ordinance will be on the next agenda for further discussion.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Lagattuta made a motion to adjourn the meeting, seconded by Mr. LaBar All were in favor.