

**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 20, 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: Mr. Dykstra, Mrs. Krynicky, Mr. LaBar, Mr. Lagattuta, Mr. Meyer, Mayor Rose.

Absent: Mr. Fransen

Also present: Borough Attorney John Ursin, Esq. of Courter, Kobert & Cohen, P.C
Borough Auditor Thomas Ferry, CPA
Borough CFO William Zuckerman

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 from the Sussex County Chamber of Commerce inviting you to the Business & Government Symposium on May 21, 2012 from 5-7pm.
2. Letter from the Sussex County Cancer Coalition advising of a meeting scheduled for April 5, 2012 at 7pm in the Freeholder Conference Room to discuss Tobacco-Free for a healthy New Jersey.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Department Report for the month of February 2012.
2. Property Maintenance Department Report for the month of February 2012.
3. Zoning Department Report for the month of February 2012.
4. Tax Collector Report for the month of February 2012.
5. Sussex Fire Department and EMS report for the month of January 2012.
6. Sussex Fire Department report for the month of February 2012.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for a blue light permit from Kyle Demarest.
2. Application from Scott A. McKay for the NJ State Firemen's Relief Association.
3. Sussex Fire Department Junior Membership Application from Charles J. Regavich.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of March 20, 2012.

Mr. Mark Zschack the Administrator/Clerk requested that check No.10063 be removed from the bill list.

Mr. Meyer made a motion to accept the consent agenda of March 20, 2012 with the removal of check No. 10063 from the bill list. Seconded by Mr. LaBar

Upon roll call vote:

Ayes: Dykstra, Krynicky, LaBar, Lagatutta, Meyer,
Nays: None Absent: Fransen Abstentions: None

OPEN PUBLIC SESSION #1

Mr. LaBar 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.

Mrs. Linda Masson 15 Spruce Avenue stated that she feels that the Borough should not hurt business with restrictions in the sign ordinance.

Mrs. Georgeanna Stoll 18 Hill Street stated that the businesses in the Borough need the signage along the highway to help promote their stores. Mrs. Stoll agrees with a permit process but not with any fees attached to the process.

Mrs. Pamela Flynn 19 Grove Street asked if the water quality issues at the treatment plant have been addressed because the rate payers are still receiving notices.

Mayor Rose stated that the water plant is in the process of being repaired. There was a violation that occurred last week. The numbers came in below the maximum contaminate level but the yearly average is still over the allowable amount.

There being no one else present who wished to address the Governing Body, Mr. Meyer 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.

WELL SUBCOMMITTEE REPORT

The well subcommittee consisting of Mr. LaBar, Mrs. Krynicky, and Mr. Dykstra presented an update of their activities to date.

Mr. Dykstra stated that he was on vacation last week and did not participate in any meetings

Mr. LaBar stated that he and Mrs. Krynicky attended a meeting with a geologist to review areas of interest for the possible placement of Borough wells. A very aggressive timetable would be about eighteen months to complete the drilling work as well as the permitting process. The next task will be the gathering of information from the committee to submit to the engineers for evaluation. Most of this leg work will be performed by the committee to save money for the Borough.

ADMINISTRATORS REPORT

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

Borough Sites and Street Issues

The Streets, Roads and Infrastructure subcommittee met on March 9th with Bob Schultz to discuss the long and short term planning of work to be performed by the DPW. The priority lists for short term repairs are:

1. Complete hydrant repairs.
2. Replace at least one air release valve on the sewer force main so it can be tested to determine if a chemical feed system is warranted.
3. Replace two air release valves on the water line from the treatment plant.
4. Repair fence around dugouts and level low spots on the fields at Brookside Park.

The next meeting is scheduled for April 27th.

Operational/Personnel Matters

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The Borough received 57 applications for the position of part time water/sewer collector. Very few candidates had municipal experience and Antoinette (Toni) Smith was chosen to fill this position.

It is with regret that I must report that correspondence was received today from Councilman James Fransen stating that he must resign from the Council effect April 4, 2012 due to family commitments.

Long-term and Capital Projects

The Borough is receiving quotes for the steps at the theater and a temporary wood step has been installed.

The RFQ for the Borough wide Tax Revaluation is being created by Darren Maloney QPA and should be completed within a week. Darren is also working with Bob Schultz on the air release valves and with Mike Furrey on the filter media replacement as well as all improvements to the water treatment plant.

The repairs to the decant system are about half way complete and are scheduled to be completed by the end of March.

Eight of the twelve chemical feed pumps are installed and instillation of the polymer feed system will be performed next week.

Misc

On March 13th the Borough received a Notice of Non-Compliance from the NJDEP for the running annual average of total TTHM'S. The last two quarters are below the maximum levels but due to the fact that this number is a running annual average a Tier 2 notification is warranted.

NEW BUSINESS

Resolution 2012-45R Appointment of Qualified Purchasing Agent

Mr. Dykstra made a motion to approve the appointment Darren Maloney, QPA as the Qualified Purchasing Agent for the Borough of Sussex through an Interlocal agreement with Vernon Township for the year 2012. Seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Dykstra, Krynicky, LaBar, Lagatutta, Meyer,
Nays: None Absent: Fransen Abstentions: None

Resolution 2012-46R Waiver of Reading 2012 Budget

Mr. Dykstra made a motion to waive the reading in full, of the Municipal Budget for the year ending December 31, 2012. Seconded by Mr. LaBar

Upon roll call vote:

Ayes: Dykstra, Krynicky, LaBar, Lagatutta, Meyer,
Nays: None Absent: Fransen Abstentions: None

Resolution 2012-47R Authorizing Participation in Self Examination of 2012 Budget

Mr. Dykstra made a motion to authorize the participation in self examination of the 2012 budget. Seconded by Mr. Lagattuta

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Borough Auditor Thomas Ferry and Borough CFO William Zuckerman introduced themselves and gave a brief explanation of the self exam process.

Upon roll call vote:

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

Resolution 2012-48R Authorizing Emergency Contract

Mr. Meyer made a motion to approve an emergency contract with Highlands Water Company, LLC to install valves at the water treatment plant cost not to exceed \$6,250.00. Seconded by Mr. LaBar

Upon roll call vote:

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

Resolution 2012-49R Authorizing Emergency Contract

Mr. Dykstra made a motion to approve an emergency contract with Technical Components Company, Inc. for repairs at the water treatment plant cost not to exceed \$14,700.00. Seconded by Mr. LaBar

Upon roll call vote:

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

Resolution 2012-50R Approve Roadway Collection

Mr. LaBar made a motion to adopt a resolution approving a roadside collection for the Sussex Fire Department Ladies Auxiliary on NJSH Route 23 near the intersection of Brookside Avenue on August 11th and 12th 2012. Seconded by Mr. Meyer

Upon roll call vote:

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

Introduction Ordinance 2012-05 – Establish a Cap Bank

Mr. Meyer made a motion to adopt an ordinance entitled “**ORDINANCE TO EXCEED THE 2012 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**” Seconded by Mr. LaBar

Borough Auditor Thomas Ferry gave a brief explanation of the ability and usefulness in establishing a Cap Bank.

Upon roll call vote:

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

FINAL READING: April 3, 2012

Resolution 2012-51R Introduction of the 2012 Municipal Budget

Mr. Meyer made a motion to adopt a resolution introducing the FY 2012 Municipal Budget for the Borough of Sussex. Seconded by Mr. Lagattuta

Borough Auditor Thomas Ferry and Borough CFO William Zuckerman presented an overview of the 2012 Municipal Budget.

Mr. Ferry stated that the total budget increase is \$18,489.00 or 1.47% increase on the overall budget. The 2012 tax levy is an increase of \$15,649.59 or 2.012% over last year's

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budget. This proposed budget is within the Levy Cap by \$48.00. The tax rate this year is 1.0056 which is a .02377 increase from last year. A house that is assessed at \$115,000 would see an increase of \$27.33 per year of municipal taxes.

Mr. Zuckerman stated that the assessed value of the Borough in going down therefore increasing the burden on the taxpayers. Some of the particular line items were discussed and explained to the public.

Mrs. Krynicky stated the tentatively the Sussex Wantage School District has the taxes going down for Sussex Borough residents.

Upon roll call vote:

Ayes: Dykstra, Krynicky, LaBar, Lagatutta, Meyer,

Nays: None Absent: Fransen Abstentions: None

Mayor Rose stated that the public will be held on April 17, 2012

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

Mr. Dykstra made a motion to adopt 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

Before final roll call Mayor Rose opened the meeting to the public for any questions or concerns that they may have regarding Ordinance #2012-02

There being no from the public who wished to address the Governing Body regarding Ordinance #2012-02, Mayor Rose closed the meeting to the public and returned to the regular order of business.

Upon roll call vote:

Ayes: Dykstra, Krynicky, LaBar, Lagatutta, Meyer,

Nays: None Absent: Fransen Abstentions: None

Mr. Ursin stated that the auction date is April 17, 2012 at the regular scheduled Mayor and Council meeting.

Adoption Ordinance 2012-03 – Rescind Ordinance 2011-13

Mr. Meyer made a motion to adopt 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

Before final roll call Mayor Rose opened the meeting to the public for any questions or concerns that they may have regarding Ordinance #2012-03

There being no from the public who wished to address the Governing Body regarding Ordinance #2012-03, Mayor Rose closed the meeting to the public and returned to the regular order of business.

Upon roll call vote:

Ayes: Dykstra, Krynicky, LaBar, Lagatutta, Meyer,

Nays: None Absent: Fransen Abstentions: None

Introduction Ordinance 2012-04 – Re-Appropriate Capital Funds

Mr. LaBar made a motion to introduce an ordinance entitled “ORDINANCE TO RE-APPROPRIATE CAPITAL FUNDS, CANCEL CAPITAL APPROPRIATIONS AND AUTHORIZE THE USE OF CAPITAL IMPROVEMENT FUNDS CURRENTLY ON ACCOUNT “Seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Dykstra, Krynicky, LaBar, Lagattuta, Meyer,

Nays: None Absent: Fransen Abstentions: None

Mayor Rose stated that the final reading will take place on April 3, 2012

Deckertown Mills Historic Sign Location

Mr. Meyer made a motion to table the approval of the Deckertown Mills Historic sign location on Block 206 Lot 1 pending information on the size, type, and wording for the proposed sign. Seconded by Mr. Lagattuta

After a brief discussion the consensus of the Council is to obtain more information concerning the type of sign being proposed.

Mr. Lagattuta made a motion to table the decision until the next Council meeting seconded by Mr. Meyer, all were in favor

Discussion – Proposed Sign Ordinance

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

Mr. Ursin stated that changes were made to the proposed ordinance based on the comments from the previous meeting.

Mr. Dykstra made a motion to limit the discussion time for the sign ordinance to 9:00pm. Seconded by Mr. LaBar, all were in favor

Mayor Rose stated that he would like to discuss, with consent, section 7-4, Banner Signs.

A discussion took place concerning Banner Signs and the consensus was that section 7-4. b., c., and d. should be removed from the section. Subsection g. should read “The banner sign shall be kept in good condition and properly secured to a permanent structure at all four corners and not to be hung from trees or telephone poles.”

Mayor Rose stated that he would like to discuss, with consent, section 7-3, Sandwich Board Signs.

A discussion took place concerning Sandwich Board Signs and the consensus was that 7-3.1 subsection h. should read “Sandwich board signs shall not be illuminated, nor shall they contain moving parts or streamers, pennants of similar adornment attached to them.”

Subsection a. should read “The sign shall be located on the applicant’s property. The sign shall be located in front of the principal entrance to the business to which it relates. The sign shall be placed so as not to cause the width of the sidewalk on which it is placed to be reduced to less than four feet.”

The consensus was to make no changes to Section 7-3.2 and 7-3.3.

Discussion – Request from Colleen Little

At this time a discussion took place regarding a letter to the Mayor and Council concerning a request by Colleen Little regarding classes to obtain CFO certification.

After a brief discussion Mr. Ursin was directed to draft an agreement with Colleen Little allowing the Borough to pay for CFO certification classes in advance with conditions of repayment if classes do not receive a passing grade. This agreement will be presented to the Council at the next meeting.

Discussion – Proposals for Water Treatment Plant

At this time a discussion took place regarding proposals from Hatch Mott MacDonald for improvements to the Water Treatment Plant and Colesville settling pond.

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The first proposal is to divert the water from heavy rains around the Colesville settling pond. The second is the installation of a plate settler at the water treatment plant. After a discussion concerning the proposals the Council decided to invite John Ruschke from Hatch Mott MacDonald to give a presentation to the Council.

Appointment of Water/Sewer Collector

Mr. Meyer made a motion to approve the hiring of Antoinette Smith as the Water Sewer Collector at a rate of \$15.00 per hour with hours not to exceed 30 hours per week. Seconded by Mr. LaBar

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Lagatutta, Meyer,

Nays: None Absent: Fransen Abstentions: None

Planning Board Liaison

Mr. LaBar made a motion to approve the Mayor's appointment of Salvatore Lagattuta as the Planning/Zoning Board liaison. Seconded by Mr. Meyer

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Lagatutta, Meyer,

Nays: None Absent: Fransen Abstentions: None

OPEN PUBLIC SESSION #2

Mr. Lagattuta 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. Meyer All were in favor.

Mr. Rick McCarthy 59 Unionville Road representing Sussex Gulf Station stated that the station paid for eleven or twelve signs this year. Mr. McCarthy stated that he feels that there should be no fee attached to the permit process. Other businesses in town have existing signs that to him do not appear to be legal.

Mrs. Linda Masson 15 Spruce Avenue asked if United Water is still involved in the operation of the water plant.

Mayor Rose stated that WhiteWater Inc. is now the operator of the plant.

Mrs. Masson stated that she received a letter that their sewer line is leaking into the sewer line. Mrs. Masson stated that she feels that she is not getting good service from the Boroughs Water/Sewer Engineer. She has made numerous calls and has gotten no response.

Mr. Scott Mason from Cornerstone Playhouse 74 Main Street thanked the Council for being responsive to the steps on the outside of the theater. Mr. Mason stated that the majority of merchants in the Borough are in favor of regulations that do not impede business. Some of the definitions in the proposed ordinance need to be clarified. Temporary signs that would be placed off site of the business would be very beneficial to attracting customers to Main Street.

Ann Cole 9 Walnut Street and 31 Main Street stated that the proposed ordinance does not address non Sussex Borough businesses that place temporary signs in Sussex.

Mrs. Pamela Flynn 19 Grove Street asked if the Borough has a lot of pending tax appeals this year.

Mr. Ursin stated that it does not appear to be a more than usual number of appeals.

Mr. Frank Ambrose 1 Roy Court stated that the sewer rates are extremely high and is close to the amount of a mortgage payment. Mr. Ambrose stated that he is on the delinquent list and is asking for compassion from the Council. Mr. Ambrose stated that he is willing to make a payment arrangement with the Borough in order to fulfill his obligation.

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Mrs. Georgeanna Stoll 18 Hill Street stated that when someone's school is paid for an agreement should be made to stay employed for a certain amount of time.

Mrs. Stoll stated that she feels that temporary signage should be allowed to be placed off the businesses property. More than one banner should be allowed on larger properties.

Zak Chaurdy from Sussex Gulf stated that the vendors that provide the banners to the businesses should be charged the fee. More than one banner sign should be allowed per property.

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

COUNCIL DISCUSSION OF OPEN SESSION ITEMS

Mrs. Krynicky stated that a sign could be erected by the Borough and rented out to the local business to advertise special events.

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.