

**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  
April 3, 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, Mr. Fransen, Mrs. Krynicky, Mr. LaBar, Mr. Lagattuta, Mr. Meyer, Mayor Rose.

Absent: None

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."

Mayor Rose presented Councilman James Fransen with a plaque thanking him for his years of service to the Borough of Sussex as a member of the Planning Board and Councilman.

**PRESENTATIONS:**

Mr. John Ruschke of Hatch Mott MacDonald and Mr. Mike Furrey of Agra Environmental Laboratory Services reviewed the proposals for upgrades to the Water Treatment Plant. Mr. Ruschke gave a brief background of concerns of the NJDEP with regards to the turbidity issues. Modifications to Colesville Reservoir and upgrades to the water treatment plant were discussed.

Mayor Rose stated that three issues with the water system exist. First is turbidity the second is TTHM concerns and third is the standard operating procedure of shutting down the plant during high flow events. Only the third situation is being considered in the proposals discussed tonight.

Mr. Ruschke explained some of the options to solve the situation of the shutting down of the plant. An option is to install an electric automatic pressure reducing valve to be able to integrate the Sussex tank into the water distribution system. This will increase the amount of water that can be stored and utilized.

The two proposals were reviewed first the improvements to the Colesville Reservoir were explained by Mr. Ruschke. The cost to construct the changes might be too prohibitive for this option. The second proposal was to design a plate settler at the treatment plant.

At this time it is the recommendation of Mr. Ruschke not to move forward with either of the two proposals and to reevaluate the entire system to determine all long term effects. The feeling from the NJDEP is that the Borough has some time to evaluate the current changes that are being made to see how they will affect these other issues.

Mr. Furrey presented an update of the current repairs that are taking place at the treatment plant.

The possibility of the Borough drilling wells with some benefits and negative aspects discussed. Mr. LaBar stated that the well committee has had discussions with some local land owners with the possibility of testing existing wells on these lands.

The concept of firm capacity and the total amount of water produced was explained by Mr. Ruschke. Discussion about this subject ensued.

The consensus of the Council is that more time and testing is warranted to make an educated decision on the future plans to correct these major issues.

**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.

## SUSSEX BOROUGH

Page 2 of 7 of the minutes of April 3, 2012

### CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter received March 27, 2012 from Laurie Case resigning from the Recreation Committee as a merchant member.
2. Letter dated March 26, 2012 from NJDOT informing the Borough of the award of funding in the amount of \$185,000.00 for the improvements to Grove Street.
3. Resolution from Stillwater Township supporting a referendum for the sale of the Homestead Nursing Home.
4. Resolution from Hampton Township opposing proposed legislation 5-1085 also known as Forest Harvest on State Lands

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

1. Sussex Fire Department EMS Report.

### APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for the use of Brookside Park from High Point Midget Football for the dates of July 15 through December 31, 2012.

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

1. Payment of bills for the meeting of April 3, 2012.

Mr. Meyer made a motion to accept the consent agenda of April 3, 2012. Seconded by Mrs. Krynicky

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

### **OPEN PUBLIC SESSION #1**

Mr. Fransen 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. Dykstra All were in favor.

Mrs. Terry-Ann Zander the Advertiser News asked what is the five year high in water flows. Mayor Rose stated that at this time the Borough does not have that information.

Mr. Frank Ambrose 1 Roy Court stated that he is on the delinquent list of water users and would like to work out an agreement with the Borough to ensure payment.

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**

There was no discussion at this time.

### **ADMINISTRATORS REPORT**

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

#### Borough Sites and Street Issues

DPW has been working on air release valves along the sewer force main, with lack of maintenance over the years they have to be careful while preparing for the replacement. They have installed sample ports at three locations in order to test the integrity of the sewer main.

The air release valves on the water main are being evaluated and with the hopes that most will

## SUSSEX BOROUGH

Page 3 of 7 of the minutes of April 3, 2012

only need cleaning and not replacement.

### Financial Controls/Legal Issues

The cost spreadsheet will be available on the first meeting in May this will show what percent of each budget line as been used to date. The CFO created one for April but some issues need to be worked out.

### Operational/Personnel Matters

Toni Smith the Boroughs new water/sewer collector is doing a great job, has taken on many duties while Colleen is on vacation and is an asset to the Borough.

### Long-term and Capital Projects

Sussex Borough received a DOT grant of \$185,000 to improve the road surface and drainage on Willow Street, with work to be scheduled for the spring of 2013.

### Misc

I have agreed to present an assembly with Jim Doherty on May 2<sup>nd</sup> in the Sussex-Wantage School for Youth in Government Day. Sussex will be hosting a mock meeting on May 15<sup>th</sup> before the regular Mayor and Council meeting.

A meeting was set up today by Councilman Lagattuta for me to meet with two gentlemen from Birdsall Services to discuss the possible savings to the Boroughs energy cost. The goal of the NJSEM is to pool the resources of Municipalities to purchase natural gas and electricity at a reduced rate. We will be researching this option to see if the Borough can save money.

Four petitions were submitted for two open Council seats for the Republican Primary Georgeanna Stoll, Annette Stendor, Linda Masson, and Robert Holowach, there were no petitions for the Democrat Primary.

Two petitions were submitted for Republican County Committee Marina Krynicky and Sal Lagattuta

## **OLD BUSINESS**

### Deckertown Mills Historic Sign Location

Mr. Meyer made a motion to approve the placement of the Deckertown Mills Historic sign located on Block 206 Lot 1 Seconded by Mr. LaBar

Upon roll call vote:

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

Nays: None Absent: None Abstentions: Fransen

## **NEW BUSINESS**

### **Approval of Meeting Minutes**

Mr. Meyer made a motion to approve the meeting minutes of the Regular Meeting held on March 6, 2012. Seconded by Mr. Dykstra

Upon roll call vote:

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

Nays: None Absent: None Abstentions: Fransen

SUSSEX BOROUGH

Page 4 of 7 of the minutes of April 3, 2012

**Approval of Meeting Minutes**

Mr. Meyer made a motion to approve the meeting minutes of the Budget Workshop held on March 8, 2012. Seconded by Mr. LaBar

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagatutta, Meyer,

Nays: None Absent: None Abstentions: Dykstra, Fransen

**Sussex – Wantage Little League Parade**

Mr. Dykstra made a motion to approve a request from the Sussex-Wantage Little League to hold its annual opening day parade on Saturday, April 14, 2012 (with a rain date of Sunday April 15, 2012,) beginning at 11:00 am, conditioned on approval from the County and the State. Seconded by Mr. Fransen

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Resolution 2012-53R Authorizing Contract**

Mr. Fransen made a motion to approve a contract with Fredon Welding and Iron Works to repair the metal stairs at the Borough's Theater, cost not to exceed \$8,025.00. Seconded by Mr. Lagatutta

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Resolution 2012-54R Authorizing Contract**

Mr. Meyer made a motion to approve a contract with Water Works Supply Company Inc. to supply air and vacuum release valves, cost not to exceed \$14,589.60. Seconded by Mr. LaBar

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Resolution 2012-55R Authorizing Emergency Contract**

Mr. Meyer made a motion to approve an emergency contract with USA Blue Book to provide a polyblend polymer system at the water treatment plant, cost not to exceed \$6,861.00. Seconded by Mr. Lagatutta

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Resolution 2012-56R Authorizing Emergency Contract**

Mr. Dykstra made a motion to approve an emergency contract with USA Blue Book to provide chemical feed pumps at the water treatment plant, cost not to exceed \$12,568.75. Seconded by Mr. Meyer

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

SUSSEX BOROUGH

Page 5 of 7 of the minutes of April 3, 2012

**Resolution 2012-57R Approving Employee Training Classes**

Mr. Fransen made a motion to adopt a resolution to fund Certified Municipal Finance Officer educational expenses in advance for Colleen Little. Seconded by Mr. Meyer

Upon roll call vote:

Ayes: Fransen, Krynicki, LaBar, Lagatutta, Meyer,

Nays: None Absent: None Abstentions: Dykstra

**Adoption Ordinance 2012-04 – Re-Appropriate Capital Funds**

Mr. Meyer made a motion to adopt 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. LaBar

Before final roll call Mayor Rose opened the meeting to the public for any questions or concerns that they may have regarding Ordinance 2012-04.

There being no one from the public who wished to address the Governing Body regarding Ordinance 2012-04, Mayor Rose closed the meeting to the public and returned to the regular order of business.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Adoption 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

Before final roll call Mayor Rose opened the meeting to the public for any questions or concerns that they may have regarding Ordinance 2012-05.

There being no one from the public who wished to address the Governing Body regarding Ordinance 2012-05, Mayor Rose closed the meeting to the public and returned to the regular order of business.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Introduction Ordinance 2012-06 – Modify Chapter 24**

Mr. Meyer made a motion to introduce an ordinance entitled “AN ORDINANCE TO MODIFY THE CODE OF THE BOROUGH OF SUSSEX SUPPLEMENTING CHAPTER 24 REGARDING WATER RATES” Seconded by Mr. Dykstra

The Mayor and Council had a brief discussion on the need to insert, into the current ordinance a wholesale cost for water to companies that would purchase quantities in bulk. The main topic of discussion is the rate to charge per gallon. The consensus of the Council is to allow the sales on a temporary bases to determine if the need is worth an investment in an automatic valve system.

Mr. Ursin stated that if the desire of the Council is a pilot program the proper method of approval is through a Resolution not an Ordinance.

Mr. Meyer made a motion to table an ordinance entitled “AN ORDINANCE TO MODIFY THE CODE OF THE BOROUGH OF SUSSEX SUPPLEMENTING CHAPTER 24 REGARDING WATER RATES” Seconded by Mr. Dykstra

**SUSSEX BOROUGH**

Page 6 of 7 of the minutes of April 3, 2012

Upon roll call vote:

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

Nays: None Absent: None Abstentions: Fransen

Mr. Meyer made a motion to adopt a Resolution to permit bulk water sales for a 60 day trial period commencing on April 4, 2012. The cost is hereby set at \$.0083 per gallon. Seconded by Mrs. Dykstra

Upon roll call vote:

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

Nays: None Absent: None Abstentions: Fransen

**Introduction Ordinance 2012-07 – Modify Chapter 5**

Mr. Dykstra made a motion to introduce an ordinance entitled “AN ORDINANCE TO MODIFY CHAPTER 86 THE CODE OF THE BOROUGH OF SUSSEX REGARDING DOGS AND CATS” Seconded by Mr. Meyer

After a brief discussion concerning Ordinance 2012-07 Mr. Lagattuta made a motion to table until the next regular scheduled meeting an ordinance entitled “AN ORDINANCE TO MODIFY CHAPTER 5 THE CODE OF THE BOROUGH OF SUSSEX REGARDING DOGS AND CATS” Seconded by Mr. Meyer

Upon roll call vote:

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

Nays: None Absent: None Abstentions: Fransen

**Discussion – Proposed Sign Ordinance**

Mr. Dykstra made a motion to table the discussion of the sign ordinance to the next regular scheduled meeting. Seconded by Mr. Meyer

Upon roll call vote:

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

Nays: None Absent: None Abstentions: Fransen

**Discussion – Water Shut Offs**

At this time no discussion took place regarding water shut offs

**OPEN PUBLIC SESSION #2**

Mr. LaBar 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. Lagattuta All were in favor.

Mrs. Doris Olree owner of 9 Walling Avenue stated that it was recently discovered that the Borough holds a mortgage on her property in the amount of \$6,284.65. This mortgage was taken out by Florence Card in August 1986. With interest the total amount owed to the Borough is \$12,042.04. Mrs. Olree stated that if indeed these monies are owed to the Borough she is asking for relief on the interest payments and just pay the \$6,284.65 principle.

Mrs. Maria Clark 29 Walnut Street stated that she received a shut off notice and is asking for more time to pay her bill.

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.

## SUSSEX BOROUGH

Page 7 of 7 of the minutes of April 3, 2012

### **EXECUTIVE SESSION**

In accordance with the provisions of the Open Public Meetings Act, Mr. Meyer made a motion to adjourn into closed executive session for attorney client privilege and threatened litigation. Seconded by Mr. Dykstra

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 10:20 p.m. 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

Mayor Rose stated that also discussed in executive session was the Doris Olree matter.

Mr. Dykstra stated that the Borough has permission to test a well and directed the Clerk to place this issue on a future agenda.

### **ADJOURNMENT**

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