

**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
September 18, 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. Holowach, Mrs. Krynicky, Mr. LaBar, Mr. Lagattuta, Mayor Rose.

Absent: Mr. Dykstra, Mr. Meyer

Mr. Dykstra joined the dais at 7:32pm

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."

COUNCIL MOTIONS: Mayor Rose opened the floor to each member of the Council to offer any motions not currently on the agenda.

No motions were offered at this time.

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. Resolution from Andover Township urging the Sussex County Freeholder Board to consider adoption of a cooling off period policy of two years for former politicians.
2. Resolution from Lafayette Township opposing A-323 of the General Assembly and S-2074 from the State Senate.
3. Letter from Harold Pellow to Mark Zschack concerning the Harrison Street parking lot.
4. Flyer from Becky Carlson Assistant Director, Center for Prevention and Counseling in reference to a Countywide Drug Disposal Day.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Department Report for the month of August, 2012.
2. Property Maintenance Department Report for the month of August, 2012.
3. Zoning Department Report for the month of August, 2012.
4. Tax Collector Report for the month of August, 2012.
5. Municipal Clerk's report for the month of August, 2012.
6. Water/Sewer Collector Report for the month of August, 2012.
7. Fire Department Reports for the months April, 2012 through August, 2012
8. CFO's Budget Summary spreadsheet as of August, 31, 2012

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for the use of Brookside Park from Off the Bench Sports (High Point Nights) for the dates of September 22 & 23, 2012.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of September 18, 2012

Mrs. Krynicky made a motion to accept the consent agenda of September 18, 2012. Seconded by Mr. Holowach

Upon roll call vote:

Ayes: Dykstra, Holowach, Krynicky, LaBar, Lagattuta,

Nays: None Absent: Meyer Abstentions: None

OPEN PUBLIC SESSION #1

Mr. Lagattuta 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 with a total of 10 minutes for the Council to discuss. Seconded by Mr. Holowach
All were in favor.

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

ADMINISTRATORS REPORT

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

Borough Sites and Street Issues

On August 21, 2012 the Borough Engineer issued a study on the drainage concerns at the Harrison Street parking lot. On September 7, 2012 test holes were excavated to evaluate if the plan could be implemented. It was determined that the construction of a trench will help control the runoff from the parking lot for most storms. This construction is scheduled to commence within two weeks.

Due to some recent complaints we will be conducting a survey of all roadway signage within the Borough to determine the condition of existing signs as well as decide if more signage is warranted.

Construction of the dry well at the water treatment plant is complete this should eliminate any runoff to the adjoining parking lot.

I met on Saturday with the couple that requested to locate a memorial in Brookside Park to honor their son. Before the next meeting we will have more information for the Councils review.

Financial Controls/Legal Issues

We have started compiling data to start in the budget process for next year. We will be working with the CFO and auditors to present a budget to the Council. This year's numbers look good with four months until the end of the year we have 27% remaining in the general fund and 39% remaining in the water/sewer budget.

Long-term and Capital Projects

The Grove Street project started yesterday morning and all milling has been completed. At 4pm yesterday a sewer main was ruptured. This pipe was located only about 3" under the existing pavement and the repairs were made today. Due to the height of this pipe some elevation adjustments are being considered.

OLD BUSINESS

There was no old business discussed at this time.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Dykstra made a motion to approve the meeting minutes of the Regular Meeting held on September 4, 2012 (Absent: None) Seconded by Mr. Lagattuta

Upon roll call vote:
Ayes: Dykstra, Holowach, Krynicki, LaBar, Lagattuta,
Nays: None Absent: Meyer Abstentions: None

Exemption to the Mandatory Notice to Connect

No motion was made to approve the request from Marleen Horlacher, Esq. to grant an exemption from the Mandatory Notice to Connect issued to Donna Trotter 10 Overlook Avenue.

Resolution 2012-92R Honoring Eagle Scout

Mr. Lagattuta made a motion to adopt a resolution congratulating Brandon K. Jerram for achieving the rank of Eagle Scout as a member of Boy Scout Troop 97. Seconded by Mr. LaBar

Upon roll call vote:
Ayes: Dykstra, Holowach, Krynicki, LaBar, Lagattuta,
Nays: None Absent: Meyer Abstentions: None

Resolution 2012-93R Proclamation

Mr. LaBar made a motion to adopt a resolution proclaiming September 9 through September 15, 2012 as Patriotism Week. Seconded by Mr. Holowach

Upon roll call vote:
Ayes: Dykstra, Holowach, Krynicki, LaBar, Lagattuta,
Nays: None Absent: Meyer Abstentions: None

Sussex County Arts and Heritage Council

Mr. Holowach made a motion to approve \$35.00 to the Sussex County Arts and Heritage Council to help cover the cost of a booklet and advertising for the second annual Heritage Weekend. Seconded by Mr. Dykstra

Upon roll call vote:
Ayes: Dykstra, Holowach, Krynicki, LaBar, Lagattuta,
Nays: None Absent: Meyer Abstentions: None

Approval of Expenditures for the N. J. State League of Municipalities Convention

Mr. Lagattuta made a motion to approve the expenditure of up to \$500.00 per person to attend the New Jersey State League of Municipalities Convention to be held in Atlantic City November 13, 14, 15, 2012. Eligible to attend are the Mayor, Councilmembers, and full time employees. Seconded by Mr. Holowach

Upon roll call vote:
Ayes: Holowach, Krynicki, Lagattuta,
Nays: Dykstra, LaBar Absent: Meyer Abstentions: None

After a brief discussion about limiting the number of attendees to the convention in order to limit cost Mr. Dykstra made a motion to amend the previous motion to approve the expenditure of up to \$500.00 per person to attend the New Jersey State League of Municipalities Convention to be held in Atlantic City November 13, 14, 15, 2012. Eligible to attend are the Mayor, Councilmembers, and full time employees limiting the total number of attendees to three. Seconded by Mr. LaBar

Upon roll call vote:

Ayes: Dykstra, LaBar

Nays: Holowach, Krynicky, Lagattuta, Absent: Meyer Abstentions: None

Mr. Lagattuta made a motion to amend the original motion to approve the expenditure of up to \$500.00 per person total cost not to exceed \$1,500.00 to attend the New Jersey State League of Municipalities Convention to be held in Atlantic City November 13, 14, 15, 2012. Eligible to attend are the Mayor, Councilmembers and full time employees.

There was no second to the motion.

OPEN PUBLIC SESSION #2

Mr. Holowach 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 with a total of 10 minutes for the Council to discuss. Seconded by Mr. Lagattuta
All were in favor.

Mrs. Linda Masson 15 Spruce Avenue asked what goes on at the New Jersey State League of Municipalities Convention in Atlantic City.

Mr. John Ursin stated that New Jersey State League of Municipalities is an organization that represents all the Municipalities in the state. This association rents out the convention center and offers classes for all aspects of Municipal government. The convention floor is also filled with vendors that offer products and services to the local government agencies.

Mrs. Masson asked is there other opportunities during the year that these types of classes are offered.

Mr. Ursin stated that there are but they are scattered throughout the state at different times of the year.

Mrs. Masson stated that she feels that the community could benefit from Councilmembers attending the convention.

Mr. Lagattuta stated that an additional benefit is the networking that takes place to get the feel of how other Municipalities are dealing with the same issues we deal with.

Mrs. Donna Trotter 10 Overlook Drive stated that she is here to discuss the agenda item requesting the waiver from the mandatory notice to connect.

Mrs. Trotter stated that this house is in the control of the executors of the estate, which has no money. Mrs. Trotter stated that what she was requesting a waiver for an extension of time to allow her to save the money needed to make the connection.

Mayor Rose stated that he suggests that Mrs. Trotters attorney should draft a new letter requesting an extension of time for the mandatory notice to connect.

Mrs. Vicki Gonzales 35 Lakeview Terrace stated that she is present tonight to follow up on the proposed work to be done at the Harrison Street parking lot. Mrs. Gonzales owns the Taco of the Town and is concerned about flooding that her property has experienced. Mrs. Gonzales gave a brief history of the flooding that has occurred at her property as well as other businesses on Main Street.

Mr. Zschack stated that the construction of the trench, which was proposed by the Borough Engineer, is scheduled to commence within the next two weeks. The construction of this trench will reduce the runoff from the parking lot but a percent of the runoff is originating from the adjoining properties.

Mayor Rose asked if Mrs. Gonzales feels that her neighbors on Main Street would be willing to meet with the Borough officials to discuss a comprehensive plan.

Mrs. Gonzales stated that she thinks this is a good idea.

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

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. LaBar made a motion to adjourn into closed executive session to discuss a property damage claim with possible litigation. Motion seconded by Mr. Holowach.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 8:23 p.m. and Mr. Holowach made a motion to adjourn out of closed executive session and to be reconvened into open public session. Motion seconded by Mr. Lagattuta. All were in favor.

Mr. LaBar made a motion to amend the agenda to add discussion about a meeting between the Borough of Sussex and Wantage Township in regards to the purchase of a fire truck. Seconded by Mr. Holowach. All were in favor.

There was a meeting between Sussex and Wantage on September 7, 2012 in attendance were Mayor Rose, Mayor Gaechter, Jim Doherty, and Mark Zschack. The discussion started in reference to the ambulance and billing issues that face all EMT services. The talks continued onto the topic of sharing the cost of a new fire truck. The position of Mr. Doherty was that at this time due to fiscal restraints and the fact that Wantage just purchased two vehicles that he would recommend to the Committee not to share the cost of a new truck. Mayor Gaechter agreed with Mr. Doherty's statement.

The feeling of the Council is that Wantage does not care about the southern portion of their Township.

Mr. Dykstra stated that he has been through this issue before. Wantage presented a proposal years ago that Sussex thought was not a benefit to the Borough so it did not move forward.

The idea of creating a fire district was also discussed at the meeting.

The consensus of the Council is to ponder this issue for a few weeks and revisit this topic at the next meeting.

ADJOURNMENT

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