

**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
FEBRUARY 7, 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.

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 January 6, 2012 from Mark Zschack to Senator Steve Oroho regarding S2794 – Shared Service Bill.
2. Letter dated January 15, 2012 from Peter and Carla Henckel of Lakeview Terrace to the Mayor and Council and Recreation Commission thanking them for selecting their home as the best decorated.
3. Letter dated January 18, 2012 from Mark Zschack to Dr. Edward Izbicki, Superintendent of the Sussex Wantage Schools, regarding the crossing guards.
4. Letter date January 18, 2012 from John Ursin Borough Attorney to John Hatzelis of SCMUA, regarding Sussex Borough Sewer Utilities.
5. Letter dated January 25, 2012 from Dr. Edward Izbicki to Mark Zschack regarding the crossing guards.
6. Letter dated January 23, 2012 from Judith Enck of the United States EPA to Honorable Scott Garrett regarding the EPA's decision to rescind \$382,000 that was to be used for the Hamburg Ave Water Line.
7. Letter dated January 26, 2012 from Patricia Fischer to Mark Zschack regarding the Housing Rehabilitation Program Progress report.
8. Letter dated January 25, 2012 from Patricia Fischer to Melinda Akcay regarding the Housing Rehabilitation Program Income Information.
9. Letter dated January 25, 2012 from Patricia Fischer to Adil Akcay regarding the Housing Rehabilitation Program Income Information for Melinda Akcay.
10. Letter from the Sussex County Department of Environmental and Public Health Services regarding the Hepatitis B Vaccination letter of understanding for 2012.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Water Sewer Collector Report for the month of January 2012.
2. Construction Department report for the month of January 2012.
3. Property Maintenance Department report for the month of January 2012.
4. Zoning Department report for the month of January 2012.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of February 7, 2012.

Mr. Meyer made a motion to accept the consent agenda of February 7, 2012. Seconded by Mr. LaBar

SUSSEX BOROUGH

Page 2 of 7 of the Minutes of February 7, 2012

Upon roll call vote:

Ayes: Dykstra, Krynicky, LaBar, Lagattuta, Meyer

Nays: None Absent: Fransen Abstentions: None

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.

Mrs. Linda Masson 15 Spruce Avenue addressed the council regarding item 5 on the agenda, Bond Ordinance for water plant repairs. Mrs. Masson asked the Governing Body who is supposed to be paying for it.

Mayor Rose stated that it will be paid out of the receipts for the water sewer system.

Mrs. Masson asked if this would result in an increase in the rates.

Mayor Rose stated that the budget is not complete yet so there is no way to know that answer.

Mrs. Masson asked Mayor Rose when it will be decided if there is a rate increase.

Mayor Rose stated that it should be known in early March.

Mrs. Masson asked if there is a schedule of maintenance provided to the town that is completed at the treatment facility by the company in charge.

Mayor Rose stated that we provided monthly reports however they have been lacking due to the maintenance items.

Mrs. Masson asked who on the council is responsible for overseeing the water/sewer.

Mayor Rose stated that the Mayor is responsible for overseeing that.

Mrs. Masson stated that she heard mention of this when Mayor Parrott was mayor, that the filters were failing and the material needed to be replaced. She was wondering why no action was taken before this.

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

COUNCIL DISCUSSION OF OPEN SESSION ITEMS

Mr. Meyer commented that at the time they did some core samples of the filters and the results that came from those core samples, it was not an urgent matter at the time and that was about 6 months ago.

Mr. Dykstra stated that it should be noted that the life of filters is approximately 15 years.

ADMINISTRATORS REPORT

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

Borough Sites and Street Issues

The access road to Lake Rutherford was repaired by DPW.

The leak into decant basin room is in the process of being repaired it should be finished soon. The electric conduit is being replaced from the main building to the decant room. Most

SUSSEX BOROUGH

Page 3 of 7 of the Minutes of February 7, 2012

work is being done by the DPW with the electric connection to be performed by a licensed electrician.

One of the new trucks has arrived and is now in use by the DPW.

Long-term and Capital Projects

The improvements to the water treatment started with the ordering of parts and services. All proposals were reviewed by the Borough Administrator and John Ruschke prior to ordering and the lowest responsible bidder was selected to perform the work.

Misc

At their January 23, 2012 meeting High Point Regional High School voted to move the school elections to November.

Mayor Rose has been pursuing leads to sell water wholesale to companies that need to fill tanker trucks. Details are being worked out on the procedures. This would represent a revenue source to the Borough with minimal investment.

Discussion ensued about the wholesale of the water.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Dykstra made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on January 17, 2012, seconded by Mr. LaBar

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Meyer

Nays: None Absent: Fransen Abstentions: Lagattuta

Mr. Meyer made a motion to approve the meeting minutes of the Emergency Meeting held on January 26, 2012, seconded by Mr. LaBar

Upon roll call vote:

Ayes: Krynicki, LaBar, Lagatutta, Meyer

Nays: None Absent: Fransen Abstentions: Dykstra

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 March 17, 2012 and March 24, 2012, seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Lagatutta, Meyer

Nays: None Absent: Fransen Abstentions: None

Resolution #2012-37R – Honoring Eagle Scout

Mr. Dykstra made a motion to adopt a resolution congratulating Robert Marcus Raggi for achieving the rank of Eagle Scout as a member of Boy Scout Troop 97, seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Lagatutta, Meyer

Nays: None Absent: Fransen Abstentions: None

SUSSEX BOROUGH

Page 4 of 7 of the Minutes of February 7, 2012

Resolution #2012-38R – Recreation Committee

Mr. Meyer made a motion to adopt a resolution approving the Mayor's appointments for the Sussex Recreation Committee for 2012, seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Dykstra, Krynicky, LaBar, Lagattuta, Meyer

Nays: None Absent: Fransen Abstentions: None

Introduction Ordinance 2012-01 – Bond Ordinance for Water Plant Repairs

Mr. Meyer made a motion to introduce an ordinance entitled "BOND ORDINANCE PROVIDING FOR MAJOR REPAIRS TO THE WATER TREATMENT PLANT IN AND BY THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$125,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$125,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF", seconded by Mr. LaBar

Mr. Zschack stated that at the Emergency Meeting, the \$125,000 was approved to be spent; this ordinance is putting the money in place to be able to spend the money.

Upon roll call vote:

Ayes: Dykstra, Krynicky, LaBar, Lagattuta, Meyer

Nays: None Absent: Fransen Abstentions: None

Mayor Rose stated that the final reading is February 21, 2012

Discussion – Sale of Block 504 Lot 7

At this time a discussion took place regarding the sale of Block 504 Lot 7.

Mr. Zschack stated that this item is back on the agenda for this week as the sale of this property was cancelled at the last regular meeting and discussion as to whether the property should go back up for sale as a buildable lot.

Mr. Ursin stated you would not be selling it as a buildable lot. You would be selling it as a lot with the approvals from the planning board for what they are worth without the requirement of the lot being merged. If it's a non conforming lot, by law you are required to auction it to an adjacent property owner who is required to merge it to their property. When you sell this property, because of the planning board approval, you could lift the restriction that it be merged but it's important that ordinance make it crystal clear that you are not advertising that this is a buildable lot, this a lot that does not have to be merged with the lot next to it. The individual buyer would have to make their evaluation as to what the approvals were worth and whether or not it was buildable.

Mr. Lagattuta asked if the lot would be subject to a C or D variance as it is.

Mr. Ursin stated that he is not going to pine on that. We are going to make a condition of the sale if the Council chooses to go this way based on the resolutions and approvals that were granted by the Planning Board in 2007. An individual buyer will have to make a determination as to whether they can be renewed, whether or not there are any further variances and of course depending on the building and the details of the approval that could change and there could be variances required. The distinction that the Council would be making at this point is that you would not be requiring it to be merged with an adjoining lot.

Mr. Meyer asked if it could still be sold as a merged lot.

Mr. Ursin stated that you could certainly still sell it as a lot that is required to be merged with an adjoining property owner.

A lengthy discussion ensued regarding the selling of Block 504 Lot 1 as a possible buildable lot.

Mr. Lagattuta made a motion to direct John Ursin Esq. to prepare an ordinance to auction Block 504 lot 7 as a possible buildable lot for a minimum bid of \$25,000.00, seconded by Mr. Dykstra.

SUSSEX BOROUGH

Page 5 of 7 of the Minutes of February 7, 2012

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Lagatutta, Meyer

Nays: None Absent: Fransen Abstentions: None

Discussion – Grove Street Improvements

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

Mayor Rose stated that he asked for this to be on the agenda due to the fact that we have roads that need improving in the town and I wanted to make sure this is what the Council felt was the next road that needed to be improved and to get the Council to think about what other roads that would need to be improved.

Mr. LaBar stated that when this was originally discussed sometime back this was one of the roads that was picked to attack and Harold Pellow went and did a lot of work and got the grant and I really don't think that we should throw this grant away because if we do it may put a black mark against us if we threw it away and didn't use it. I think we should find some money to improve Grove Street.

Mr. Dykstra asked if there was a septic issue on that street and has it been resolved.

Mr. LaBar stated that the issue has been resolved.

Mr. Dykstra asked when the roads are going to be fixed pending the I&I project. Nothing is done to date.

Mr. Zschack stated that he will contact Mr. Ruschke to get the status of the paving of the roads.

A lengthy discussion ensued regarding the improvements to Grove Street.

Mr. Dykstra made a motion to direct Harold Pellow to review the construction cost of the Grove Street Grant Improvement Project, seconded by Mr. LaBar.

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Lagatutta, Meyer

Nays: None Absent: Fransen Abstentions: None

Approval for Leave of Absence

Mr. LaBar made a motion to excuse Councilman Jim Fransen from attendance of all meeting of the Governing Body for February and March, 2012, seconded by Mr. Lagattuta.

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Lagatutta, Meyer

Nays: None Absent: Fransen Abstentions: None

Approval of Infiltration Letter

Mr. Meyer made a motion to approve a letter to Borough residents directing them to remove any illegal discharge of clean water into the sewer system with a deadline of April 1, 2012 to correct deficiencies of the sewer lateral, seconded by Mr. LaBar.

Mr. Zschack stated that this letter is being sent to the 34 residents that have previously received letters about extra flow coming from their sewer pipes. Mr. Ruschke would like to set up appointments with these residents to video their sewer lines from the inside out.

A lengthy discussion ensued regarding the inspection of homes for illegal discharge of clean water.

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Lagatutta, Meyer

Nays: None Absent: Fransen Abstentions: None

SUSSEX BOROUGH

Page 6 of 7 of the Minutes of February 7, 2012

Meetings for Mayor and Councilmembers

Mr. Lagattuta made a motion to allow the Administrator/Clerk to approve and submit payments not to exceed \$50.00 per person for various meetings that the Mayor and Council may attend to benefit the Borough of Sussex, seconded by Mrs. Krynicky.

Mr. Zschack stated that this was placed on the agenda because since I started here this was the first request from Council members to attend a meeting of the Sussex County League of Municipalities and there was a small cost involved in that.

A lengthy discussion ensued about the attendance of Council members at various meetings.

Upon roll call vote:

Ayes: Dykstra, Krynicky, LaBar, Lagattuta, Meyer

Nays: None Absent: Fransen Abstentions: None

Mr. Lagattuta made a motion to allow Councilmembers to expense mileage for trips to and from seminars, meetings, and training events outside the Sussex Wantage area at the current employee rate, seconded by Mrs. Krynicky.

Upon roll call vote:

Ayes: Dykstra, Krynicky, LaBar, Lagattuta, Meyer

Nays: None Absent: Fransen Abstentions: None

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.

Mrs. Linda Masson 15 Spruce Avenue stated that after she sat down before Mr. Meyer had spoken about the repairs to the water treatment facility that the reason that they haven't been done previously was because they were not an emergency. Is that how we are operating, we are only repairing when it's an emergency situation?

Mrs. Masson stated so I guess you would say that United Water is performing up to your standards by letting things go until they are an emergency.

Mrs. Masson asked why the posting of the emergency meeting was not on the website or the sign.

Mr. Zschack stated that legally it does not have to be posted on the sign or the website.

Mrs. Masson stated that she understood that but would appreciate it if the meetings could be posted on same.

Mrs. Masson made a suggestion that a survey be made and sent to all residents addressing the public service that the community is receiving and including the I&I project and the way that is being conducted. When you were mentioning that someone would come into people's homes to put the camera down the sewer line into the homes, who is going to be doing that and what are their qualifications.

Mr. Zschack commented that it will be the engineer.

Mrs. Masson asked if would be the engineer himself.

Mr. Zschack stated that it will be people that work for the engineer.

Mrs. Katherine Little 27 Clove Avenue stated that as a member of the Board of Health Committee I am giving a report on the annual rabies clinic. The clinic was held on Saturday, January 14th, the vet was Dr. Tallamy and we vaccinated 130 animals. The next meeting will be February 28th at 7:30pm.

SUSSEX BOROUGH

Page 7 of 7 of the Minutes of February 7, 2012

Mr. Jack Hinkle 21 American Way, Wantage stated that the State was here two or three years ago now and the State said the money was there to do the roadway. Do you know what ever happened to that?

Mr. Ursin commented that it is proceeding.

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

COUNCIL DISCUSSION OF OPEN SESSION ITEMS

Mr. Lagattuta stated that the last time we had information, when I was on the planning board, from the State was that they were going to bid however it is still dependant on the funding.

Mr. Ursin stated that he has seen how much the state has been spending on land acquisitions, I have a high degree of confidence that the project is going forward.

Mr. Meyer stated that as of last April there is a new T-4 operator in the water plant and the new operator is taking over for an operator that had been in place for eight to ten years. With the new operator we are finding that he is doing a very good job identifying things and needs for the water treatment plant that had been neglected over the past eight to ten years.

MISCELLANEOUS COMMENTS

Mr. LaBar made a motion to encourage the DPW to keep the vehicles clean, seconded by Mr. Dykstra.

After a brief discussion Mr. Meyer made a motion to table the previous motion to encourage the DPW to clean the vehicles, seconded by Mr. LaBar. All were in favor.

Mrs. Krynicky asked about the fee paid for apartment registration. Is there some type of a law that states you cannot charge more than \$50? In all the years that I have lived that fee has never has gone up. Why don't we raise the fee for registration?

ADJOURNMENT

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