

**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 21, 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. Krynicki, Mr. LaBar, Mr. Lagattuta, Mr. Meyer, Mayor Rose.

Absent: Mr. Dykstra, 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 February 6, 2012 from John Ruschke to John Ursin regarding the Alpine Village Apartments Sanitary Sewer Discharge Violation.
2. Letter dated February 8, 2012 from Carolyn Joseph, Interim Business Administrator for High Point High School, to Mark Zschack regarding a resolution adopted by the Board of Education to move the school district's annual election.
3. Memo from NJ Transit regarding Fiscal Year 2012 request for federal financial assistance.
4. Letter dated February 13, 2012 from Linda Masson to Mark Zschack regarding the I&I into the sanitary sewer at 15 Spruce Avenue.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Clerk's Report for the month of January 2012.
2. Animal Control report for the month of December 2011.
3. Animal Control report for the month of January 2012.
4. Tax Collector's report for the month of January 2012.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for the use of Brookside Park from Sussex Wantage Little League for the dates of April 1 through July 31, 2012.
2. NJ State Fireman's Relief Application from Gregory Perry to become a member in the Sussex Fire Department.
3. Sussex Fire Department EMS application from Kyle Demarest.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of February 21, 2012.

Mr. Meyer made a motion to accept the consent agenda of February 21, 2012. Seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Krynicki, LaBar, Lagattuta, Meyer

Nays: None Absent: Dykstra, Fransen 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, seconded by Mr. Meyer. All were in favor.

Mr. Rick McCarthy 59 Lower Unionville Road Wantage introduced himself on behalf of Sussex Gulf. Mr. McCarthy stated that he has been employed by Sussex Gulf for a little over a year. Sussex Gulf approached the zoning officer Steve Danner and discussed the posting of signs within the Gulf property. The zoning officer approved most everything and a couple of weeks later Mr. Danner told them they would have to remove some of the signs that were posted due to numerous complaints. All the advertising that Sussex Gulf did was a benefit to area residents because it resulted in the lowering of prices. A meeting was set up with Mr. Danner and the owner of Sussex Gulf. At this meeting Mr. Danner stated that Sussex Gulf would have to comply with what ever he said. Without any delay all signs were removed from the property. Sussex Gulf took pictures of other businesses in the area and these pictures were distributed to the Council for their observation. Mr. McCarthy stated that \$200.00 was paid to the Borough to allow them to hang the signs. About two weeks ago Sussex Gulf received a notice from Mr. Danner that temporary signs around the building were not allowed and needed to be removed these signs were than removed by Sussex Gulf. Mr. McCarthy would like to inform the Council that there are many signs around the area. In closing Mr. McCarthy stated that Sussex Gulf would like to see the ordinance changed to help businesses utilize temporary banners.

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.

ADMINISTRATORS REPORT

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

Borough Sites and Street Issues

The Borough received an email from John Ruschke with an update of the sewer lateral inspections.

Five sewer laterals were videoed on February 18th.

- A Collapsed pipe approx. 9 FT from the basement was discovered the owner is aware of the situation.
- Pipe cleanout is good. Sump pump is connected directly to sanitary cleanout in basement. Homeowner is currently working on redirecting sump pump out of sanitary sewer.
- Pipe cleanout is good; leak is from connection to mainline.
- Roots protruding from joint approx. 72 FT from the cleanout in garage; camera couldn't pass – this might be near mainline.
- Camera cannot pass 90-degree bend approx. 4.5 FT from deployment cleanout. An attempt will be made to video from the mainline towards the house.

Misc

Mayor Rose and some Councilmembers are working on providing Borough residents with savings coupons for water saving plumbing fixtures such as shower heads and low flush toilets. Some local merchants are developing a coupon prototype that will be dropped off at the Municipal Building for the Council to review. While Home Depot said that they couldn't give residents a coupon for money off, they could provide educational tools about water saving devices in the form of literature or holding a "water saving clinic" for residents.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Meyer made a motion to approve the meeting minutes of the Regular Meeting held on February 7, 2012. Seconded by Mr. LaBar

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagatutta, Meyer

Nays: None Absent: Dykstra, Fransen Abstentions: None

Adoption Ordinance 2012-01 Bond Ordinance for Water Plant Repairs

Mr. Meyer made a motion to adopt 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

Before final roll call Mayor Rose opened the meeting to the public for any questions or concerns that they may have regarding Ordinance #2012-01

Mrs. Terry-Ann Zander from The Advertiser News asked how quickly after this second reading will the items for purchase be ordered and who will perform the work.

Mayor Rose stated that some of the items have already been ordered and various vendors and United Water/WhiteWater will perform the work.

Mrs. Zander asked will John Ruschke oversee the work that will be performed.

Mayor Rose stated that Mr. Ruschke as well as WhiteWater will monitor all work.

Mrs. Zander asked what the time frame is for this work to be completed.

Mayor Rose stated that it is scheduled to be completed by mid March.

There being no one else from the public who wished to address the Governing Body regarding Ordinance #2012-01, Mayor Rose closed the meeting to the public and returned to the regular order of business.

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagatutta, Meyer

Nays: None Absent: Dykstra, Fransen Abstentions: None

Resolution #2012-39R Transfer Resolution – Fund Balance Transfer

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

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagatutta, Meyer,

Nays: None Absent: Dykstra, Fransen Abstentions: None

Resolution #2012-40R Addition of vehicle to insurance

Mr. LaBar made a motion to add a vehicle for the fire department to the Borough's Fleet Insurance policy. Seconded by Mr. Meyer

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagatutta, Meyer,

Nays: None Absent: Dykstra, Fransen Abstentions: None

Discussion – Mayor’s Report on Treatment Plant Evaluation Engineering Proposal

At this time Mayor Rose gave a report regarding the water system repairs and future direction the Borough is taking at the water treatment plant. The current status of the repairs are as follows:

Decant System: Decant valves are on site and in the process of being replaced. Actuators have been ordered and will be on site in approximately 4-6 weeks.

Filter Media Replacement: PO has been issued to Anthrafilter and replacement is expected in March, after decant valves and actuators have been installed.

Chemical Feed Pumps: Pumps have been ordered and may arrive any day with installation to be performed by the water operator.

Generator repair is scheduled for today.

Building Heat: All units have been installed and operating normally.

Decant electrical conduit work is complete.

Standard operating procedure to flush feed pipe to water plant after every shutdown or monthly flushing’s has been incorporated.

The DEP and County health Department will be notified of an unknown discharge into the feed stream to Colesville reservoir.

The damage to the entrance roadway to Lake Rutherford has been repaired now allowing vehicle access to the Reservoir.

Mayor Rose stated that when the decant system and the filter media are repaired the turbidity issues during normal flows should be resolved. During high flow events the plant still experiences turbidity problems. The current standard operating procedure is to shut down the plant during these high flow events. The NJDEP is not pleased with this method and would like to see a change in this procedure.

Mayor Rose stated that the biggest concern facing the Borough is the TTHM issue. TTHM’s are calculated by taking a four quarter average on a rolling basis. It is most likely that there will be an exceedence for the next quarter due to this averaging method. A graph showing the results of the TTHM samples from 2004 through 2011 was discussed. These results indicate a rise in TTHM levels during the summer months. TTHM’s are caused by the interaction of chlorine and natural organic matter. A diagram of the water treatment plant was presented and an overview of how the raw water is processed was explained.

Mayor Rose stated that the TTHM levels within the plant have a reading of .050 mg/ L and the maximum contaminant level is .080mg/L. This indicates that the majority of TTHM’s are being formed within the plant. Two areas need to be examined the first is the watershed and second is the treatment plant. A possible solution is to remove the pre-chlorination step in the process and replace it with potassium permanganate which will not promote the formation of TTHM’s. There are some issues with potassium permanganate it is more expensive and is in a granular form therefore increasing cost.

Mayor Rose presented two proposals with different types of services concerning the treatment plant. The scope of services as well as the cost of each proposal was discussed in detail.

Mayor Rose stated that the main reason these proposals are being discussed tonight is a conference call is scheduled with DEP tomorrow and he wants some direction from the Council.

Mr. Lagattuta asked will the TTHM issue be reduced with the replacement of the new filter media.

Mayor Rose stated that according to our professionals the filter replacement will reduce the TTHM levels only slightly. The formations of TTHM’s are occurring before the filters.

Mr. Lagattuta stated that he feels the testing of the water should occur before an indepth study of the entire system is approved.

The possibility of adding a clarifier to the treatment and the lack of violations in the past were discussed.

Mayor Rose stated that the cause of the most resent turbidity violations is related to the failure of the decant system at the plant.

Mr. Lagattuta stated that once the current work at the plant is completed a review of the plant should be made to determine the next course of action.

The consensus of the Council is that the water testing should occur now and after the current work is finished perform a comprehensive study of the operations of the water system.

Mayor Rose stated that the original purpose for the Colesville Reservoir was to be a settling pond but during heavy rains the sediment within the pond is disturbed and then enters the intake pipe to the plant. The way the water flows into and around this reservoir need to be studied to return the reservoir to its intended use as a settling pond.

Mr. LaBar asked what could be done with the reservoir if the testing shows a high level of TOC'S and/or TOC'S, the reservoir has always been feed by a swamp.

Mayor Rose stated that there is not an answer for that question at this time

Mrs. Krynicky made a motion to contract with a laboratory to perform UV-254, TOC, and DOC testing at seven locations at a cost not to exceed \$1,250.00. Jar testing with potassium permanganate will also be performed at a cost not to exceed \$1,875.00 and the clerk can issue purchase orders up to these amounts. Seconded by Mr. Meyer

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagatutta, Meyer

Nays: None Absent: Dykstra, Fransen Abstentions: None

Discussion – Temporary Display Signs at Businesses

At this time a discussion took place regarding temporary display signs.

Mr. Ursin stated that the current Ordinance is in need of substantial revisions. This Ordinance lacks some specificity with respect to types, sizes, amount of signs and a variety of other issues. Mr. Ursin stated that if increased enforcement is directed at this time his recommendation is to review the Ordinance to correct some deficiencies.

Mr. Meyer stated that after his review of the photographs supplied by Sussex Gulf his opinion is that the Borough needs better regulation of temporary signage.

Mr. Lagattuta asked if this issue should be before the Planning/Zoning Board.

Mr. Ursin stated that this ordinance should be reviewed by the Council because the current sign ordinance is built into the land use regulations. Signs fall into two categories signs that are permanent and temporary signs. Permanent signs should be part of the land use regulations but temporary signs should be controlled through an administrative ordinance. These temporary signs would be regulated through the zoning official with no jurisdiction in the Land Use Board.

Discussion – Interlocal with Sussex Wantage School for Plumber and Electrician

At this time a discussion took place regarding an interlocal agreement with the Sussex Wantage School District for plumber and electrician shared services.

Mr. LaBar asked if an agreement was already in place. Mr. Ursin stated that a verbal agreement might be in place but not a written agreement.

Discussion continued about some work that the School District had performed in the past for the Borough.

Mayor Rose stated that there were two issues that needed to be added to the agreement. The first is the normal and overtime rate. A clause that the School District can refuse to perform the work if there personnel are to busy should also be added.

Mr. Lagattuta asked what the Borough would do if their professionals are not available to do the work. Mayor Rose stated that then the work would have to be performed by an outside contractor within the bidding guidelines.

Mrs. Krynicky asked if a shared service agreement could also be made with High Point Regional High School. Mr. Lagattuta stated that the Borough should explore two agreements one with each School District.

The ten present surcharges in The School Districts rate were discussed and the consensus was this rate was still much lower than an outside contractor would charge.

Mr. LaBar made a motion to authorize the Mayor to enter into a contract for a shared service agreement with the Sussex Wantage School District for licensed electrician and plumbing services with the addition that The School District can refuse service, set the rate at \$41.20 per hour and \$61.80 per hour for overtime and to disclose if overtime will be charged in advance. Seconded by Mr. Meyer

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagatutta, Meyer

Nays: None Absent: Dykstra, Fransen Abstentions: None

Discussion – Grove Street Improvements

At this time a discussion took place regarding improvements to Grove Street and a letter received from Harold Pellow. The letter from Harold Pellow describes a reduction of \$5,500.00 from the initial construction cost estimate from 2009 for the Grove Street Improvement Project.

Mr. Zschack stated that the reduction would be subtracted from the total cost estimate and the States share would remain the same resulting in a decrease cost for the Borough.

Mr. LaBar stated that in his opinion the Borough should go ahead with the improvement so not to loose the \$170,000.00 from the State and increase the possibility of loosing grants in the future.

Mr. Lagattuta asked were the \$75,000 share from the Borough will come from.

Mr. Zschack stated that there are monies left over in previously approved Ordinances but whether the Borough can utilize this money has still not been determined.

Mr. Lagattuta asked can the monies in the older bonds be repurposed to cover the cost of Grove Street. Mr. Ursin stated that it depends on what the purpose listed in the original Ordinance was.

Mr. Lagattuta stated that he would like to wait one more meeting to receive information from the CFO on weather these monies can be utilized, the Council agreed.

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 Mrs. Krynicky All were in favor.

Mrs. Terry Ann Zander the Advertise News asked if the testing inside the water treatment was part of the early approval about water testing.

Mayor Rose stated that testing within the water was part of the testing approved.

Mr. Zander asked when the plant is shut down is water from the tanks utilized to provide water to the system.

Mayor Rose stated that the Borough has two tanks and only the water from the tank at the treatment plant is used no from the Sussex tank.

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.

ADJOURNMENT

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