

**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 17, 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: 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."

**Vacant Council Seat**

Mayor Rose stated the Republican Committee submitted three names to the Council for consideration to fill the unexpired term, Annette Stendor, Robert Holowach, and Linda Masson.

Mrs. Krynicky made a motion to nominate Robert Holowach to fill the unexpired Council term ending December 31, 2012, seconded by Mr. Dykstra.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mr. John Ursin, Esq. performed the swearing in ceremony of Mr. Robert Holowach after which Mr. Holowach signed the oath of office and joined the Mayor and Council on the dais.

**PRESENTATIONS:**

**High Point Regional High School**

Dr. John Hannum, Superintendant at High Point Regional High School gave an overview of attendance, programs, facilities, and future plans. A new running track and upgrades to the science labs are planned for this year. New windows and doors have already been installed in certain sections of the building reducing energy costs. The school was named a high performing high school this year by the State. New course options will be introduced and Dr. Hannum praised all the staff at High Point for their work and dedication to the students.

Mrs. Alice Bresett, Business Administrator gave an overview of a budget handout that was presented to the Mayor and Council. Items discussed were expenditures, revenues, and grants that were received. Last years budget was compared to this year's budget and the tax levy was reviewed. The allocation of the tax levy and the break down of taxes was explained.

Mr. Lagattuta asked if there was an expense to the school for the solar project or is it a leased program. the solar project was leased

Dr. John Hannum stated that school is not involved in the S-REG's but will see a reduction in energy cost.

Mr. Lagattuta asked if the \$100,000 tuition and miscellaneous revenues projections are an estimate.

Mrs. Alice Bresett stated that is a best guess estimate.

Mr. Lagattuta asked if the forty person reduction in staff included aids.

Dr. John Hannum stated that this number does include all staff.

Mr. Dykstra asked what the cost per student is.

Mrs. Alice Bresett stated that it is approximately \$19,000 per student.

Mr. Lagattuta stated that Sussex Borough has eleven less students this year and Lafayette has four and a half less. Why is Lafayette's tax burden less than last year while Sussex's tax burden has risen?

Dr. John Hannum stated that this logic does not make sense to him either but the formula is dictated by the State.

Mr. Lagattuta asked if the cost of health benefits has been analyzed to determine if there is a less expensive plan available.

Dr. John Hannum stated that the school is not in the state health plan because the current vendor was less expensive.

Mr. Lagattuta asked if the per student charge of Vo-Tech tuition is prorated to the Towns.

Dr. John Hannum stated it is not the case once a child becomes a High Point student the money comes from the general budget.

Mr. Lagattuta asked does the school anticipate a saving of money to the tax payer due to the mild winter.

Dr. John Hannum stated that any amount of surplus over two percent it will go toward tax relief.

Pamela Flynn, Sussex Borough's representative on the High Point Board of Education stated that she is in her first year on the Board. She takes her position very seriously and appreciates the support of the voters.

#### **Auction of Municipal Owned Property – Block 504, Lot 7**

Mayor Rose asked if anyone in the audience tonight is here for the auction of Block 504, Lot 7.

Mr. Ursin stated that even though no one is present for the auction the meeting still needs to be opened up to the public to bidders.

Mr. Ursin asked are there any bidders for Block 504 Lot 7 as advertised with all of the restrictions set forth in the Ordinance. Hearing no bidders the auction is unsuccessful and the property will remain a municipally owned property and this concludes the auction.

#### **CY 2012 Municipal Budget**

Christine Rolef and Erin Dunstan of Ferraioli, Wielkocz, Cerullo & Cuva, P.A. and CFO William Zuckerman presented an update of the CY 2012 Municipal Budget.

Erin Dunstan reviewed the proposed budget that was introduced at the March 20, 2012 meeting. Revenues, expenditures, and the amount to be raised by taxation were discussed.

Erin Dunstan stated that the Borough portion of the entire property tax burden is only 22%.

The water/sewer budget was discussed with the consensus was it is stable do to the utility increase that was imposed in 2010.

Mr. Zuckerman stated that there was a reduction of \$316,000 in the net evaluation in the Borough and the average increase in taxes is only \$27.33. This budget is very conservative and the Borough is making good choices on the expenditure side.

#### **Public Hearing on CY 2012 Municipal Budget**

Mayor Rose opened the meeting to the public for any questions or concerns that they may have regarding the CY 2012 Municipal Budget.

Mrs. Terry-Ann Zander from the Advertiser News asked for clarification to the \$300,000 number that was mentioned.

Mr. Zuckerman stated that the net valuation of properties within the Borough was reduced by \$ 316,000 from last year.

Mrs. Zander asked if the \$27.33 increase was based on \$100,000 of assessed vale.

Erin Dunstan stated that the \$27.33 increase is based on the average assessed house in the Borough of \$115,000.

Mrs. Pamela Flynn 19 Grove Street asked will the rate go down because of the savings in the water/sewer budget.

Mayor Rose stated that the current budget reflects a flat budget with no increase or decrease in the rates.

There being no one else present who wished to address the Governing Body, Mayor Rose closed the meeting to the public, and returned to the regular order of business.

### **Adoption CY 2012 Municipal Budget**

Mr. Dykstra made a motion to adopt a resolution adopting the CY 2012 Municipal Budget for the Borough of Sussex. Seconded by Mr. Lagattuta

Upon roll call vote:

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

Nays: None Absent: None Abstentions: Holowach

### **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.

Mr. LaBar made a motion to accept the consent agenda of April 17, 2012. Seconded by Mr. Dykstra

Upon roll call vote:

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

Nays: None Absent: None 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.

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. Dykstra. All were in favor.

### **ADMINISTRATORS REPORT**

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

#### **Borough Sites and Street Issues**

The second new truck for the DPW has arrived and is on the road it's a red 2012 450 Ford pickup.

#### **Financial Controls/Legal Issues**

Payment, in the amount of \$51,908.45, has been processed for settlement of the claim involving a pipe burst at the sewer plant in September 2011.

The payment is based on invoices less the policy deductible of \$1,000.00. The check arrived today. Borough has also received \$46,900 partial payment for Hurricane Irene damage with additional claims still pending.

#### **Misc**

The Sussex Fire Department has been offered through a donation a 1997 International/Navistar Ambulance with an appraisal value of \$16,500. The intended use is a

support vehicle for the rescue truck and general utility truck. The estimated extra cost for insurance is \$700.00 per year.

### **ATTORNEY REPORT**

Mr. Ursin stated that the Borough provides sewer allocation to the proposed High Ridge Development in Hardyston. Since 2008 there has been a discrepancy on what the developer owes the Borough for this allocation. On Friday this case came to a conclusion that Sussex Borough's position was correct and valid. The amount owed to the Borough of Sussex is approximately \$300,000 with some of this amount to be paid to Hardyston. This does bring the current case to a close representing a victory to the Borough but this decision is subject to appeal within a 45 day period.

### **OLD BUSINESS**

Mr. LaBar stated that the brick pavers on Main Street are in a state of disrepair and a letter should be sent to all owners on Main Street to repair the defective bricks.

### **NEW BUSINESS**

#### **Approval of Meeting Minutes**

Mr. Meyer made a motion to approve the meeting minutes of the Regular Meeting held on March 20, 2012. Seconded by Mr. Dykstra

Upon roll call vote:

Ayes: Dykstra, Krynicki, LaBar, Lagattuta, Meyer,  
Nays: None Absent: None Abstentions: Holowach

#### **Resolution 2012-58R Authorizing Contract**

Mr. Meyer made a motion to approve a contract with Spectraserv Inc. to replace the filter media at the water treatment plant, cost not to exceed \$42,000.00. Seconded by Mr. Dykstra

Upon roll call vote:

Ayes: Dykstra, Holowach, Krynicki, LaBar, Lagattuta, Meyer,  
Nays: None Absent: None Abstentions: None

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

Mr. Meyer made a motion to introduce an ordinance entitled "AN ORDINANCE TO MODIFY CHAPTER 5 THE CODE OF THE BOROUGH OF SUSSEX REGARDING DOGS AND CATS" Seconded by Mr. Lagattuta

Land use concerns with respect to the kennel section in the proposed ordinance were discussed.

Mr. Dykstra asked is there a limit on the amount of dogs and cats per owner or premises. Mr. Ursin stated that in section 5.13E it states at what number of animals a kennel licenses would be needed. It is very difficult to determine what the allowable number of animals should be in any given home. The method of control is based in fact that an owner must maintain these animals in a safe and healthy manner and abide by all aspects of this Ordinance. The previous ordinance had no provisions to regulate cats this ordinance dictates that the person feeding a cat must get this animal licensed. The regulating of animal besides dog and cats was discussed.

Mr. LaBar stated that in section 5-14 concerning the dog censes the reference to the Chief of Police should be removed.

Mr. LaBar stated that in section 5-17 the time of allowing a noise nuisance to continue for a half hour is to long. The consensus of the council is this section should limit the time to fifteen minutes.

Mayor Rose asked if section 5-10 D should remain Mr. Ursin stated that he will review and give guidance.

After a brief discussion the consensus of the Council is in section 5-13 D cats should be added.

After a brief discussion the consensus of the Council is section 5-13 E should remain as proposed.

After a brief discussion the consensus of the Council is section 5-16 A 1 should remain as proposed.

After a brief discussion of section 5-16 d the consensus of the Council is that this section in its entirety be removed.

After a brief discussion of section 5-16 j 6 the consensus of the Council is that this section in its entirety be removed.

After a brief discussion of section 5-25 the consensus of the Council is that this section should remain as proposed.

Mr. Ursin stated that the changes proposed are too great in nature to continue with the introduction and recommends tabling of this ordinance to a future meeting.

Mr. Meyer made a Subsidiary Motion to table Ordinance 2012-07. Seconded by Mr. Holowach All were in favor.

#### **Introduction Ordinance 2012-08 – Sale of Block 301.08 Lot 66**

Mr. Dykstra made a motion to introduce 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 301.08 LOT 66 Seconded by Mr. Holowach

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mayor Rose stated that the Final reading of this Ordinance is scheduled for May 1, 2012.

#### **Introduction Ordinance 2012-09 – Bond Ordinance Superseding and Replacing Bond Ordinance 2012-01**

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. Dykstra

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mayor Rose stated that the Final reading of this Ordinance is scheduled for May 1, 2012.

**Appointment of Recreation Commission Member**

Mr. Meyer made a motion to approve the Mayor's appointment of Christine Rotondo as a full member to the Recreation Commission to fill an unexpired term ending December 31, 2012. Seconded by Mr. Holowach

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Discussion – Proposed Sign Ordinance**

Mr. Dykstra made a motion to table the discussion of the proposed sign ordinance. Seconded by Mr. LaBar All were in favor.

A brief discussion ensued about the possibility to dedicate one meeting a month as a work session and the second meeting to be an action meeting. The consensus was that this idea could be accomplished by more efficient agenda management. Since the Council has reviewed three quarters of the sign ordinance

**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. Seconded by Mr. Meyer All were in favor.

Mrs. Linda Masson 15 Spruce Avenue requested that the Council pass an Ordinance which requires any person or persons that is serving in any political position for the Borough or on any committee that they must have their water/sewer and taxes fully paid up and kept current. Mrs. Masson feels that it is a terrible example to the community if the people that make the rules do not abide by them.

Mrs. Masson asked what the status of the I&I project is.

Mr. Zschack stated that the paving is in it's final stages and there are more sewer laterals to inspect.

Mrs. Masson asked when the work will be performed on the laterals that have already been inspected.

Mr. Zschack stated that at this point it is not known.

Mrs. Masson asked if anything has been done to recoup money from United Water because of there possible negligent at the water treatment plant.

Mayor Rose stated that at this juncture this issue can not be discussed.

Mrs. Masson asked is a dog kennel or a dog pound a tax exempt situation.

Mr. Ursin stated that it could be either based on the Federal Government.

Mrs. Masson asked if we can control this situation.

Mr. Ursin stated that it is controlled through the Land Use Board.

Mrs. Masson requested that the public should be able to speak at the beginning of the meeting on any subject and not limited to five minutes.

Dr. Denise Autotte, Dr. John Fisher, and Dr. Farhad Idjadi representing the physician staff at Saint Clare's Hospital asked the Council to review the Certificate of Need submitted by the hospital. This Certificate of Need is requesting to the State the closing of the inpatient beds at the hospital.

Dr. Autotte requested that the Council draft letters to the Governor and the Commissioner of Health and Human Services to fight against this request.

Dr. Autotte reviewed some deficiencies and items of irrelevance that are in the Certificate of Need.

Dr. Fisher stated that there would be a significant number of jobs lost to area residents.

Dr. Fisher invited the Mayor and Council to attend the public meeting at the Wantage School on May 1<sup>st</sup> to voice opposition.

Dr. Fisher stated that even though this hospital is under used and small it is essential to the health and wellbeing of the community.

Dr. Idjadi stated that he is retired and has no financial interest in the hospital but feels that the hospital is a vital to the community.

Dr. Idjadi gave a brief history of his career and his working relationship with the hospital.

Dr. Idjadi stated that the hospital did not adhere to the agreement that was put in place when they took over the operations.

Dr. Idjadi stated that his main concern is the time it will take to transfer people to other local hospitals and feel this current hospital can be restored to its original state.

Mr. Robert Regavich 1 Larch Avenue read from a prepared statement that asks the Council to adopt a resolution supporting a referendum on the sale of the Homestead.

Mr. Robert Regavich feels that this not an issue that should be decided by five people but by the residents of Sussex county. The main issue is not the loss of jobs but the effect it would have on the valuable senior citizens and low income residents of the county.

Mr. Robert Regavich touched on some of the key points that help support his stance on the issue.

Mrs. Ann Smulewicz 108 Route 23 Wantage stated that she is a member of a group of people that own properties within the approved sewer service area in Wantage.

Mrs. Ann Smulewicz stated that this group is interested in meeting with the Borough to discuss their connection the Boroughs sewer line.

Mr. Ursin stated that there is an ordinance that dictates the procedure to apply for connection to the sewer.

Mrs. Ann Smulewicz stated that the group would like to know all the steps needed in the entire process. There has been no progress made since September when the Borough was notified of their desire to connect.

Mr. Ursin stated that no one has applied yet and this would be the first step needed to move forward.

Mrs. Christine Rotondo 8 Overlook Drive requests the Council to review the policy of brush removal and adjusting some of the requirements.

Mrs. Ann Cole 9 Walnut Street and 31 Main Street stated that she is representing the merchants on Main Street concerning the "Welcome to Historic Main Street" sign on the corner of Route 23 and Newton Avenue. The merchants have asked Chase Bank if this sign could be relocated to their property. Chase Bank has agreed but the owner of the sign would have to sign an indemnification agreement. After a brief discussion it was determined that the Borough owns this sign and would need to sign the agreement.

Mrs. Cole stated that an agreement would be forwarded to the Borough for their consideration.

Terry-Ann Zander from The Advertiser News asked if the QPA had the right to award the quotes that we on the agenda even though they are above the bid threshold.

Mr. Ursin stated that it was a quote process and because it was deemed an emergency it is allowed to protect the health and wellbeing of the residents.

Mrs. Pamela Flynn 19 Grove Street asked if there is an environmental problem at the Gulf station on Route 23.

Mr. Zschack stated that the Borough has not been notified of any environmental issues.

Mrs. Julia Devine 4 Main Street stated her support to have the Homestead remain in operation by the County.

Mrs. Devine stated her support for the hospital and asked the Council to also show their support.

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**

A brief discussion ensued about the leaf and brush policy and it was decided that the DPW committee should discuss this issue at a meeting that that will be held soon.

The Council decided that a resolution supporting a referendum on the sale of the Homestead should be considered.

Mrs. Krynicky asked if the Borough could help in any way the residents of Wantage that want to connect to Boroughs Sewer system.

Mr. Ursin stated that the first step is for them to submit an application for allocation with an escrow so the Borough does not accrue any cost.

### **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.