

**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
May 15, 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, Mr. Meyer, Mayor Rose.

Absent: Mr. Dykstra (Mr. Dykstra arrived at 7:40pm)

Also present Borough Attorney John Ursin Esq. of Courter, Kobert & Cohen, P.C

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."

YOUTH IN GOVERNMENT PROGRAM

At this time the students of Sussex Wantage Middle School participated in a mock Mayor and Council meeting in conjunction with Youth in Government Day.

At 8:07 Mayor Rose called for a five minute recess.

At 8:14 Mayor Rose called the meeting back to order.

Mr. Dykstra joined the Council on the dais.

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. Holowach made a motion to accept the consent agenda of May 15, 2012. Seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Dykstra, Holowach, Krynicky, 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. Holowach
All were in favor.

Mrs. Linda Masson 15 Spruce Avenue asked who will enforce the dog and cat ordinance.

Mayor Rose stated that it is the duty of the Quality of Life Officer and the Animal Control Officer to enforce this ordinance.

Mrs. Masson asked is the Animal Control Officer available twenty four hours a day.

Mayor Rose stated that he is available.

Mrs. Masson stated she does not feel the Borough should limit the number of litters that a dog can have during the year.

Mr. Ursin stated that there is not a limit on the amount of litters that a dog can have, but if more than one litter per year is produced a kennel license would be required.

Mrs. Masson asked how the Borough keeps track of the number of litters that a particular animal has in a year and why would the Borough be concerned.

Mr. Ursin stated that it is usually discovered through a complaint and the Borough's concern is the health of residents and the animal.

Mrs. Masson asked if there was a humane society for dogs if there was a concern.

Mr. Ursin stated that the SPCA has jurisdiction but generally enforce town ordinances.

Mrs. Masson stated that she is not sure why the Borough would be concerned with some of these things and have we had a problem.

Mr. Ursin stated that the Borough has always had a dog ordinance and the number of dogs allowed currently is the same as in the proposed ordinance.

Mrs. Masson questioned the need for such an ordinance and asked if a certain event facilitated the need to update this ordinance.

Mayor Rose stated that there was not a specific incident just a general review of the ordinance.

Mrs. Masson stated that this ordinance does not limit the number of cats allowed.

Mr. Ursin stated that cats and dogs can not be regulated the same, dogs are purely domesticated animal cats are not.

Mrs. Masson stated that she feels cats are more of a problem than dogs she has had cats using her garden as a litter box.

Mayor Rose stated that this new ordinance does address this issue while the current ordinance does not.

Mrs. Masson stated that she feels this would be extremely difficult to enforce.

Mr. Ursin stated that if someone was feeding unlicensed cats this would be in violation of the ordinance.

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. Holowach 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

We are in the process of contacting the residents that have not responded to sewer lateral inspections. A schedule will be created with the sewer engineer to finish these inspections so the Boroughs repairs to the system can move forward.

The work at the treatment plant to the decant system as well as all chemical feed pumps including the polymer pump are completed.

The replacement of the filter media is scheduled and should be completed within the month.

A meeting was held today to discuss the replacement of the pressure regulating valve (PRV) and the proper incorporation of the Sussex water tank into the system. This meeting included Mayor Rose, Water/Sewer Subcommittee, WhiteWater, DPW, QPA, and the Water/Sewer Engineer. The consensus was to do preliminary work including the location and testing of shut off valves on the water main.

Financial Controls/Legal Issues

The Summary of Budget Expenditures ending April 30, 2012 has been distributed please review and contact us if you have any questions.

Long-term and Capital Projects

Mayor Rose and I met with Harold Pellow to review the plans to reconstruct Grove Street once the plans are finalized they will be available for review in the Municipal Building. A letter has been drafted to inform the residents of Grove Street as to the impending construction. This letter will also indicate that if dwellings do not have gas service they should contact the gas company to install before the construction is complete. Once the

project is finished there will be no road opening permits issued for a period of five years. The construction is scheduled to begin in early July and take about 6-8 weeks to complete.

OLD BUSINESS

No old business was discussed at this time.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Meyer made a motion to approve the meeting minutes of the Regular Meeting held on April 17, 2012 Seconded by Mr. Holowach

Upon roll call vote:

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

Resolution # 2012-65R – Statement of Consent

Mr. Meyer made a motion to adopt a Resolution directing the Administrator to sign the Statement of Consent supplementing the Route 23 Sussex Borough Realignment & Papakating Creek Bridge Replacement TWA permit Seconded by Mr. Holowach

Upon roll call vote:

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

Resolution 2012-66R Authorizing Emergency Contract

Mr. LaBar made a motion to approve an emergency contract with Accurate Waste Removal Services Inc. to remove sludge at the water treatment plant, cost not to exceed \$4,200.00. Seconded by Mr. Holowach

Upon roll call vote:

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

Resolution 2012-67R Authorizing Emergency Contract

Mr. Meyer made a motion to approve an emergency contract with Genserve Inc. to repair a generator at the water treatment plant, cost not to exceed \$3,578.00. Seconded by Mr. Holowach

Upon roll call vote:

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

Resolution 2012-68R Authorizing Emergency Contract

Mr. Holowach made a motion to approve an emergency contract with R & R Pump Controls to inspect and evaluate pneumatic actuators at the water treatment plant, cost not to exceed \$2,850.00. Seconded by Mr. LaBar

Upon roll call vote:

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

Adoption Ordinance 2012-07 – Modify Chapter 5

Mr. Meyer made a motion to adopt an ordinance entitled “AN ORDINANCE TO MODIFY CHAPTER 5 THE CODE OF THE BOROUGH OF SUSSEX REGARDING DOGS AND CATS” 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 #2012-07.

There being no one from the public who wished to address the Governing Body regarding Ordinance #2012-07, Mayor Rose closed the meeting to the public and returned to the regular order of business.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption Ordinance 2012-09 – Bond Ordinance Superseding and Replacing Bond Ordinance 2012-01

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 #2012-09.

There being no one from the public who wished to address the Governing Body regarding Ordinance #2012-09, Mayor Rose closed the meeting to the public and returned to the regular order of business.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction Ordinance 2012-10 – Sale of Block 504 Lot 7

Mr. Holowach 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 504 LOT 7 “Seconded by Mr. Dykstra

Mayor Rose stated that the final reading on this ordinance will be on May 15, 2012

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mayor Rose stated that the auction for this property will take place on July 17, 2012.

Revocable License Agreement

Mr. Holowach made a motion to direct the Mayor to enter into a revocable license agreement to allow the placement of the “Welcome to Historic Main Street” sign on JP Morgan property located on Route 23. Seconded by Mr. LaBar

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Discussion – Redevelopment Study

At this time a discussion took place regarding a redevelopment study along the Route 23 corridor.

Mr. Ursin stated that the current Master Plan for the Borough purposely left off the Route 23 south corridor in the area of the relocation of south lanes. Recently there has been a suggestion that, because it appears that the Route 23 realignment project is moving forward the Borough should consider taking the next step from the Master Plan and consider authorizing the planner to do a redevelopment study. A proposal from the Borough Planner to do the redevelopment study has been submitted for your review. Mr. Ursin made the suggestion that the Council should consider conceptually authorize the redevelopment study conditioned upon finding a source for the funds to pay for the study. We have reason to believe that some of the property owners in the redevelopment area would be willing to post escrows to contribute towards this study. This study would encompass the area from the current location of Route 23 to the west side of the proposed south bound lanes. The idea behind the redevelopment study would be to determine what type of development is likely, economically feasible, and what would the Borough like to see. The process would entail hearings in front of the Land Use Board to solicit their input. The Land Use Board and the Planner would then report their findings to the Council. The Council would then decide whether or not to implement the plan by ordinance.

Mayor Rose asked what the difference is between redevelopment and rehabilitation.

Mr. Ursin stated that there are two deferent standards with redevelopment being more severe due to the requirement of proving blight. The driving force behind this study is the plans to realign Route 23 south through an under developed area.

Mr. Holowach made a motion to approve the redevelopment study presented by the Nelson Consulting Group dated May 14, 2012 conditioned upon finding a source for the funds to pay for the study. Seconded by Mrs. Krynicky

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Mayor Rose stated that there will be a meeting on May 17 at 7:00pm at the Municipal Building for the merchants to discuss the proposed 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. Lagattuta All were in favor.

Mr. Kevin Cole 9 Walnut Street and 31 Main Street stated that the DPW replaced his water curb box at 9 Walnut Street and did a great job.

Mrs. Linda Masson 15 Spruce Avenue asked what the redevelopment study would cost if approved.

Mr. Ursin stated that Mr. Nelson's proposal was per hour up to \$7,500.00.

Mrs. Masson asked how many people are we still waiting for in reference to the I&I project.

Mr. Zschack stated that approximately eleven or twelve residents have not responded to the letter and we are in the process of calling each to set up appointmentss for video inspections.

Mrs. Masson asked if action has been taken with United Water.

Mayor Rose stated that this subject is still an executive session item and does not now when it will become public information.

Mrs. Masson stated that there are tree branches covering stop signs around the Borough and the street sweeper has not cleaned her street in a while.

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. Holowach 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. Lagattuta made a motion to adjourn the meeting, seconded by Mr. LaBar All were in favor.