

**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  
July 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. Holowach, Mrs. Krynicky, Mr. LaBar, Mr. Lagattuta, Mr. Meyer, Mayor Rose.

Also present Borough Attorney Robert McBriar Esq. of Courter, Kobert & Cohen, P.C

Mr. Dykstra joined the dais at 7:35pm

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."

**AUCTION OF MUNICIPAL OWNED PROPERETY**

Borough Attorney Robert McBriar Esq. stated the Auction of Municipal Owned Property for Block 504 Lot 17 is now open for bidders as outlined in ordinance 2012-10 with a minimum bid of \$5000.00.

Mr. Randy Coulson of 56 East Main Street Sussex offered a bid of \$5000.00 for Block 504 Lot 7. There were no other bidders for this property therefore Mr. McBriar recommended that the Borough accept the bid of \$5000.00 from Mr. Randy Coulson and closed the auction.

Mr. Lagattuta made a motion to adjourn for a five minute recess to complete the transaction with Mr. Randy Coulson. Seconded by Mr. LaBar  
All were in favor

At 7:40 Mayor Rose called the meeting back to order.

**PRESENTATIONS:**

Summary of Audit Report - At this time CFO William Zuckerman presented an overview of the 2011 Sussex Borough Audit Report. Mr. Zuckerman reviewed the comments and recommendations section of the audit pages 140 to 145. Mr. Zuckerman stated that Corrective Action Plan will be presented at the next meeting for approval.

Sussex Fire Department – Chief Dan Stoll and Rick Vander Ploeg discussed the USDA grant process in association to the replacement of Sussex Engine 602 and requested the Borough to pursue a USDA grant.

It was the consensus of the Council that the Administrator/Clerk should pursue a USDA grant for the purchase of a new fire truck and contact Wantage Township to discuss sharing the cost that this grant does not cover.

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

Mr. Meyer made a motion to discuss the submission of reports from the Recreation Committee. Seconded by Mr. Holowach, All were in favor

Mr. Meyer stated that by ordinance the Recreation Committee should be presenting reports to the Mayor and Council on a regular bases. The Council should be getting updates on the possibility of a new playground as well as any issues that are discussed.

Mayor Rose stated that he is the acting liaison to this committee and gave a brief report. The Recreation Committee has created a subcommittee to study the viability of constructing a playground and is currently discussing Boggs Field as a possible location.

Mayor Rose suggested that instead of an oral report that the minutes of the meeting can be distributed to the Council for review.

Mr. Dykstra made a motion requiring the Recreation Committee to present quarterly reports to the Mayor and Council. Seconded by Mr. Meyer

Mr. Holowach made a motion to amend the previous motion to require reports from all boards and committees. Seconded by Mrs. Krynicky

Mr. LaBar stated that in the past the liaison to each board or committee would give an oral report to the Council at each meeting.

Mr. Holowach stated that he feels that a written report or minutes would be acceptable to update the Council on the discussions that are occurring on various boards and committees.

Upon roll call vote of the amendment to the original motion:

Ayes: None

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

Absent: None Abstentions: None

Upon roll call vote of the original motion:

Ayes: None

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

Absent: None Abstentions: None

### **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 July 17, 2012. Seconded by Mr. LaBar

### **CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):**

1. Letter from Russell and Emese Anema to Mark Zschack concerning the video inspection of their sewer lateral.
2. Letter from Mark Zschack to Russell and Emese Anema concerning the video inspection of their sewer lateral.

### **REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):**

1. Construction Department Report for the month of June 2012.
2. Property Maintenance Department Report for the month of June 2012.
3. Zoning Department Report for the month of June 2012.
4. Tax Collector Report for the month of June 2012.
5. Municipal Clerk's report for the month of June 2012.
6. Water/Sewer Collector Report for the month of June 2012.
7. Sussex Fire Department report for the month of March 2012.

### **APPLICATIONS (APPROVAL OF THE FOLLOWING):**

1. NJ State Firemen's Association Membership Application from Anthony Duivenvoorde for the Sussex Fire Department.
2. NJ State Firemen's Association Membership Application from Ryan Hanshaw for the Sussex Fire Department.

### **RESOLUTIONS: (APPROVAL OF THE FOLLOWING):**

1. Payment of bills for the meeting of July 17, 2012.

Upon roll call vote:

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

Nays: None Absent: None 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.

Mr. Harold Pollard 93 Main Street approached the Mayor and Council with a concern about a non agenda item.

Mayor Rose explained that Mr. Pollard would need to raise his issue at the second open public session.

Mr. Pollard took his seat and stated that he would speak at that time.

Mrs. Lynn Meyer 47 Lakeshore Drive stated that she thought her appointment to the Recreation Committee was to expire at the end of this year not 2013.

Mr. Zschack explained that this is the only unexpired term available to fill at this time.

Mayor Rose stated that Mrs. Meyer would just need to resign effective December 31 2013 if she no longer wanted to be a member after that date.

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 Mr. Lagattuta  
All were in favor.

### **ADMINISTRATORS REPORT**

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

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

Bids for Grove Street are to be opened on August 2, 2012 at 11am at the Municipal Building with the bid scheduled to be awarded at the August 21, 2012 regular Mayor and Council meeting.

At the July 11, 2012 meeting of the Sussex County Freeholders they authorized submission of a County sewer service map to the NJDEP. This now sets the stage for preparation and submission of the formal County Wastewater Management Plan to NJDEP in late 2012/early 2013. The Counties map included areas that were not previously included in early versions, along the Route 23 corridor in Wantage.

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

On July 1, 2012 the employee pension contribution rate was increased from 6.5% to 6.64% of salary. The employee contribution rate is to increase over the next 7 years until the rate is 7.5% of salary as of July 2018.

We had a meeting today with Hardyston regarding the contract for the construction office. We have negotiated a reduction in the remainder of the contract for the 2013 and 2014 calendar years. This will represent a \$20,000 per year savings for Sussex Borough without an anticipated reduction in service. We have also met with other local Municipalities and feel that to continue with a shared service with Hardyston is in the best interest of the Borough.

#### **Operational/Personnel Matters**

A tentative date of August 8, 2012 has been set for a meeting with SCMUA to discuss the contract.

The placement of speed humps along Main Street is being researched. The initial cost for speed hump and signage is in the \$7,000 range per hump. Different materials besides macadam are now being looked at to see if there would be a reduction in cost.

The next "conference call" with DEP concerning the water plant will be a site visit by DEP at the plant on August 6, 2012.

At a previous Council meeting it was brought up who was directing the DPW on a day to day basis. Since that night I have been meeting with DPW more often and riding around the Borough to help determine issues that are prevalent.

#### Long-term and Capital Projects

We have been informed by John Ruschke that the existing well that was tested only produced 30 gallons per minute we are waiting for the official report to be completed so it can be passed along to the Committee.

#### Misc

On July 16, 2012 the Borough was informed that a Notice of Non-Compliance needs to be issued to all water users due to a high running average of TTHM'S.

Mr. Meyer requested that the Water/Sewer Engineer attend the next meeting to give the Mayor and Council an update of the water treatment plant and system. After a brief discussion the consensus of the Council is to have the Engineer present an update.

### **NEW BUSINESS**

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

Mr. LaBar made a motion to approve the meeting minutes of the Regular Meeting held on June 19, 2012 (Absent: None) Seconded by Mr. Holowach

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

#### **Resolution #2012-79R – Certification of Annual Audit**

Mr. LaBar made a motion to adopt a resolution certifying the Sussex Borough Council has reviewed the 2011 Audit Comments and Recommendations as required by N.J.A.C. 5:30-6.5. Seconded by Mr. Dykstra

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

#### **Resolution 2012-80R Water/Sewer Adjustments**

Mr. Holowach made a motion to adopt a resolution approving the Third Quarter 2012 Water/Sewer Adjustments. Seconded by Mr. Lagattuta

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**Appointment of Acting Borough Clerk/Administrator**

Mr. LaBar made a motion to appoint Mark Zschack as the Acting Borough Clerk/Administrator for a one year term and direct the Mayor to enter into a contract. Seconded by Mr. Holowach

Upon roll call vote:

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

**Redevelopment Study**

Mr. LaBar made a motion to approve a contract with The Nelson Consulting Group to prepare a Redevelopment / Rehabilitation Study of properties located within Blocks 102, 103, and 104 at a cost not to exceed \$7,500.00. Seconded by Mr. Holowach

Upon roll call vote:

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

**Utility Rate study**

Mrs. Krynicki made a motion to enter into a contract with Thomas Ferry RMA of the firm Ferraioli, Wielkotz, Cerullo and Cuva, P.A. to perform a study of the water/sewer rate reallocation at a cost not to exceed \$2,000.00. Seconded by Mr. Holowach

Upon roll call vote:

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

**Adoption Ordinance 2012-11 Emergency Appropriation**

Mr. LaBar made a motion to adopt an ordinance entitled "AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION OF \$100,000 UNDER N.J.S.A. 40A:4-53 ET SEQ. TO FINANCE TAX REVALUATION, BY THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY." Seconded by Mr. Dykstra

Before final roll call Mayor Rose opened the meeting to the public for any questions or concerns that they may have regarding Ordinance #2012-11.

There being no one from the public who wished to address the Governing Body regarding Ordinance #2012-11, 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

**Appointment of Recreation Commission Member**

Mr. Holowach made a motion to approve the Mayor's appointment of Lynn Meyer as an alternate member to the Recreation Commission term ending December 31, 2013. Seconded by Mr. Lagattuta

Upon roll call vote:

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

**Change Scope of Work for I&I Project – Reivax Contracting Corp**

Mr. Lagattuta made a motion to approve a change in the scope of work with a reduction in the amount of \$1,507.50 to Reivax Contracting Corp for the Clove Brook Watershed Manhole Rehabilitation Project. Seconded by Mr. Holowach

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**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.

Mr. Harold Pollard 93 Main Street stated that he has concerns about the road by his house. There is a weight limit on this road but tractor trailer are making deliveries. Mr. Pollard has concerns that the road will collapse due to the heavy load from these trucks.

Mrs. Katherine Little 27 Clove Avenue stated that she would be willing to present the update to the Council of the Recreation Committee with approval from the Committee. The Board of Health does meet regularly and will submit the minutes to the Clerk.

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. LaBar

All were in favor.

**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. Holowach

All were in favor.

---

Jonathan Rose, Mayor

---

Mark Zschack, Acting Borough Clerk