

**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  
August 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: Mr. Holowach, Mrs. Krynicki, Mr. LaBar, Mr. Lagattuta, Mr. Meyer, Mayor Rose.

Absent: Mr. Dykstra

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."

**PRESENTATIONS:**

CFO Report – Mr. William Zuckerman, CFO reviewed the Corrective Action Plan for the 2011 Audit Report. There were eleven recommendations from the accountants in the 2011 audit report. Mr. Zuckerman reviewed each recommendation and explained the corrective action the Borough will take to correct.

Water/Sewer Engineers Report – Mr. John Ruschke of Hatch Mott MacDonald presented an update on the I&I Project, upgrades to the water treatment plant, and NJDEP requested upgrades.

Mr. Ruschke stated that all manhole, main line, and lateral repairs are completed with the I & I Project. The Borough is still working on getting homeowners to complete the work on the twenty one private laterals. More investigation could be conducted on remaining laterals and mains but a study of infiltration should be made in the spring. The contractor is asking for more money to perform the paving and a compromise is in the works.

Mr. Lagattuta asked if a different contractor could be utilized to conduct the paving. Mr. Ruschke stated that a different contractor could be used but the Borough would need additional funds. The same contractor would have to be used in order to use the existing funds. The paving is expected to be completed by the end of this year.

Mr. Ruschke reviewed the scheduled upgrades at the water treatment plant. The upgrades to the decant system, filter media, and chemical feed pumps have all been completed. The raw water valve is also in the process of being replaced.

Mr. Ruschke gave a brief synopsis of the site visit by NJDEP on August 6, 2012. The procedure of shutting the plant down during high turbidity events will not be allowed by the DEP. The DEP agreed that a cartridge filter or bag filter is the most viable option that the Borough has to control high turbidity. The Borough will petition the DEP to utilize a bag filtration system as a pilot program. This bag system would be used only during high turbidity events therefore minimizing cost and maintenance.

Mr. Ruschke recommended that the two shut off valves nearest the PRV vault be replaced. This replacement is necessary due to the lack of maintenance over the years.

Mr. Ruschke stated that the DEP will soon be looking for a tracer study of the water treatment plant. The Borough should consider this study very soon. Mr. Ruschke described the process of a tracer test.

DPW Report – Bob Schultz, DPW Supervisor presented an update of DPW activities.

Mr. Schultz stated that the valves on the water main are difficult to locate and when they are found they do not operate correctly. The recommendation is to replace two valves so the PRV replacement project could move forward. This replacement should be scheduled at night to have less impact on the water users.

Mr. Schultz described a problem that occurred at the sewer pump station over the past weekend. The repairs were made and the pumps were back in operation by mid day on Monday. The pump vault is getting too hot and will be in need of a cooling system soon.

Mr. Schultz stated that the air release valves on the sewer force main have been repaired and all be three are working properly. Outside contractors might have to be utilized in order to complete these repairs. Two air release valves on the water main are in need of replacement and a schedule to perform this work is being created.

Mrs. Krynicky brought up the topic of leaf and brush pick up and stated that it is annoying to have restrictions on length and bundling of brush.

Mr. Schultz stated that this is the most efficient way of removing leaf and brush. The former DPW's main function was to remove brush and not repair the infrastructure.

Mrs. Krynicky stated that a new method of leaf and brush pick up needs to be reviewed by the Council. Mr. Holowach agrees with the Councilwomen's comments. A third party might also be hired to perform the pick up. The consensus of the Council is to discuss this at a DPW committee meeting and make recommendations to the Council. Mr. Schultz stated that he is now following the Committees past directions to work on the water/sewer infrastructure and not to focus on brush pick up but will focus on whatever the Council wishes.

The types of garbage receptacles on Main Street were discussed. Mr. Holowach stated that maybe the Borough should look into the possibility of town wide trash pick up. Mr. Schultz presented an update of the repair of lighting in Deckertown Commons.

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

Mr. Holowach made a motion to allow the purchase and installation of two shut off valves on the water main cost not to exceed \$5,000 Seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Holowach, Krynicky, LaBar, Lagattuta, Meyer

Nays: None Absent: Dykstra 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.

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

1. Resolution from Hampton Township in opposition of General Assembly A-323 and S-2074.
2. Resolution from the Sussex County Board of Chosen Freeholders to submit the future Sewer Service Area Maps for Sussex County.
3. Letter from Mark Zschack to Lawrence Polagye concerning the request to exempt his property from the Mandatory Notice to Connect.

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

1. Construction Department Reports for the months of June and July 2012.
2. Property Maintenance Department Report for the month of July 2012.
3. Zoning Department Report for the month of July 2012.
4. Tax Collector Report for the month of July 2012.
5. Municipal Clerk's report for the month of July 2012.
6. Water/Sewer Collector Report for the month of July 2012.
7. CFO' Budget Summary spreadsheet as of July 31, 2012
8. Planning/Zoning Board Minutes February 2, 2012
9. Shade Commission Minutes January 25, 2012

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for the use of Brookside Park from Sussex Wantage Little League for the dates of August 1, 2012 through November 15, 2012.
2. Application for the use of Brookside Park from High Point Midget Football for the dates of July 15, 2012 through December 31, 2012.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

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

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

Upon roll call vote:

Ayes: Holowach, Krynicky, LaBar, Lagatutta, Meyer

Nays: None Absent: Dykstra 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 with a total of 10 minutes for the Council to discuss. Seconded by Mr. LaBar All were in favor.

Mr. Lawrence Polagye 37 Harrison Street discussed his mandatory notice to connect that was issued to him in May of this year. Mr. Polagye stated that a new lateral was extended to his property during the I&I project. Mr. Polagye stated that this connection will cost approximately \$15,000 and this would create a financial burden for his family. Mr. Polagye feels that his property was singled out while other properties in the Borough were not noticed to connect. There is no current problem with his septic system and the additional fees for sewer service will create a hardship. Mr. Polagye respectfully requests the Council to consider his request to be exempt from the mandatory notice to connect. The Council had a brief discussion about the request from Mr. Polagye.

Mrs. Donna Polagye 37 Harrison Street stated that this property did not have connection point until the Borough created one by extending the lateral to their property. They did not request this extension or feel it was necessary.

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 Mrs. Krynicky All were in favor.

**ADMINISTRATORS REPORT**

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

Borough Sites and Street Issues

On August 14 Revaix Construction Company started the repairs on the sewer laterals within the Borough Right of Ways. Work is scheduled to be completed this week.

I have confirmed with WhiteWater that water levels are monitored once a week at Lake Rutherford and three times a week at the Colesville Reservoir. Both have maintained good levels throughout the year.

The Borough was notified late last week that the raw water valve at the water treatment plant needs to be replaced. This replacement was deemed an emergency and the replacement valve was ordered and is scheduled to be replaced on Thursday.

The sewer pump station developed an electrical problem on Sunday evening causing a shut down. The DPW responded that night and were able to get an electrician to the site early

Monday morning. Before noon on Monday the pump station was repaired and back online avoiding any environmental problems.

#### Financial Controls/Legal Issues

A meeting with Wantage to discuss the purchase of a new fire truck is scheduled for September 7, 2012.

Mayor Rose, Mayor Gaechter, Jim Doherty, and I will attend. We have been trying to schedule this meeting but Wantage had numerous conflicts and this was the earliest date we were all available. It appears that a grant will not be possible through the USDA for the fire truck but might be available through the states Small Cities Program.

#### Operational/Personnel Matters

Steve Danner has reduced his hours and will now be working about 20 hours per week. Mr. Danner is still performing the same job function except crossing guard. We will be monitoring if the reduction in hours affects the services he provides.

Crossing guard position has been advertised and once the applications are received it will be discussed with the personnel committee to select a qualified applicant.

#### Long-term and Capital Projects

Harold Pellow has recommended that for the 2013 DOT grant that the Borough apply for the remainder of Willow Street to be reconstructed. Half of Willow Street received a grant this year and Mr. Pellow feels the remainder of this street is a prime candidate to receive funding. The approval of this street will be on the September 4<sup>th</sup> agenda for your consideration.

### **NEW BUSINESS**

#### Approval of Meeting Minutes

Mrs. Krynicky made a motion to approve the meeting minutes of the Regular Meeting held on July 17, 2012 (Absent: None) Seconded by Mr. Holowach

Upon roll call vote:

Ayes: Holowach, Krynicky, LaBar, Lagatutta, Meyer

Nays: None Absent: Dykstra Abstentions: None

#### Approval of Retroactive Pay

Mr. Holowach made a motion to approve retroactive pay for former employee Maria Mascuch in the amount of \$155.39 for January 1, 2012 through March 14, 2012 as per her July 18, 2012 request. Seconded by Mr. Meyer

Upon roll call vote:

Ayes: Holowach, Krynicky, Lagatutta, Meyer

Nays: None Absent: Dykstra Abstentions: LaBar

#### Approval of Exemption to the Mandatory Notice to Connect

Mr. Holowach made a motion to approve the request from Mr. Lawrence Polagye of 37 Harrison Street to grant an exemption from the mandatory notice to connect issued on May 7, 2012. Seconded by Mrs. Krynicky

Upon roll call vote:

Ayes: Holowach, Krynicky

Nays: LaBar, Lagatutta, Meyer Absent: Dykstra Abstentions: None

Approval of Social Affair Permit for Sussex Fire Department

Mr. LaBar made a motion to approve social affair permits for the Sussex Fire Department on September 15, 2012 and September 22, 2012. Seconded by Mr. Meyer

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagatutta, Meyer

Nays: None Absent: Dykstra Abstentions: Holowach

Resolution 2012-81R- Municipal Alliance Coalition Grant

Mr. Meyer made a motion to adopt a resolution authorizing the submission of an application for the 2013 Sussex/Wantage Municipal Alliance Coalition on Alcoholism and Drug Abuse Grant. Seconded by Mr. Holowach

Upon roll call vote:

Ayes: Holowach, Krynicky, LaBar, Lagatutta, Meyer

Nays: None Absent: Dykstra Abstentions: None

Resolution 2012-82R- Third Quarter Water/Sewer Adjustments

Mr. Meyer made a motion to adopt a resolution approving water/sewer adjustments for the third quarter 2012. Seconded by Mr. LaBar

Upon roll call vote:

Ayes: Holowach, Krynicky, LaBar, Lagatutta, Meyer

Nays: None Absent: Dykstra Abstentions: None

Resolution 2012-83R – Recommendation of Award State Aid Project

Mr. Meyer made a motion to adopt a resolution recommending to the New Jersey Department of Transportation that Bob Viersma & Sons, Inc P.O. Box 224, Allamuchy, New Jersey 07820 is awarded the bid in the amount of \$214,004.50 for the improvements to Grove Street. Seconded by Mr. LaBar

Upon roll call vote:

Ayes: Holowach, Krynicky, LaBar, Lagatutta, Meyer

Nays: None Absent: Dykstra Abstentions: None

Resolution 2012-84R – Authorizing the Issuance of Notes

Mr. LaBar made a motion to adopt a resolution authorizing the issuance of \$100,000 Special Emergency Notes for the Revaluation Program. Seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Holowach, Krynicky, LaBar, Lagatutta, Meyer

Nays: None Absent: Dykstra Abstentions: None

Resolution 2012-85R – Interlocal Agreement for Municipal Water & Sewer Service

Mr. Holowach made a motion to adopt a resolution directing the Mayor to enter into an interlocal agreement with Wantage Township for water and sewer service. Seconded by Mr. Meyer

Upon roll call vote:

Ayes: Holowach, Krynicky, LaBar, Lagatutta, Meyer

Nays: None Absent: Dykstra Abstentions: None

Resolution 2012-86R – Corrective Action Plan

Mr. Meyer made a motion to adopt a resolution to approve the Corrective Action Plan for the 2011 audit. Seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Holowach, Krynicky, LaBar, Lagatutta, Meyer

Nays: None Absent: Dykstra 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 with a total of 10 minutes for the Council to discuss. Seconded by Mr. Holowach All were in favor.

Mrs. Linda Masson 15 Spruce Avenue asked if the agreement with Wantage expired a few years ago. Mrs. Masson stated that she does not have confidence in the current water/sewer engineering firm that the Borough utilizes. Mrs. Masson gave a brief description of an incident that occurred with a field inspector this week.

Mark Zschack stated that the agreement with Wantage concerning the interlocal water and sewer services did expire in approximately 2010.

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.

### **EXECUTIVE SESSION**

In accordance with the provisions of the Open Public Meetings Act, Mr. LaBar made a motion to adjourn into closed executive session to discuss a property damage claim with possible litigation, a lawsuit filed by Richard and Pamela Flynn against Sussex Borough and others, and the High Ridge litigation. Motion seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Holowach, Krynicky, LaBar, Lagatutta, Meyer

Nays: None Absent: Dykstra Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 10:09 p.m. and Mr. Lagattuta made a motion to adjourn out of closed executive session and to be reconvened into open public session. Motion seconded by Mr. Holowach. 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.

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Jonathan Rose, Mayor

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Mark Zschack, Acting Borough Clerk