

**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
October 16, 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. Frank Dykstra, Mr. Robert Holowach, Mrs. Marina Krynicky, Mr. Bruce LaBar, Mr. Salvatore Lagattuta, Mayor Jonathan Rose.

Absent: Mr. Edward Meyer

Also present: Borough Attorney Mr. John Ursin Esq. of Courter, Kobert & Cohen, P.C. and Mr. Mark Zschack, Acting Borough Clerk

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."

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

No motions were offered at this time.

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. Proposal from Vernon Township to perform a dog census in early 2013.
2. Flyer from Saint Clare's Health System concerning a Community Meeting on October 29, 2012
3. Letter from Marianne Smith, Hardyston Township Manager concerning the contract for construction office services.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Department Report for the month of September, 2012.
2. Property Maintenance Department Report for the month of September, 2012.
3. Zoning Department Report for the month of September, 2012.
4. Tax Collector Report for the month of September, 2012.
5. Municipal Clerk's report for the month of September, 2012.
6. Water/Sewer Collector Report for the month of September, 2012.
7. CFO's Budget Summary spreadsheet as of September, 30, 2012

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of October 16, 2012

Mr. Holowach made a motion to accept the consent agenda of October 16, 2012. Seconded by Mr. LaBar

Upon roll call vote:

Ayes: Dykstra, Holowach, Krynicky, LaBar, Lagattuta

Nays: None

Abstentions: None

Absent: Meyer

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.

Mrs. Linda Masson 15 Spruce Avenue asked if the current Water/Sewer Engineer is the only company that can perform the work on the systems and do we get bids from other entities.

Mr. Ursin stated that each year the water/sewer engineer is appointed and that engineer normally performs all the work in the Borough that year.

Mrs. Pamela Flynn 19 Grove Street asked why there is a Resolution on the agenda for water and sewer adjustments.

Mr. Zschack stated that these adjustments are due to the fact that numerous estimates for water usage have been used to determine the bill and once actual readings are taken adjustments are warranted to correct actual usage on the account.

Mrs. Flynn asked for clarification on the request on the agenda for the Mandatory Notice to Connect.

Mayor Rose stated that Mrs. Trotter received a Mandatory Notice to Connect and is requesting a time extension for her connection.

Mrs. Donna Trotter 10 Overlook Drive stated that this property is in an estate that has no money and needs some time to raise the money for the connection.

Mr. Dykstra asked for an update from the last time a request was made.

Mrs. Trotter stated that her attorney requested an exemption to connect now a time extension is requested.

Mr. Lagattuta asked if a loan can be taken out on the house to pay for the connection.

Mrs. Trotter stated that she can not because it is in an estate.

Mr. Ursin stated that is very difficult to receive a loan on a house that is in an estate.

Mrs. Pamela Flynn 19 Grove Street asked for clarification on the discussion item on the agenda concerning water and sewer rates.

Mayor Rose stated that the Council will discuss scenarios concerning the billing method for the water and sewer utility.

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. Dykstra
All were in favor.

OLD BUSINESS

Request for Brookside Park Memorial

Mr. Holowach made a motion to approve the request from Carol Ann Woodward and Christopher McKowen to erect a memorial in Brookside Park to honor the loss of their son Justin. Seconded by Mrs. Krynicky

A brief discussion ensued about the size and location of the rock that is proposed to become the memorial to Carol Ann Woodward and Christopher McKowen's son.

Upon roll call vote:

Ayes: Dykstra, Holowach, Krynicky, LaBar, Lagattuta

Nays: None

Abstentions: None

Absent: Meyer

ADMINISTRATORS REPORT

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

Borough Sites and Street Issues

On October 12th at about 3:15pm the contractor on Grove Street hit and ruptured a gas main. The fire departments from Sussex and Wantage responded quickly as did the State Police. Residents in the immediate area were evacuated as a precaution. Elizabethtown Gas arrived around 3:50 and shut down the main and started the repair. By 4:30 the residents were allowed back into their homes. The repair was completed by 6:30. Harold Pellow has a meeting scheduled with Elizabethtown Gas this Thursday to discuss what options are available. The plan was to have the roadway completed by this Friday but now there will be a delay in the completion date.

Ordinances & Resolutions

I was informed by Bond Council that Bond Ordinance 2012-09 was incorrectly adopted since the public hearing was not held on May 1st as indicated in the notice. Therefore the reading/final adoption will occur at the November 6th meeting.

Misc

At the Sussex County Fireman's Parade held on October 6th in Ogdensburg the Sussex Fire Department received four first place, one third place, and one fourth place trophies. We would like to congratulate the department for awards and thank them for their service and dedication to the Borough.

We reviewed the enrollment list of students from High Point Regional High School and removed two students whose addresses indicate that they are Wantage residents.

At the previous Council meeting it was brought up by a member of the public that the Borough should review the minutes from the September 10, 2009 Property Maintenance Board meeting. I read the minutes and listened to the recording of the meeting and there was no unfinished business at this meeting.

Recreation Committee has scheduled a Halloween Fest on October 27th from 9am to 2pm at the Sussex Wantage Middle School. Activities include costume contests, pie eating, face painting, pumpkin decorating, and other kid's activities.

The Tax Collector has informed me that this year's tax sale is scheduled for December 5th at the Municipal Building time to be determined.

The majority of the field work connected to the Borough wide revaluation is complete. Informal taxpayer reviews on an individual, by appointment basis will be scheduled in November we will be utilizing the Municipal Building and possibly the Firehouse for these meetings.

Mr. John Ursin presented an update about the Flynn lawsuit. Mr. Ursin stated that the lawsuit named the Borough and improperly named three public officials. Warning letters were sent; a motion was filed to remove these officials from the case, and applied for sanctions because it was frivolous. That is returnable on October 26th.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Holowach made a motion to approve the meeting minutes of the Regular Meeting held on October 2, 2012 (Absent: LaBar, Lagattuta) Seconded by Mrs. Krynicky

Upon roll call vote:
Ayes: Dykstra, Holowach, Krynicky
Nays: None
Abstentions: LaBar, Lagattuta
Absent: Meyer

Approval of Meeting Minutes

Mr. Dykstra made a motion to approve the meeting minutes of the Executive Session held on September 18, 2012 (Absent: Meyer) Seconded by Mr. LaBar

Upon roll call vote:
Ayes: Dykstra, Holowach, Krynicky, LaBar, Lagattuta
Nays: None
Abstentions: None
Absent: Meyer

Resolution 2012-94R- Fourth Quarter Water/Sewer Adjustments

Mr. Holowach made a motion to adopt a resolution approving water/sewer adjustments for the fourth quarter 2012. Seconded by Mrs. Krynicky

Upon roll call vote:
Ayes: Dykstra, Holowach, Krynicky, LaBar, Lagattuta
Nays: None
Abstentions: None
Absent: Meyer

Engineering Contract for PRV Replacement – Hatch Mott MacDonald

Mr. Lagattuta made a motion to enter into a contract with John Ruschke of Hatch Mott MacDonald to provide engineering services in connection with the replacement of the pressure regulating valve with the amount not to exceed \$8,500.00 Seconded by Mr. Holowach

Upon roll call vote:
Ayes: Dykstra, Holowach, Krynicky, LaBar, Lagattuta
Nays: None
Abstentions: None
Absent: Meyer

Engineering Contract for Bag Filter Pilot Study & Installation –Hatch Mott MacDonald

Mr. Holowach made a motion to enter into a contract with John Ruschke of Hatch Mott MacDonald to provide engineering services in connection with the bag filter pilot study and installation with the amount not to exceed \$7,500.00 Seconded by Mr. LaBar

Upon roll call vote:
Ayes: Dykstra, Holowach, Krynicky, LaBar, Lagattuta
Nays: None
Abstentions: None
Absent: Meyer

Construction Department Shared Service Agreement- Hardyston Township

Mr. LaBar made a motion to authorize the Mayor and Municipal Clerk to enter into a Construction Department Shared Service Agreement with Hardyston for the years 2013 – 2014.

Seconded by Mr. Holowach

Upon roll call vote:

Ayes: Dykstra, Holowach, Krynicki, LaBar, Lagattuta

Nays: None

Abstentions: None

Absent: Meyer

Time Extension for Mandatory Notice to Connect

Mr. Dykstra made a motion to approve the request from Ms. Donna Trotter of 10 Overlook Drive to grant a time extension for the Mandatory Notice to Connect to August 1, 2013

Seconded by Mr. Holowach

Mr. Ursin stated that the Council should keep in mind that if an extension is granted it could open up others that also received mandatory notices to connect to also request extensions. This property is in an estate which makes this particular case unique with special circumstances.

The options that the Borough has if the connection is not completed by the date requested were discussed.

Mr. Lagattuta stated that he feels that the requested extension is too long a time period and should be shortened.

Discussion continued about the timeframe of the extension and the process to connect.

Mr. Holowach made a motion to open the meeting to the public to discuss with Ms. Trotter her request. Seconded by Mrs. Krynicki.

All were in favor.

Mr. Holowach asked Ms. Trotter if she currently resides in this dwelling. Ms. Trotter stated that she does reside in this house. Cost estimates for the construction alone is \$10,000 with a total cost around \$25,000.

Mr. Holowach made a motion to close the meeting to the public. Seconded by Mrs. Krynicki
All were in favor.

Upon roll call vote:

Ayes: Holowach, Krynicki, LaBar

Nays: Dykstra, Lagattuta

Abstentions: None

Absent: Meyer

Discussion

At this time a discussion took place concerning proposed ordinance 2012-12, predominantly section 24-1.4 Water/Sewer System Fees.

Mr. Holowach and Mrs. Krynicki gave a brief presentation on the current rate structure and how the costs are distributed among the rate payers. The rate structure that is up for consideration by the Council is based on Equivalent Dwelling Unit or EDU. A base amount will be charged for both water and sewer and then a per gallon charge will be added for every gallon used. A single family home would be considered one EDU. The proposed fees were reviewed and Mr. Holowach made it clear that this is a work in progress and many changes will be made to the proposal. With this new system the users would have more control over their bills. Mrs. Krynicki stated this rate structure does not increase the amount raised but would spread the burden more equally among the rate payers. The data from the revaluation such as the number of units per apartment buildings and usage of buildings will be used to ensure correct EDU numbers are utilized. Mayor Rose reviewed how the new rate structure affects the accounts of the Council and members of the public. Discussion continued about how this structure affects individual accounts.

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.

Pamela Flynn 19 Grove Street read a prepared statement stating that she and Richard Flynn have given many years of service volunteering time to the Borough of Sussex. The statement continued to describe the sewer situation with their property in the Borough. Mrs. Flynn accused the Borough Attorney of placing a gag order with the Mayor and Council not to speak to her and her husband. The statement that the only person making money off this situation is Mr. Ursin was made by Mrs. Flynn.

Mrs. Linda Masson 15 Spruce Avenue asked were does the Borough stand with getting remediation from United Water due to their negligence at the water treatment plant.

Mayor Rose stated that currently no lawsuit has been filed.

Mrs. Masson stated that she is concerned that this position is influenced by Mr. Ursin's relationships with other towns.

Mr. Ursin stated that that advice, which he gave about the unlikelihood of SCMUA renegotiating the contract, was based on the bond structure at SCMUA and nothing to do with any other municipality.

Mrs. Masson stated that excess sewer allocations that the Borough does not utilize but pays for is not fair to the rate payers.

Mrs. Masson feels that the monies that the Borough spent this year at the water treatment are due to the negligence of United Water.

Mrs. Masson asked about the next step in the revaluation process.

Mr. Ursin stated that letters will be mailed to residents indicating the new rate and the residents will have an opportunity to discuss the findings with the revaluation company.

Pamela Flynn 19 Grove Street asked if anyone has anything to say after her statement earlier.

Mr. Ursin stated that both the Flynn's and the Borough are represented by attorneys. The rules are very clear once both parties are represented all communication must be made through legal council.

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.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. LaBar made a motion to adjourn the meeting, seconded by Mrs. Krynicky

All were in favor.