

**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
November 20, 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: Mrs. Marina Krynicky, Mr. Bruce LaBar, Mr. Salvatore Lagattuta, Mr. Edward Meyer, Mayor Jonathan Rose.

Absent: Mr. Frank Dykstra, Mr. Robert Holowach

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."

PRESENTATIONS:

OEM Report – Floyd Southard, OEM Coordinator presented a report for the Office of Emergency Management concerning Hurricane Sandy.

DPW Report – Bob Schultz, DPW Supervisor presented the year end report on the operations of the DPW.

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. Letter from Patricia Fischer to Mark Zschack concerning the Housing Rehabilitation Program.
2. Letter from Harold Pellow to the Mayor and Council concerning reappointment of services and the year end report.
3. Six letters from Mark Zschack to various Attorneys requesting proposals for services for the year 2013.
4. Eight letters from Mark Zschack to various Water/Sewer Engineers requesting proposals for services for the year 2013.
5. Letter from Anna May Walsh of Domestic Abuse and Sexual Assault Intervention Services (DASI) thanking the Borough for the support with the hanging of purple ribbons.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Department Report for the month of October, 2012.
2. Zoning Department Report for the month of October, 2012.
3. Municipal Clerk's report for the month of October, 2012.
4. Tax Collectors Report for the month of October, 2012
5. Water/Sewer Collector Report for the month of October, 2012.
6. Sussex Fire Department and EMS report for the month of October 2012.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. NJ State Firemen's Association Membership Application from Edward J. Nunn for the Sussex Fire Department.
2. Sussex Fire Department EMS application for membership from Kinga M. Clayton.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of November 20, 2012

Mr. Lagattuta made a motion to accept the consent agenda of November 20, 2012. Motion seconded by Mr. LaBar

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Meyer

Nays: None

Abstentions: None

Absent: Dykstra, Holowach

OPEN PUBLIC SESSION #1

Mrs. Krynicky 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. Motion seconded by Mr. LaBar
All were in favor.

Mr. Jay Dowling 86 Newton Avenue requested that the Council reconsider the issuance of a road opening permit that was denied early in the year. Mr. Dowling stated the expense of fuel oil and concerns for the environment is the driving force behind this request.

Mr. Meyer asked is this the second time that this request in being made and when Newton Avenue was reconstructed did you receive a letter that stated the road surface could not be opened for a period of five years.

Mr. Dowling answered yes to both questions.

Mr. Dowling asked what is being accomplished by not allowing the permit.

Mr. Meyer stated that concerns for the integrity of the road are the major concern and that patchwork lessens the life of the road.

Mr. Dowling stated that Elizabethtown Gas has assured him that the road surface will be restored to its original condition using an infrared system.

Mayor Rose stated that a request could be made to table the decision to a future meeting and more information on the infrared process could be distributed to the Mayor and Council.

Mr. Dowling stated that he wishes the Council to consider his request tonight.

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. Motion 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

The DPW will pick up leaf and brush without restrictions until November 21st they have done this since the storm.

The last regular scheduled pick up with restrictions will occur on November 26th.

The tree that fell a few months ago on the Harrison Street property has been removed with five other trees around the Borough to be cut down soon.

Financial Controls/Legal Issues

Bill Zuckerman and I have had one meeting concerning the 2013 budget and are scheduled to meet on November 29th to continue the process. Once we have a preliminary budget in place it will be presented to the Budget Subcommittee for review.

Long-term and Capital Projects

The gas main on Grove Street was lowered by Elizabethtown Gas on Friday November 16th. The contractor performing the improvements was back on site Monday and expects to have the project completed on Tuesday November 27th.

Misc

We have filed an application with FEMA for storm related damage and expenses. A light pole at Brookside Park fell and hit the roof of the concession stand. There was a total of \$1,023.00 spent on gas to keep the generator at the water treatment plant and the sewer pump station operating during the power outage. The Borough might also need to claim the damage at the firehouse under our application

OLD BUSINESS

Approval of Road Opening Permit

No motion was made to approve the request from Jay Dowling 86 Newton Avenue to waive the five year restriction on issuing a road opening permit to install gas service to his dwelling.

Tracer Study – Agra Laboratory Services

Mr. Meyer made a motion to enter into a contract with Michael Furrey of Agra Environmental and Laboratory Services to execute a Tracer Study in the water treatment plant with the amount not to exceed \$9,965.00 Motion seconded by Mr. LaBar

Mayor Rose gave a brief synopsis of the process and reasons for a tracer study to be performed.

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Meyer

Nays: None

Abstentions: None

Absent: Dykstra, Holowach

NEW BUSINESS

Approval of Meeting Minutes

Mr. LaBar made a motion to approve the meeting minutes of the Regular Meeting held on October 16, 2012 Motion seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta

Nays: None

Abstentions: Meyer

Absent: Dykstra, Holowach

Approval of Meeting Minutes

Mr. Meyer made a motion to approve the meeting minutes of the Regular Meeting held on October 30, 2012 Motion seconded by Mr. LaBar

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Meyer

Nays: None

Abstentions: None

Absent: Dykstra, Holowach

Resolution # 2012-96R - Approval of Utility Agreement

Mr. LaBar made a motion to approve the execution of Utility Agreement UECA-5-RT23-083480 with the State of New Jersey for the relocation of certain Water/Sewer lines in connection with the Route 23 Realignment Project and authorizes the Borough Clerk to sign said agreement. Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Meyer

Nays: None

Abstentions: None

Absent: Dykstra, Holowach

Approval of Presbyterian Church Payment Plan

Mr. Meyer made a motion to approve a payment plan for the sewer connection fee of \$4,800.00 to the Presbyterian Church Manse located at 23 Unionville Avenue. Motion seconded by Mr. Lagattuta.

Mr. Zschack stated that the request for a payment plan is to pay \$400.00 per quarter for the next three years to payoff the \$4,800.00 connection fee.

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Meyer

Nays: None

Abstentions: None

Absent: Dykstra, Holowach

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. Lagattuta
All were in favor.

Mr. Hank Hotalen 1495 Low Gap Road Sparta, TN stated that there was an agreement for the state to replace some of the infrastructure along the Route 23 realignment project.

Mr. Hotalen stated that he feels that the PRV valve could be rebuilt that a new one is not necessary.

Mayor Rose stated that once a new valve is installed the old valve will be rebuilt and used as a backup.

Mrs. Katherine Little 27 Clove Avenue stated that the Holiday Tree Lighting will be held on December 1 in Deckertown Commons at 7:00pm.

Mr. Matt Coykendall 19 Third Street asked when the Council feels the water bills will be lowered for the rate payers because it is getting difficult to pay these large bills.

Mayor Rose stated that it would be very unlikely that the total overall cost to run the water system could be lowered due to the bonds that need to be repaid, the improvement made to the water plant, and fixed costs affiliated with the system.

Mrs. Krynicky stated that for the past few months the Council has been working on a new method to bill customers by utilizing the Equivalent Dwelling Unit (EDU) system. Currently high water users pay less per gallon than low water users. The committee feels this structure of payment is fairer to most rate payers because all users will pay the same amount per gallon regardless of their usage.

Mrs. Krynicky stated that this change in rate structure will take many months to workout all the numbers before presentation to the public.

Mr. Meyer stated that the reason the cost increased drastically in 2010 was due to the fact that the rates had been raised only three times in the previous ten years.

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.

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 possible negotiations with attorney client privilege, employee salaries, State of N.J. verse Sussex Borough condemnation case, and sewer user fee negotiation.

Motion seconded by Mrs. Krynicky

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Meyer

Nays: None

Abstentions: None

Absent: Dykstra, Holowach

After meeting in closed session, the Governing Body returned to their seats at 9:36 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. 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 Mrs. Krynicky

All were in favor.

Jonathan Rose, Mayor

Mark Zschack, Acting Borough Clerk