

**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
December 4, 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 Krynicki, Mr. Bruce LaBar, Mr. Salvatore Lagattuta, Mr. Edward Meyer, Mayor Jonathan Rose.

Absent: None

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. Letter from Donald Lynch, JCP&L President, to Mayor Rose thanking the Mayor and all elected officials for maintaining open communications during Hurricane Sandy.
2. Letter from Ed Wiessmann, Pro Tech Fire Safety, to Mark Zschack concerning the garbage cans on Main Street.
3. Letter from Mark Zschack to Ed Wiessmann in response to his letter concerning the garbage cans on Main Street.
4. Six letters from Mark Zschack to various professionals requesting proposals for services for the year 2013.
5. Letter from Michael Vreeland, Guerin & Vreeland Inc. to the Mayor and Council concerning the Underwater Inspection Report of the Clove River Dam.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of December 4, 2012

Mr. Dykstra made a motion to accept the consent agenda of December 4, 2012. Seconded by Mr. Lagattuta

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: 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.

Mrs. Linda Masson 15 Spruce Avenue asked about item number five on the agenda Appointment of Full Time Water/Sewer Collector. Mrs. Masson wanted to know if water and sewer collection will be the only duties of this full time position.

Mr. Zschack responded that this position also includes Tax Collection, assistant to the Tax Collector and Zoning Official. Other duties include requests for birth, death, and marriage records and answering the variety of questions received by phone.

Mrs. Masson asked what the net effect is, including benefits on the 2013 budget for salary and wages including this full time hire.

Mr. Zschack stated that with a two percent raise factored in and increased benefit cost there is approximately a \$1000.00 differential.

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 Mrs. Krynicky
All were in favor.

ADMINISTRATORS REPORT

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

Borough Sites and Street Issues

The repairs to the roof on the Municipal Building have been completed. The company who installed the HVAC units just laid the units over existing asphalt roof shingles and the units eventually cut through these shingles, causing water to seep through. Shingles in this area were removed the HVAC units were sealed than the shingles were reinstalled. This repair should fix the leaking into the Council Chambers.

The Dam Underwater Inspection Report was issued we will review with Bob Schultz, DPW Supervisor to determine if any of the recommended work could be done in-house.

The very large conifer that fell on Newton Avenue blocking the walkway was removed over the weekend. Steve Danner did a great job following up on the situation to make sure it was removed in a timely matter.

Financial Controls/Legal Issues

The Borough is still receiving proposals from Attorneys and Water/Sewer Engineers for services in 2013, the cut off date is December 7th. Once the proposals are reviewed a meeting with the Committee will be scheduled.

Long-term and Capital Projects

Specs for the PRV valve replacement have been completed by Hatch Mott MacDonald. They were sent to WhiteWater and Darren, QPA for their review. I had a meeting with Darren today and he will coordinate the bidding process. Once bids are received it will be determined if monies are available from this years budget.

Misc

The FEMA kickoff meeting concerning Superstorm Sandy will take place this Friday at the Sussex Municipal Building. Vernon and Wantage will also attend to discuss their individual applications with FEMA. The damage to the firehouse will fall under the Boroughs application.

The letters to all residents to set up a meeting with the revaluation company concerning their assessments will be sent by December 14th. They will allow about a months time for the meetings. The revaluation company assured me that this time table is acceptable to the County Tax Assessor.

OLD BUSINESS

There was no old business brought up at this time.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Meyer made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on November 20, 2012. Seconded by Mr. LaBar

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

Resolution 2012-97R – Transfers between Budget Appropriations

Mr. Lagattuta made a motion to adopt Resolution 2012-97R authorizing transfers between budget appropriations. Seconded by Mr. Holowach

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

Resolution 2012-98R- Fourth Quarter Water/Sewer Adjustments

Mr. Meyer made a motion to adopt Resolution 2012-98R approving a water/sewer adjustment for the fourth quarter 2012. Seconded by Mr. Holowach

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

Sussex Fire Department 2013 Bingo and Instant Raffle License

Mr. LaBar made a motion to approve Bingo License BA 2013-01 and Raffle License RA 2013-01 for the Sussex Borough Fire Department and to waive the Borough fees associated with each license. Seconded by Mrs. Krynicky

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

Appointment of Full Time Water/Sewer Collector

Mr. Meyer made a motion to approve the change of status effective January 1, 2013 for Antoinette Smith from part time to full time Water/Sewer Collector with all privileges dictated in the Employee Manual. Seconded by Mr. Lagattuta

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Acceptance of Project – Grove Street Road Improvements

Mr. Dykstra made a motion to accept, on the recommendation of Harold Pellow, the Grove Street Road Improvement Project so that the contractor can obtain his one-year maintenance bond and the Borough can invoice the NJDOT for the final reimbursement. Seconded by Mr. Holowach

A brief discussion ensued about how good the street looks with the improvements that were made.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: 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.

Mrs. Linda Masson 15 Spruce Avenue asked how many people receive just water service from the Borough.

Mayor Rose stated that we do not know but can get that number and forward to Mrs. Masson

Mrs. Masson stated concerns if the water only users are paying for the improvements to the water treatment plant.

Discussion ensued about the new rate study and how it could alter the amount paid by water only customers.

Mr. Dykstra stated that Wantage customers can not pay a higher rate than Sussex users.

Mrs. Krynicky stated that in the proposed new rate structure the cost for water customers will be the same no matter what Municipality they reside in.

Mrs. Masson asked if all Municipalities that belong to SCMUA pay the same rates per gallon.

Mr. Ursin stated that he believes that is a true statement.

Mrs. Masson stated that what the Borough pays is based on the flow that we are allowed whether we sent that amount or not.

Mr. Ursin stated that SCMUA's service charge is allocated according to how much each town both has and uses.

Mrs. Masson asked if any town has ever lowered its figure in the contract.

Mr. Ursin stated that to his knowledge there has not been any amendment to agreements for any town to reduce minimum flows.

Mrs. Masson requested to review the flows that Sussex Borough sends to SCMUA.

Mrs. Julia Devine 4 Main Street stated that she has concerns about the condition of the adjoining property to her in reference to garbage cans and an animal problem. Mrs. Devine attended a Board of Health meeting to state her concerns but has heard nothing from the board.

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.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Meyer made a motion to adjourn into closed executive session to discuss NJDOT condemnation litigation and the WhiteWater contract. Motion seconded by Mr. Holowach

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

After meeting in closed session, the Governing Body returned to their seats at 9:48p.m. and Mr. Holowach made a motion to adjourn out of closed executive session and to reconvene into open public session. Motion seconded by Mr. LaBar
All were in favor.

Mr. Dykstra made a motion to amend the agenda to discuss additional leaf pickup.
Motion seconded by Mr. LaBar
All were in favor.

Mr. Dykstra stated that the Borough has a horrendous problem with leaves along the curbs and feels that they must be cleaned up before the snow plows are used. Mayor Rose stated that the DPW will do what ever the Council directs them to do.

Mr. LaBar made a motion to direct the Clerk to send a letter to Bob Schultz, DPW Supervisor to have the DPW clean the curb gutters and catch basins of leaves as soon as possible.
Motion seconded by Mrs. Krynicki.

Discussion continued concerning observations by Council members of the operations of the DPW workers.

Mr. LaBar made a motion to amend the current motion to delineate the date as no later than December 21st. Motion seconded by Mr. Holowach

All were in favor of the amendment.

Upon roll call vote of the amended motion:

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

Nays: None

Abstentions: None

Absent: None

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. Meyer
All were in favor.