

**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  
January 22, 2013**

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, Mrs. Linda Masson, Mrs. Annette Stendor, Mayor Jonathan Rose.

Absent: None

Also present: Borough Attorney Mr. Andrew Schwartz of Schenck, Price, Smith & King, LLP. and Mr. Mark Zschack, Municipal 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."

**Discussion – Vacant Council Seat**

At this time a discussion took place regarding the council seat vacated on January 5, 2013 by Mr. Frank Dykstra. Three names were submitted by the Municipal Republican Committee for the Councils consideration:

Robert Holowach, Georgeanna Stoll, and Edward Meyer

Mrs. Masson made a motion to nominate Robert Holowach to fill the vacant Council seat.

Motion seconded by Mrs. Stendor.

Upon roll call vote:

Ayes: Masson, Stendor

Nays: Krynicky, LaBar, Lagattuta

Abstentions: None

Absent: None

Mr. LaBar made a motion to nominate Edward Meyer to fill the vacant Council seat. Motion seconded by Mrs. Krynicky.

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta

Nays: Masson, Stendor

Abstentions: None

Absent: None

Mark Zschack, Municipal Clerk, administered the Oath of Office to Edward Meyer to fill the vacant Council seat expiring on December 31, 2013.

**PRESENTATIONS:**

Fire Department - Chief Rick VanderPloeg and Deputy Chief Jake Little of the Sussex Fire Department presented an oral report concerning the need to replace the Fire Department's engine # 2. Mr. VanderPloeg gave a brief history of the engine, describing it's age and use of the vehicle by the Department. The engine is an open cab and current ISO standards dictate a closed cab is required. Mr. VanderPloeg stated that the insurance rate of Borough residents could increase if the ISO rating is raised due to nonconformance. Mr. VanderPloeg presented a brief overview of all the Departments vehicles. The Department can not afford to replace vehicles every twenty years and is asking the Council to consider the purchase of a truck to replace engine # 2. Mr. VanderPloeg stated that a second engine will also need to be replaced in approximately five years. After some questions and discussion the consensus of the Council

is to have the CFO workup some funding scenarios to present to the Council for their further consideration.

**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 Harold Pellow to Mark Zschack concerning the funds needed to complete the Willow Street-Section I road improvement project.
2. Letter from Mark Zschack to Bob Schultz concerning the vegetative removal from the Borough roadways.
3. Letter dated December 13, 2012 from Stephen Donovan, General Manager WhiteWater, Inc. to Mark Zschack stating the new base rate of \$17,699.50 per month for the operation of the water and sewer utility.
4. Letter dated December 17, 2012 from Stephen Donovan, General Manager WhiteWater, Inc. to Mark Zschack presenting a revised proposal for the operation of the Sussex Water Treatment Plant.
5. Letter dated December 19, 2012 from Mark Zschack to Stephen Donovan, General Manager of WhiteWater, Inc. in response to a December 17, 2012 proposal.
6. Letter dated January 3, 2013 from Stephen Donovan, General Manager WhiteWater, Inc. to Mark Zschack stating the reasons for the proposed increase.
7. Letter dated December 11, 2012 from Richard Pompelio, Executive Director of New Jersey Crime Victims' Law Center requesting the Mayor and Council consider adopting a resolution supporting their objectives.
8. Resolution from Sandyston Township supporting Assembly Bill A-2753 requiring direct payment of energy taxes to Municipal Government.
9. Resolution from Sandyston Township requesting that the New Jersey Board of Public Utilities and the New Jersey State Legislature conduct a full investigation of information management, communications, emergency preparedness and response capabilities of New Jersey Public Utilities.
10. Resolution from Hampton Township supporting the objective of the New Jersey Coalition on Human Rights to advocate for fairness, compassion, respect and dignity for all persons throughout the world and for the eradication of violence to innocent victims.

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

1. Construction Department Report for the month of December, 2012.
2. Zoning Department Receipts for the year 2012.
3. Property Maintenance Report for the month of December, 2012
4. Property Maintenance Report for the year 2012.
5. Municipal Clerk's report for the month of December, 2012.
6. Tax Collectors Report for the year 2012
7. Water/Sewer Collector Report for the month of December, 2012.
8. Sussex Fire Department and EMS report for the month of December, 2012.
9. Fire Prevention Report for the year 2012.
10. Delinquent Utility Report as of January 17, 2013.
11. Planning Board minutes from January 12, June 21, August 2, and September 6, 2012.
12. Recreation minutes from December 11, 2012.

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

1. Payment of bills for the meeting of January 22, 2013

Mr. Lagattuta made a motion to accept the consent agenda of January 22, 2013.  
Motion seconded by Mr. LaBar

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: None

### **OPEN PUBLIC SESSION #1**

Mr. LaBar 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. Meyer  
All were in favor.

There being no one present who wished to address the Governing Body, Mr. LaBar 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;

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

This year the Council did not appoint a Bond Council unfortunately I did not realize that Bond Council would be needed for a Bond Anticipation Note that will mature on February 15, 2013. We have contacted a few Bond Attorneys to get proposals to process the sale of this BAN.

We have contacted the insurance company about the denial of the claim for flooding at Taco of the Town. At the last Council meeting Ms. Vickie Gonzales requested that the Borough inquire about her claim. The insurance carrier has requested more information concerning the timeline of when the recent work at the parking lot was considered and started. This information will be forwarded to the insurance company for their further consideration.

#### **Long-term and Capital Projects**

The Request for Quotes for the replacement of the pressure reducing valve has been sent out to many vendors and at least four companies have inspected the PRV vault. The Qualified Purchasing Agent was directed to make sure this RFQ was sent to local vendors for their consideration. The deadline to submit a quote is January 31, 2013 at which time all proposals will be considered. This project will be subject to a competitive sealed bid if the lowest quotation received by the Borough exceeds the statutory bid threshold of \$26,000.00.

The first draft of the Request for Proposals for the Water/Sewer Operator is complete. It has been forwarded to the Borough Attorney and Borough Engineer for their review. The plan is to have all reviews completed by weeks end due to the fact that the March 10<sup>th</sup> notice of termination that the current operator has submitted is coming fast.

### **NEW BUSINESS**

Mayor stated two changes to the agenda. First a correction on page 6 of the minutes of January 4, 2013 Mrs. Masson's vote for Council President needs to be changed to a Nay to

reflect her actual vote. The request for \$1,190.00 to repair the elevator at the Crescent Theater needs to be changed to \$695.00 to reflect their actual request.

**Reimbursement for Vehicle Damage**

Mr. Meyer made a motion to approve a payment to Nicole Hand in the amount of \$800.00 for reimbursement for a claim that the Borough's insurance carrier denied.

Motion seconded by Mrs. Krynicky.

After a brief discussion Mr. Meyer made a motion to table the previous motion until the next regular scheduled meeting and direct the Clerk to contact Ms. Hand to reoffer the complementary parking.

Motion seconded by Mr. Lagattuta.

All were in favor.

**Approval of Meeting Minutes**

Mr. LaBar made a motion to approve the meeting minutes of the Regular Meeting held on December 18, 2012.

Motion seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta

Nays: None

Abstentions: Masson, Meyer, Stendor

Absent: None

**Approval of Meeting Minutes**

Mr. Lagattuta made a motion to approve the meeting minutes of the Reorganization Meeting held on January 4, 2013

Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: Meyer

Absent: None

**Resolution 2013-33R - Appointment of Registered Municipal Clerk**

Mr. LaBar made a motion to approve a resolution appointing Mark Zschack as the Registered Municipal Clerk for the Borough of Sussex as of October 18, 2012.

Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: None

**Resolution 2013-36R - First Quarter Water/Sewer Adjustments**

Mr. LaBar made a motion to adopt a resolution approving water/sewer adjustments for the first quarter 2013.

Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: None

**Award of Contract – B & G Elevator for Preventative Maintenance**

Mr. Lagattuta made a motion to enter into a contract with B & G Elevator in the amount of \$205.00 per month for the preventative maintenance of the elevator at 2 Main Street.  
Motion seconded by Mrs. Masson.

Upon roll call vote:  
Ayes: Krynicki, LaBar, Lagattuta, Masson, Meyer, Stendor  
Nays: None  
Abstentions: None  
Absent: None

**Approval of Dog Census Agreement**

Mr. Meyer made a motion to approve an agreement with Vernon Township to conduct a Borough wide dog census in 2013 for a cost not to exceed \$1,500.00.  
Motion seconded by Mrs. Krynicki

Upon roll call vote:  
Ayes: Krynicki, LaBar, Lagattuta, Masson, Meyer, Stendor  
Nays: None  
Abstentions: None  
Absent: None

**Time Extension for Mandatory Notice to Connect**

Mr. Meyer made a motion to approve the request from Mrs. Mina Xhudo, 41 Unionville Avenue to grant a time extension for the Mandatory Notice to Connect until March 1, 2014.  
Motion seconded by Mrs. Masson.

After a brief overview and discussion of the timeline of events leading up to this request, Mr. Meyer made a motion to amend the previous motion to set a March 1, 2013 deadline for submission of the application and an April 30, 2013 deadline to have the sewer connection completely finished.  
Motion seconded by Mrs. Masson

All were in favor to amend the original motion.

Upon roll call vote of original motion as amended:  
Ayes: Krynicki, LaBar, Lagattuta, Masson, Meyer, Stendor  
Nays: None  
Abstentions: None  
Absent: None

**Elevator Repairs for Crescent Theater**

Mr. Meyer made a motion to approve a request from Bob Holowach for Sussex Borough to cover the cost of repairs to the elevator in the Crescent Theater in the amount of \$695.00.  
Motion seconded by Mr. LaBar.

After a brief discussion Mr. Meyer made a motion to amend the original motion to set the amount of payment by the Borough at \$350.00.  
Motion seconded by Mr. Lagattuta.

All were in favor to amend the original motion.

Upon roll call vote of original motion as amended:  
Ayes: Krynicki, LaBar, Lagattuta, Masson, Meyer, Stendor  
Nays: None  
Abstentions: None  
Absent: None

**Resolution 2013-37R – Appointment of Borough Attorney**

Mr. Meyer made a motion to approve a resolution appointing John E. Ursin, Esq. of Scheneck, Price, Smith & King as Sussex Borough Attorney for the year 2013. Motion seconded by Mr. LaBar

Mrs. Masson made a motion to amend the original motion that a letter of understanding must be provided by Mr. Ursin stating that all fees would remain the same from the previous contract that was executed.

Motion seconded by Mr. Lagattuta.

All were in favor to amend the original motion.

Upon roll call vote of original motion as amended:  
Ayes: Krynicky, LaBar, Lagattuta, Meyer, Stendor  
Nays: Masson  
Abstentions: None  
Absent: None

**OPEN PUBLIC SESSION #2**

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

Jim Bever 48 Hamburg Avenue welcomed the new Council members and appreciates the time the Council and Clerk has given him to explain the proposed rate structure. Mr. Bever stated that this is a very important issue in the Borough and wishes the Council keep him informed on their progress.

Mrs. Katherine Little 27 Clove Avenue stated the Recreation Committee held their Reorganization Meeting on January 8, 2013 and Stephanie McKay was elected Chairperson. The Committee has chosen not to hold an Easter Egg Hunt this year due to the fact that Easter is very early and the fields would probably be in poor shape.

Mrs. Little attended the 208 Water Resources Reorganization Meeting on January 10<sup>th</sup>. At the present time communication from properties along the Route 23 corridor in Wantage have been received. Mrs. Little stated that Sussex Borough should be in touch with Wantage Township concerning these properties. Mrs. Little suggested that the Borough also contact Alice Brees from the Sussex County Planning Division to discuss these properties.

Mrs. Little stated that the Board of Health Rabies clinic was held on January 12<sup>th</sup> and one hundred and twelve dogs and fourteen cats received shots. Next year Sussex County will no longer provide the syringes Sussex Borough will need to provide them.

Mrs. Little stated that the light for the Borough Clock in the tower of the Baptist Church is not working and has asked that it be repaired.

Jim Bever 48 Hamburg Avenue requested that the Council consider forming a separate Water and Sewer Board to control the utility. Mr. Bever stated that he feels that the five minute time limit on the open public comment section is to short a time.

There being no one else present who wished to address the Governing Body, Mrs. Krynicky made a motion to close the meeting to the public. Motion seconded by Mrs. Stendor  
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. Motion seconded by Mr. LaBar  
All were in favor.

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Jonathan Rose, Mayor

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Mark Zschack, Municipal Clerk